

**ITEMS RECEIVED AFTER THE PRODUCTION OF THE REPORT
FOR THE PLANNING COMMITTEE
TO BE HELD ON 3 SEPTEMBER 2015**

Page	Application	Location	Item No.	Description
121	2014/01424/FUL	Land off St. Brides Road, Wick	1.	Confirmation from Welsh Government that they will not be calling in the application for determination as they do not consider it raises any issues outside of local importance.
			2.	Comments from residents of Wick.
171	2015/00016/FUL	Land to south Craig Yr Eos Avenue, Ogmore by Sea	3.	Comments of Welsh Water raising no objections subject to conditions.
216	2015/00360/FUL	Wimborne Road, Barry	4.	Comments of Councillor Chris Elmore.
			5.	Comments of Max Wallace Friends of the Earth raising objections to the scheme.
			6.	Comments in respect of the above from applicants agent.
251	2015/00549/FUL	Former Leisure Centre Complex, Beach Road, Swanbridge	7.	Comments from applicants agent.
307	2015/00441/RG3	Llanilltud Fawr/Llantwit Major Primary and Infant Schools, Ham Lane East, Llantwit Major	8.	Comments of Sport Wales regarding provision of outdoor play area and confirmation from the applicants agent that the provision of hard surface/play areas would be exceeded and the secondary school space can account for any shortfall in soft play space.

Department for Natural Resources
Yr Adran Cyfoeth Naturiol



Llywodraeth Cymru
Welsh Government

Mr S Rennie
Senior Planner
Planning and Transport Services
Vale of Glamorgan Council

By Email srennie@valeofglamorgan.gov.uk

Ein Cyf/Our ref:qA122513
Eich Cyf/Your ref: 2014/01424
Dyddiad/Date: 1 September 2015

Dear Mr Rennie,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77 CALL IN REQUEST
APPLICATION FOR CHANGE OF USE OF AGRICULTURAL LAND TO RESIDENTIAL
DEVELOPMENT (C3) INCLUDING THE DEVELOPMENT OF 124 RESIDENTIAL
DWELLINGS, PUBLIC OPEN SPACE, LANDSCAPING, HIGHWAY IMPROVEMENTS
AND ASSOCIATED WORKS.
LAND OFF ST BRIDES ROAD, WICK, VALE OF GLAMORGAN.
APPLICATION NO.2014/01424/FUL**

1. I am writing to inform you that the Welsh Ministers have been asked to call in the application referred to in the heading to this letter for their own determination.
2. I am authorised, by the Minister for Natural Resources, to consider whether the application should be called in for determination by the Welsh Ministers.
3. The Welsh Government's policy on calling in planning applications is set out in Planning Policy Wales (Edition 7, July 2014). The Welsh Government considers that local planning authorities, as elected bodies, should be left to make decisions about development proposals wherever possible. The Welsh Ministers do not, in practice, call in many planning applications and will only do so where the proposal raises issues of more than local importance.

4. To assist me in the consideration of whether the application raises issues of more than local importance I consulted with colleagues and their responses is as follows:

- Welsh Government Planning Policy Branch with responsibility for Residential matters

"With reference to your minute of 25 August 2015 concerning the above, the relevant housing issues raised by this planning application are as follows:

This is an application for 124 dwellings on a site adjoining the settlement of Wick which is currently in use as agricultural land. The application site is considered to be in the open countryside under the adopted Vale of Glamorgan UDP; however it is allocated for housing (approx. 100 dwellings) in the emerging Vale of Glamorgan LDP.

According to the Officer's Report, the Vale of Glamorgan do not currently have a 5-year housing land supply. Under TAN 1 the Council is unable to carry out a Joint Housing Land Availability Study for 2015, but the housing land supply calculation carried out for the emerging LDP indicates that the Authority's current housing land supply is less than four years.

44 affordable housing units (80% social rented and 20% intermediate) are proposed as part of the development, representing 35% of the total. This is supported by the Authority's Local Housing Market Assessment which indicates a high level of need, and by the viability assessments undertaken for the emerging LDP.

Under national policy, local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should also promote well designed living environments, where appropriate at increased densities. Local planning authorities must also ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing. (*Planning Policy Wales*, paragraphs 9.1.2, 9.1.3 and 9.2.3.)

The Officer's Report assesses the above issues and recommends that the application be approved (subject to a section 106 agreement) as it is considered that based on the material considerations, the proposal is acceptable by reason of its sustainable location and the requirement to address the need for new residential development and affordable housing within the Vale of Glamorgan.

Based on the information available, the proposed development does not appear to be contrary to national policy on housing development and therefore **call-in is not recommended**".

- Cadw, the Welsh Government's historic environment service with responsibility for, Scheduled Ancient Monuments, Listed Buildings and Registered Parks and Gardens

"Thank you for your minute of 25 August asking for the views of Historic Environment Service (Cadw) on whether the above named planning application should be called-in for determination by the Welsh Ministers.

The Welsh Government's policies for the protection of designated historic assets are set out in Planning Policy Wales (PPW) and accompanying circular guidance concerned with the historic environment - 61/96, 60/96 and 1/98. This request has been considered in the context of those documents and the overarching legislation governing the protection of such assets.

Having considered the documentation submitted with your request and the criteria for call-in we do not consider that the application raises any issues of more than local importance nor does it, in our opinion, trigger any of the issues set out in your consultation that may persuade the Minister to call-in a planning application. Historic Environment Service (Cadw) would not therefore recommend call-in."

- Welsh Government Planning Policy Branch with responsibility for safeguarding matters

"Thank you for your minute requesting advice in respect of safeguarding issues in regard to the above application.

The application site falls within the ambit of the St. Athan aerodrome and technical site safeguarding map. The consultation height for the proposed site is 45.7 metres above ground level. It is also covered by the Cardiff Wales Airport (Rhoose) safeguarding map, with a consultation height specified at 15.2m.

The application states that planning permission is sought for a total 124 dwellings, comprising a mix of detached and semi-detached dwellings, as well as flats. Although the exact heights of each dwelling are not stipulated, the applicant outlines that the dwellings will not exceed 2 1/2 storeys (maximum of 10m – 12m), therefore, the consultation criteria of 15.2m and 45.7m will not be met.

In view of the above, there does not appear to be any safeguarding issues that would warrant this application being called-in."

5. Having considered the issues associated with the application in the light of the Welsh Government's policy on call-in and the advice provided by the consultee, I consider that those issues are not of more than local importance. In view of this, I do not consider that the application should be called in for determination by the Welsh Ministers and it is now for your Council to determine the application as it sees fit.
6. In reaching my decision I did not consider the planning merits of the proposed development and my decision not to call in the application should not in any way be taken as a reflection on the planning merits of the proposal.
7. Your Council has jurisdiction for deciding whether environmental impact assessment is required for this proposal and the Welsh Ministers have not considered the matter. Any screening opinion will need to be made available for public inspection.
8. It would assist us if a copy of any planning decision which your Council issues could be sent to my colleague, Nicola Middleton (E-mail Nicola.Middleton@Wales.gsi.gov)

Yours faithfully



Clare Dicks

Department for Natural Resources

Signed under authority of the Minister for Natural Resources,
one of the Welsh Ministers

2.

LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 3 September 2015

Application No.: 2014/01424/FUL	Case Officer: Mr. I. Robinson
Location: Land off St. Brides Road, Wick Proposal: Change of use of agricultural land to residential development (C3) including the development of 124 residential dwellings, public open space, landscaping, highway improvements and associated engineering works.	

From: Residents of Wick

Summary of Comments:

Two letters of objection raising concerns regarding the proposed development which have previously been considered and addressed in the report.

Ty Gwyn
Trepit Road
Wick
Cowbridge
Vale of Glamorgan
CF71 7QL
31st August 2015

Dear Councillor

2014/01424/FUL / Land off St. Brides Road, Wick

We are residents of Wick, having lived here for 30 years. We are writing to you regarding the planning application made by David Wilson Homes for a development off St Brides Road, Wick, which is being considered by the Planning Committee on Thursday, 3rd Sept 2015. There is also a Site Meeting arranged for that same day at 10am.

We are opposed to this development as are the majority of residents who live here. As members of the Wick Action Group we were involved in opposing the Local Development Plan (LDP) and obtained a petition of 473 signatures from a total of approximately 550 residents who oppose the development on this land.

We oppose the planning application for development on this site on the following grounds:

Prematurity

The LDP has progressed past the Planning Stage and is at the Deposit Stage. The Council has submitted the LDP to the Welsh Government for independent examination therefore this application has been prematurely submitted ahead of the Vale of Glamorgan LDP (2012 – 2026).

Density

Wick is a minor rural settlement of approximately 220 houses. The application for 124 dwellings would increase this by 55% and create a density of 30.1 dwellings per hectare (25 dwellings per hectare is recommended for rural dwellings).

Size

The size of the proposed development of 124 houses on this land would produce a separate housing estate creating an “us and them” situation, making it extremely difficult for “new” residents to integrate into the village.

Type of Housing

Properties in Wick consist of bungalows, dormer bungalows and 2 storey houses. David Wilson Homes propose to build some 2 1/2 storey houses/apartments. These are not in keeping with existing properties. They would be out of character.

Sustainability

David Wilson Homes are not providing a sustainable housing development by failing to address:

- The provision of enough space for wildlife preservation
- The poor level of public transport
- The inadequate infrastructure
- The lack of employment in the area so increasing commuting for working people
- The size of the school and the fact it is faith led
- The water supply which is not adequate
- The impact on road safety
- The provision of a sufficient quantity of Low Cost Ownership Houses

Ecology

Despite the biased report that David Wilson Homes supplied, the site is currently a haven for wildlife. There are swallows, swifts, martins, starlings, sparrows, finches, robins, rooks, crows, jackdaws and skylarks that thrive on the insect life present in the site. Bats are also regularly seen in the field and gardens adjoining it, as are voles, badgers, foxes, rabbits, moths, butterflies, slow worms and newts. The hay meadow in question supports a far wider diversity of bird, insect, and reptile life than suggested in the report.

We have consulted the South East Wales Biodiversity Records Centre (SEWBRc) who confirmed that there are protected species of flora and fauna in the vicinity.

We believe that the size and density of the proposed development and population increase will cause an unnecessary and dramatic impact on the pollution and climate of the surrounding development site and local wildlife infrastructure.

Greenfield Site

The land classification is within the range of Grades 1 – 3a, not Grade 4 or lower as stated by David Wilson Homes. It has been well managed, is in use as Agricultural land, grazed by cattle and sheep and is used for making hay. It has not been interfered with by the use of pesticides or chemicals. It has been fertilised with natural organic manure only. There are many brownfield sites in the Vale of Glamorgan, which should be used in preference to greenfield sites. There is also a public footpath running parallel to Heol Faen, which the developers plan to block with buildings.

Cherry Picking

We feel David Wilson Homes have been somewhat devious. They have persistently attempted to start building on this site in advance of any planning decision.. An Enforcement Order, ENF/2015/0161/PC, has been raised against them. They, or organisations employed by them, have trespassed on private land to perform various tests. We also feel that these developers are "cherry picking" greenfield sites like the land off St Brides Road in Wick in favour of harder to develop brownfield sites. This is something about which the Welsh Government have raised concerns, that small rural developments are being over expanded.

In conclusion, this development will destroy our village's appearance, character and community. It will adversely affect the site in terms of conservation, historical and cultural interest as part of a wider area of landscape importance. It will change our village forever, not for the better but for the worse.

We agree some development is required, but on a much smaller scale and more gradual.

A great deal of time and tax payers' money has been spent on the LDP! What for, if planning departments are ignoring it?

We urge you to reject this application on the above grounds.

Kind Regards

David John Reinthal and Mrs Mairwen Reinthal MBCS CITP

Robinson, Ian

From: Andrea Prevett [REDACTED]
Sent: 30 August 2015 13:10
To: Birch, Janice (Cllr); rmbirch@valeofglamorgan.gov.uk; Bird, Jonathon (Cllr); Drake, Pamela (Cllr); Drysdale, John (Cllr); Franks, Chris (Cllr) (Home); Hacker, Eric (Cllr); Howard Hamilton (Cllr) (Home); Hamilton, Howard (Cllr); Hartrey, Val M (Cllr); valhartrey@talktalk.net; Hodges, Nic P (Cllr); nic.hodges@ntlworld.com; Johnson, Fred T (Cllr); James, Jeffery (Cllr); Parker, Andrew (Cllr); andrew@greatbarn.com; Penrose, Bob (Cllr); penroseroberta@gmail.com; Powell, Anthony G (Cllr); Powell, Anthony (Cllr); Probert, Rhona (Cllr); Roberts, Gwyn (Cllr); Williams, Clive (Cllr); Wilkinson, Margaret R (Cllr); Wilson, Mark R (Cllr)
Cc: I Wick; steven prevett; Tony Cooke; Mike Pelligrotti; John And Min Sailor; Robinson, Ian
Subject: Proposed Development of Land off St Brides Rd, Wick
Attachments: Vale_of_Glamorgan_Local_Development_Plan_2011_to_2026_Revised_Delivery_Agreement, _Review_of_Work_Undertaken_to_Date_and_Way_For.pdf; carl seargeant letter.docx; Planning Objection to Resubmitted Plans.docx

Dear Councillors,

I am a resident of Wick and am writing to you with regard to the David Wilson Homes planning application for a development off St Brides Road in Wick. This application is being considered by the Planning Committee on Thursday 3rd September following a site visit earlier the same day.

The majority of the village is opposed to this development which is on land identified in the proposed Local Development Plan (LDP). The villagers formed the Wick Action Group in order to oppose the LDP which is currently submitted for consideration by an independent Inspector. We have grave concerns and objections in regard to the scale of development on this greenfield site.

In fact Welsh Assembly Government also raised concerns about this minor rural development site and the number of dwellings proposed in the first draft of the LDP in 2012. On the 30th March 2012, Mrs Lydia Haskey (Senior Planning Manager, Welsh Government) wrote to Rob Thomas (VoG Head of Planning & Transportation) stating "*Some allocations in minor rural settlements, for example, 150 units in Wick & 95 units in Ystradowen are particularly large and will disproportionately increase the size of these villages. Paragraphs 5.16 & 5.17 of the written statement acknowledges the need for some growth in minor rural settlements and states that local growth here will help to meet local housing needs and to support existing services. It is unlikely that development of this scale will only provide for local needs housing*" (p3). She goes on to ask "*How will the plan avoid 'cherry picking' of easier to develop greenfield sites phased in the later stages of the plan period?*" (p.4). Stating that the plan must be more robust in terms of how it will control the phasing of development.

Subsequently the redrafted LDP currently submitted for consideration has reduced the number of dwellings from 150 to 100 for Wick. They have also made it clear that those large developments that get to the heart of the LDP plan must be completed prior to smaller developments, such as Wick that do not get to the heart of the plan.

Should VoG Planning Department and the Planning Committee approve the proposed plan for 124 homes on this site they would be ignoring the concerns raised by the Welsh Government.

Therefore, this current application is premature as it is ahead of the submitted LDP being approved. It is a site that does not get to the heart of the LDP plan and has already been criticised as overdevelopment of a minor rural settlement. Considering this application now will prejudice the LDP process and will demonstrate that our local government together with this developer, David Wilson Homes is cherry picking an easy to develop greenfield site ahead of the LDP and one that does not in fact get to the heart of the LDP.

We have written to Carl Sargeant AC/AM, Minister for Natural Resources to request that this application is called in by the Welsh Government. We have lost faith in the VoG Council to objectively consider this application, particularly ahead of the submitted and amended LDP.

I urge you as council members, to reject the application in its current form. It is too large and not in keeping with the character of the village. As a village we would welcome future development in our village but not at this scale, which is beyond the needs of local people. There should be less than 100 new homes being built as the current proposal increases our village by 55%.

Finally, if the development is approved in an amended form, then I would also ask for some assurances that all of the Section 106 monies donated by David Wilson Homes is in fact allocated to Wick and that the village has input in regard to how such monies are spent. For instance, how the village spends £86,000 on Arts.

I have attached the letter from Mrs Lydia Haskey, the Wick Action Group letter to Carl Sargeant and my own objection letter submitted to VoG planning department, which outlines some of the key objections in more detail.

I hope that you will consider the points I have made when weighing your decision on the 3rd September.

Kind Regards,

Mrs Andrea Prevett
Tyn Y Cae, Trepit Road,
Wick
CF71 7QL

Amgylchedd a Datblygu Cynaliadwy
Environment and Sustainable Development



Llywodraeth Cymru
Welsh Government

Rob Thomas
Head of Planning & Transportation
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Our Ref: qA980858

Your Ref: P/POL/LB/LDP30

Date: 30th March 2012

Dear Rob,

**Vale of Glamorgan Local Development Plan – Deposit LDP:
Welsh Government Representations**

Thank you for your letter of 15th February 2012 including copies of the Deposit Local Development Plan (LDP) and accompanying documentation.

The matter of whether a plan is considered 'sound' will be for the appointed Planning Inspector to determine. I have considered the Deposit LDP in accordance with the consistency/coherence and effectiveness tests, and principally in accordance with whether satisfactory regard has been given to national planning policy (test C2). The Welsh Governments representations are separated into 4 categories which are supported with more detail in the attached annex.

Category A: Objection under soundness tests C2, CE2: Fundamental issues that are considered to present a significant degree of risk for the authority if not addressed prior to submission stage, and may have implications for the plan's strategy:

- (i) Minerals.

Category B: Objections under soundness tests C2, CE1, CE2: Matters where it appears that the deposit plan has not satisfactorily translated national policy down to the local level and there may be tensions within the plan, namely:

- (i) Housing: Spatial Distribution of Growth;
- (ii) Deliverability;
- (iii) Monitoring Framework; and
- (iv) Affordable Housing.

Category C: In relation to soundness tests CE2, CE3, CE4: whilst not considered to be fundamental to the soundness of the LDP, we consider there to be a lack of certainty or clarity on the following matters which we consider we can usefully draw to your attention to enable you to consider how they might be better demonstrated:

- (i) Gypsies and Travellers; and
- (ii) Agricultural land quality.

Category D: Matters relating to clarity of the plan generally which we consider may be of assistance to your authority and to the Inspector in considering suitable changes:

- (i) Housing Supply Background Paper;
- (ii) Policies MD1, MD3, MD4, MD6 and MG5; and
- (iii) Appendix 2.

It is for your authority to ensure that the LDP is sound when submitted for examination and it will be for the Inspector to determine how the examination proceeds once submitted.

You should consider how you could maximise the potential of your LDP being considered 'sound' through the examination process. An early meeting is considered important to discuss matters arising from this formal response to your deposit LDP and would encourage you to contact me to arrange a mutually convenient time.

Yours sincerely

Mrs Lydia Haskey
Senior Planning Manager
Planning Division
Welsh Government

Annex

Annex to WG letter (02nd April 2012) in response to the Vale of Glamorgan Council Deposit LDP

Category A. Objection under soundness tests C2, CE2: Fundamental issues that we consider present a significant degree of risk for the authority if not addressed prior to submission stage, and may have implications for the plan's strategy:

Minerals

Safeguarding

It can be seen from the policy, proposals map and background paper that the Vale of Glamorgan have not safeguarded limestone in its entirety and have instead confused it with the policy for identifying areas for future working. It confuses the principle of resources and safeguarding with commercial reserves (areas with potential to be worked in the plan period). Paragraph 8.2 (Minerals Background Paper) explains how the Vale of Glamorgan are targeting resources 'that could be worked without undue detriment to the environment or residential amenity' – this is a clear indication that their safeguarding areas are, in effect, preferred areas for future working. The full extent of the limestone should be safeguarded.

Safeguarding does not indicate an acceptance of mineral working. The policy on safeguarding does not address potential sterilisation of mineral resources from other forms of development, or the potential for pre-extraction if this conflict arose.

Sand and gravel is safeguarded areas appear under 'safeguarded mineral resources'. This does not appear to cover the entire sand and gravel resource known to exist. The full extent should be safeguarded.

Barry Dock Wharf

The stance on not safeguarding the wharf at Barry Dock goes against advice in the Regional Technical Statement. This should be safeguarded.

Dormant Sites

Clarification of the intention to make prohibition orders on long dormant sites to provide certainty would be beneficial.

Category B: Objections under soundness tests C2, CE1, and CE2: Matters where it appears that the deposit plan has not satisfactorily translated national policy down to the local level and there may be tensions within the plan, namely:

Bi. – Housing: Spatial Distribution of Growth

It is unclear how the role and function of settlements has been fully reflected in the scale of housing proposed in certain locations. While the scoring matrix focuses on 'functional links' (Sustainable Settlements Appraisal 2011), the services and facilities in many of the minor rural villages themselves are poor. A more realistic assessment of the settlements and their ability to provide for sustainable development having regard to services and facilities is required.

Some allocations in minor rural settlements, for example, 150 units in Wick and 95 units in Ystradowen are particularly large and will disproportionately increase the size of these villages. Paragraphs 5.16 & 5.17 of the written statement acknowledges the need for some

growth in minor rural settlements and states that growth here will help to meet local housing needs and to support existing local services. It is unlikely that development of this scale will only provide for local needs housing. An explanation of whether provision matches need in the appropriate locations should be provided. Other larger settlements with higher levels of services/facilities appear to have limited growth opportunities in relation to their role and function.

Issues have been highlighted in relation to high levels of out commuting to work and peak time congestion (Paragraph 3.20), coupled with limited facilities and poorer public transport infrastructure within rural settlements as influencing locational choice. However, the proposed spatial distribution could potentially encourage reliance on the car. While it is acknowledged that one of the aims of the plan is to support facilities in minor rural villages, it is not clear that the rationale for allocating over 800 units in such areas has been fully evidenced. The current spatial distribution has potential conflicts with Key Objectives 2 and 3 of the Plan.

Further evidence is required to explain why more sustainable service centre settlements (as scored by the local authority) have in some cases lower housing numbers than those in minor rural villages. For example, Cowbridge has only 187 new units where as Wick and Ogmere by Sea, have over 150 units. In addition, it is not clear why settlements such as St Brides Major and Wenvoe, have scored highly and have no housing allocations. (Sustainable Settlements Appraisal 2011, p14 & Policy MG2).

The rationale for not including settlements boundaries around minor rural villages is not clear and requires further justification. Paragraph 7.34 (and Policy MG7) of the written statement states that it was a deliberate choice not to draw boundaries around these settlements and that development will "generally comprise infilling or limited small scale extensions to the minor rural settlements, in particular where they meet the need for affordable housing". The policy appears to be in direct contrast with the large numbers of allocated units within some of the minor rural villages. Whilst Policy MG7 gives some criteria for future development, it does not restrict numbers and the lack of a settlement boundary in these locations could result in additional housing sites coming forward in the plan period. Development in these locations is likely to be greenfield, with fewer development constraints than brownfield sites.

Bii. – Deliverability

a – Deliverability of Growth

Whilst we do not disagree with the overall level of housing provision in the plan, the deliverability of housing within the plan period requires further explanation. The mix of sites, degree of confidence in their delivery, infrastructure and planning requirements set out in Chapter 8 for the respective land uses is noted (paragraph 8.6, page111). However, the majority of development sites rely on private sector investment and implementation which requires further clarification. The uplift from previous build rates also needs to be justified with a detailed explanation as to how deliverability can be achieved, particularly how the housing trajectory links to the phasing and deliverability of employment land, and vice versa.

The LDP has phased housing delivery over three five year periods, with rates progressively increasing. Brownfield sites are preferred and phased earlier in the plan. Table 6 (Housing Supply Background Paper) is helpful and documents the proposed release of land on housing allocations on a site by site basis. However, it is not clear how the preference of brownfield sites, particularly in the earlier stages of the plan will be managed in terms of the planning application process. How will the plan avoid 'cherry picking' of easier to develop

greenfield sites phased in the later stages of the plan period? The plan needs to be more robust in how it will control the phasing of development.

Attaining the higher build rates will only be feasible if the planned large strategic sites come forward as phased, especially in the earlier years of the plan. These sites account for 33% of site allocations. (2011-16 930 units, 2016-21, 900 units, 2021-26 700 units). If construction is delayed on these sites it is likely to affect the plans ability to deliver the housing requirement.

It is vital that the monitoring framework identifies any significant shortfalls and should be sufficiently robust in order to ensure the strategy is delivered.

b – Deliverability: Employment

Many employment allocations have significant constraints as highlighted in Chapter 8. In several cases these constraints are likely to affect the timing, viability and developable area of the allocations, albeit some sites appear to be at a greater risk than others.

The SEWCUS water resource zone is one of two that covers the Vale of Glamorgan and this has highlighted a potential shortfall in supply from 2020. Whilst water modelling has considered population projections, the added demand arising from employment activities appear to be more difficult to take into account. The substantive nature of the scale of the employment proposed could have a bearing on overall water supply issues.

In addition, there are constraints relating to individual allocations. Further evidence is required to demonstrate that the constraints would not restrict development. Some examples include:

- Atlantic Trading Estate (6.6ha) is located in a C2 flood zone, with sewer upgrades required, a Bronze Age settlement and early medieval barns have been found that could result in the total developable area being reduced.
- The Strategic Site at Aerospace Business Park (88.5ha) has archaeological constraints. Bronze Age burials, along with Roman and medieval settlements have been located on the site. These features may restrict development, and archaeological works may be required before and during construction.
- Llandow Trading Estate (6.8) has constraints relating to carboniferous limestone and its proximity to a land fill site, in addition an archaeological evaluation may be required.

Other listed constraints on some allocations include, ecology, nature conservation, infrastructure provision and buffer zones.

Further clarification is required on how such constraints can be overcome and that they can be dealt with in order to deliver the required development within the plan period. In addition there is a lack of timescales and phasing information for some employment sites and the interrelationship with housing development.

It is vital that the monitoring framework identifies any shortfalls in delivering the level of employment in the plan period, including appropriate triggers that will inform how these issues will be addressed.

c- Deliverability: Policy SP7 (1) MG20 (5) Direct Rail Link to Cardiff Airport / Policy MG13 Strategic Site Adjacent to Cardiff Airport and Port Road

Integral to the Strategy is the provision of a new rail link to Cardiff Airport (a spur from the existing Vale of Glamorgan railway line) The supporting text of SP7 states that this new link will be delivered as part of the initial phase of the development, to enable the delivery of Strategic Site (MG13). The supporting text states that the scheme will be delivered by the private sector in conjunction with the Welsh Government, through a combination of public and private sector funding. This scheme is currently not included within the National or Regional Transport Plan. It is not clear how the new rail link will be funded. Is it anticipated that planning obligations sought from the development of MG13 will fund the scheme? We note that Supplementary Planning Guidance: Planning Obligations will be produced; however there is no indication of the timescales for its production. Further clarification is required in relation to the extent of funding.

The supporting text at Paragraph 5.55 states that the phasing of the proposal is outlined in Policy MG4, however, Policy MG4 relates to the Strategic Site at St Athan. This appears to be a typographical error and should relate to MD4: 'Community Infrastructure and Planning Obligations'? However, there is no phasing information within MD4 and the policy is not specific to the infrastructure required in the plan period.

The delivery of the rail link has implications for the development of Strategic Site MG13. It is anticipated that the employment land to the east and the new rail link will be developed in the first phase. No development will occur on the second phase (to the South of Port Road) until the railway line is operational. What are the implications for the delivery of this site if the rail link is delayed?

Chapter 8 Delivery and Implementation (p117 & 118) offers little clarification in terms of funding, timescales and the delivery of the necessary infrastructure. More clarification is required.

The monitoring indicators in relation to the delivery of the rail link and strategic sites are inadequate. (Please see comments in relation to the monitoring framework)

d – Deliverability: Reserve Sites: Heol Y Felin (345 units) / Land West of Swanbridge Road (650 units)

Chapter 8, p130, notes that Heol y Felin may be subject to flooding and archaeological issues. It should be demonstrated that the site is deliverable in its entirety. Clarification is required in order to determine to what extent the numbers of proposed units (345) are affected by the C2 flood zone and are there implications for reductions in the scale of growth? It must be demonstrated that the site can deliver its objectives.

Chapter 8, p139, notes that Land West of Swanbridge Road has archaeological constraints that may result in part of the site being retained as open space in order to protect archaeological features. What impact will this have on the site capacity? We are aware that agricultural land within reserve site MG2 (25) is potentially subject to a high probability BMV rating. Chapter 8 (p140) states that an 'Agricultural Land Assessment' is a planning requirement. Further clarification is required in order to determine if the appropriate surveys have been undertaken.

Development of this site is, therefore, potentially contrary to Welsh Government policy towards the conservation of BMV agricultural land (PPW 4.9.1). To bring into line with WG

policy will require the ALC of the land to be definitively identified by field survey and, if BMV quality is confirmed its loss should be fully justified in accordance with the procedure as described in PPW 4.9.1. The scale of potential loss of BMV quality agricultural land in this case, amounting to 27 hectares, is significant and is of concern to the national agricultural interest.

In order to ensure that the flexibility allowance within the plan is deliverable, the plan needs to demonstrate that the sites can be appropriately mitigated and can come forward in their entirety.

e – Community Infrastructure Levy (CIL)

We note that the Local Planning Authority intend to adopt a CIL charge in 2014. By virtue of the Community Infrastructure Regulations 2010, after April 2014 the ability to secure infrastructure through planning obligations will be limited. Pooled S106 contributions will no longer be allowed after 06th April 2014 (5 or more).

It is imperative that the Council secure the infrastructure necessary to deliver the development proposed in the Local Development Plan. The Council needs to be in a position where it has the appropriate mechanism in place to secure financial receipts from development in order to meet the identified requirements. A policy vacuum, leading to insufficient financial receipts to deliver the required infrastructure should be avoided. Further explanation should be provided to demonstrate how this situation is not an issue, or, if it is how will it will be resolved.

Biii. - Monitoring Framework

The mechanisms for implementation and monitoring need to be sufficiently clear and also sufficiently sensitive to provide an early alert to non-delivery. An appropriately transparent and comprehensive monitoring framework should be an integral part of an LDP. The LDP monitoring framework (Chapter 9) has some shortcomings regarding ranges, trigger points and unspecified appropriate remedial actions.

The monitoring framework is split into four categories, contextual indications, core output indicators, local indicators, environmental indicators. The rationale for not setting targets for core output indicators has not been explained. Core indicators are essential and include key indicators such as housing completions, land supply and employment. It is difficult to determine what/when would lead to a review of key policies within the plan. Key housing sites, infrastructure, and employment schemes required to deliver the strategy should be individually listed. Appropriate trigger points that would allow sufficient time to consider and introduce alternatives should be included within the monitoring framework.

Strategic policy indicators and targets are every five years; these are not specific enough to warrant action. For example SP3 Residential Development has a target of 7721 dwellings by 2026. It is not clear from the monitoring framework what/when would trigger the release of the reserve sites.

In addition a transport indicator for SP7 is "two schemes by 2016". It is not clear what these schemes are. The indicator suggests that these could include cycle schemes or major rail infrastructure. Monitoring indicators should be appropriately linked to the key priorities and their phasing within the plan period.

Biv. - Affordable Housing

Policy SP 4 - Affordable Housing Provision (& Policy MG5 & MD7)

The Local Housing Market Assessment (LHMA) concludes that affordable housing need for the Vale of Glamorgan is 915 per annum (equating to 4,575 per 5 year period, 13,725 over the plan period). The LDP will contribute towards meeting this identified need through the provision of 2,624 affordable dwellings over the Plan period. 1820 units will be delivered through new allocations and 804 units from windfall and small sites. This equates to 19% of the need identified in the LHMA.

a – Affordable Housing in Rural Areas (MD7) ‘Exception Sites’

Policy MD7 states that affordable housing will be permitted for 10 units or less beyond identified settlement boundaries...”

It is not clear from the policy if these rural exception sites only apply to those settlements that have identified settlement boundaries. It can be seen from the proposals map that settlement boundaries are generally drawn around larger settlements such as Barry and Cowbridge. The wording of the policy appears to exclude rural exception sites in the smaller villages that do not have identified settlement boundaries. Paragraph 5.44 states that policy MD7 will provide a framework which allows the development of “affordable housing in sustainable locations outside the settlement boundaries of the town and villages identified in the settlement hierarchy”. The Sustainable Settlements Paper documents the ‘score’ of each settlement. Many settlements that scored favourably do not have settlement boundaries. The wording of Policy MD7 would exclude them from local needs affordable housing.

b – Affordable Housing Thresholds / Targets (Policy MG5)

We note the following affordable housing targets and thresholds as set out in Policy MG5:

(5 or more dwellings)

- 30% in Barry, Llantwit Major, Rhoose & St Athan
- 35% Cowbridge, Dinas Powys, Llandough, Penarth, Sully, Wenvoe, Minor Rural, Rural Vale

The table contained within Affordable Housing Background Paper (2011) Appendix 1, p13 aids clarity and documents the numbers of affordable housing units on residential allocations. The Affordable Housing Viability Study (2010) uses the 3 Dragons methodology for assessing viability. A range of densities and targets have been tested in relation to notional one hectare sites and case studies on small sites. It is encouraging that the viability work has considered the implications of Code Level 4 and the Community Infrastructure Levy (CIL).

However, the conclusions of the report are not reflected within the policy (MG5). The report recommends (Paragraph 6.30) that the Council adopt a 10 unit threshold in Barry and Penarth, and a nil threshold elsewhere in the Vale of Glamorgan area. This reflects that the brownfield sites in Barry and Penarth are generally more constrained. If a threshold of 5 is considered viable in Barry and Penarth, this combined with a nil threshold elsewhere could enable increased delivery of affordable housing.

In addition, it is not clear if the Council have considered using commuted sums in order to secure affordable housing on sites below 5 units. It is not apparent from the evidence base

that the Council has fully considered this as an option and the reasons for not doing so could be better articulated.

Category C. In relation to soundness tests CE2, CE3, CE4: whilst not considered to be fundamental to the soundness of the LDP, we consider there to be a lack of certainty or clarity on the following matters which we consider we can usefully draw to your attention to enable you to consider how it might be better demonstrated:

Ci. Gypsy and Traveller Sites

We note that land is allocated at Llangan that meets the identified need of 6 authorised pitches and 15 transit pitches over the plan period.

It is noted that there are some references to English only guidance. Some assurance that Welsh Guidance has been used should be provided.

Cii. Agricultural Land Quality

Further evidence that sites allocated for development do not impact on the best qualities of agricultural land should be provided. It would appear that the reserve site MG2 (25) is high quality agricultural land and this may impact on the deliverability of the site and have a consequential adverse impact on the flexibility allowance within the plan.

Category D. Matters relating to clarity of the plan generally which we consider may be of assistance to your authority and to the Inspector in considering suitable changes.

(Di.) Housing Supply Background Paper (November 2011): Paragraph 3.13 states that due to current economic conditions, the small site and windfall sites figure has been reduced by 25%. Clarification is required as to why a figure of 25% has been chosen, as opposed to a higher or lower percentage.

(Dii.) Policy MD1 – Location of New Development: The policy wording here could benefit from more clear expression. Does the policy refer to 'sites of important nature conservation value' rather than meaning to refer to sites of 'importance for' nature conservation? The former is a wider catchment of European through to local designations.

(Diii) Policy MD3 – Design in New Development. Criterion 3 refers to 'existing features of biodiversity interest' - these need to be clarified and identified somewhere - a broad indication would be acceptable.

(Div) Policy MD4 –Community Infrastructure & Planning Obligations: In relation to Criterion 7, clarification of what is intended by 'Environmental protection and enhancement such as Nature Conservation' would be helpful.

(Dv) Policy MD6 – Promoting Biodiversity: The third paragraph of the policy needs to be more tightly worded, does this apply to nationally/internationally important sites? The phrase 'priority habitats' needs to be explained and put into context. The SPG 'Biodiversity and Development' should be updated to reflect the policies in the LDP and updated to clearly set out what is expected in an 'Ecological Appraisal' (Para 6.26 refers).

(Dvi) Appendix 2 – Supplementary Planning Guidance (SPG): We note the list of SPG, however there is no indication of timescales for their preparation. In addition the monitoring framework fails to include the preparation of SPG as considerations for targets and triggers, especially in relation to Development Briefs and Masterplans. We note that some information in relation to this is contained with Chapter 8 Delivery and Implementation.

(Dvii) Policy MG5 Affordable Housing- Paragraph 7.22 is somewhat misleading as it seems to suggest that the affordable housing target of 2,624 meets the need identified in the LHMA, whereas it only addresses 19% of the identified need over the plan period. Related to this, paragraph 7.4 of the Affordable Housing Background Paper states that the affordable housing target accounts for 58% of the need identified in the LHMA. Has this has been calculated on the basis of the 5-year figure (4,575) rather than the 15-year figure (13,725)?

Wick Action Group
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Mr Carl Sargeant AC/AM
Minister for Natural Resources
Welsh Government
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20th August 2015

**Request to Welsh Ministers to Call In Vale of Glamorgan Planning Application
2014/01424/FUL, Land off St Brides Road Wick; David Wilson Homes**

Dear Mr Sargeant,

Wick Action Group represents the residents of Wick. It was formed in 2012 to respond to the Vale of Glamorgan Deposit Local Development Plan 2011-2026 and object to the proposal for 150 dwellings in Wick; 97% of residents signed the petition to object to this proposal. The group continued to represent the residents and objected on their behalf to the revised Deposit LDP in December 2013. In both instances, comprehensive documents were submitted to the Vale of Glamorgan Council.

Currently we are campaigning against the above planning application on the basis of sound planning reasons, which have been submitted in two representations to the Vale of Glamorgan Council on 27th January and 27th July 2015.

We request that this planning application is called in by the Welsh Government because we consider that it has wider strategic and planning policy implications and importance than those of just the local site and would therefore be more appropriately decided by the Welsh Ministers rather than the Vale of Glamorgan Council.

We consider that the application meets criteria examples 1 and 4 of the Welsh Government publication "Calling in Planning Applications" as shown by the following evidence.

Criterion Example 1 The proposal conflicts with the following national policy:

PPW paragraph 4.4.3

Promote resource efficient and climate change resilient settlement patterns that minimise land-take (and especially extensions to the area of impermeable surfaces) and urban sprawl, especially through preference for the re-use of suitable previous developed land and buildings, wherever possible avoiding development on greenfield sites (sections 4.7, 4.8 and 4.9).

Locate developments so as to minimise the demand for travel, especially by private car. (Section 4.7 and Chapter 8).

The proposed site, Land off St Brides Road, is a Greenfield site, which does not minimise land-take. The site is susceptible, during periods of rainfall, to excessive surface water build up due to it being an extension of an area of impermeable surfaces.

The proposal is not climate change resilient because the site would positively encourage the use of private cars as there are no employment opportunities in the village, inadequate retail facilities, there would be insufficient primary school places in the village and public transport is limited. A 55% increase in the number of dwellings would significantly increase the number of car journeys contrary to sustainability and climate change resilience principles.

PPW paragraph 4.7.8

Development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

Wick is a minor rural settlement of 226 dwellings. The proposed planning application for 124 dwellings would be an increase of 55%, which does not respect the character of the village and is not of an appropriate scale and design. 124 dwellings on the site would be a density of 30.1 houses per hectare, which is well above the rural limit of 25 dwellings per hectare.

Criterion Example 4 The proposal would significantly and adversely affect this rural site, in terms of nature conservation, historic and cultural interest and part of a wider area of landscape importance.

Wick is cited in the Vale of Glamorgan's Local Biodiversity Action Plan as a key area for Important Habitats and the site itself is bordered by natural hedgerow:-

"Map evidence and aerial surveys of the Vale indicate that in many areas field sizes remain comparatively small, following historic field patterns with abundant traditionally-managed hedgerows. Key areas include the parishes of Sully, Peterstone, Pendoylan, Penmark, Cowbridge, Ystradowen, Llanblethian, St Donat's, Wick, Llangan and Colwinston."

The site itself is within a couple of miles radius from Nationally Designated Sites such as the Monknash Coast, Southerndown Coast and Clemenstone Meadows. Close by is Monk's Wood, a Woodland Trust Reserve and the Nature Trail at Wick Beacon.

Within 500 metres of the site there are ponds supporting great crested newts, which are a protected species. Bats, also protected, roost and fly around the site and surrounding residential dwellings and gardens. These are just two examples of the rich wildlife in the area. The size and density of the proposed development will be detrimental to the biodiversity and nature conservation of the area.

The historic interest and wider area of landscape importance of Wick is documented in the Vale of Glamorgan County Treasures publication with 38 entries for the community. The size of the proposed development would affect the character of the village and detract from the historic landscape.

We can provide further details on the above evidence if required.

Yours sincerely,

Dr Carol Brown
Co-ordinator for Wick Action Group

Vale of Glamorgan Council
Development & Building Control
Dock Office
Barry Docks

Tyn Y Cae
Trepit Rd
Wick
Cowbridge
Vale of Glamorgan
CF71 7QL

27th July 2015

Dear Mr Robinson,

RE: Planning Application reference – 2014/01424/FUL – Proposed Housing Development on Agricultural Land off St Brides Road, Wick

We have been notified of the above re-submitted application and wish to register our objection to the proposal put forward by the developer David Wilson Homes. We have a number of significant objections to this planning application and its consideration prior to the adoption of the Vale of Glamorgan LDP, which has now been submitted to the National Assembly for Wales. It is our view that this application should be refused. Therefore, I will outline the technical detail of this objection under the sub heading 'Prematurity and Prejudice', prior to outlining other focused objections under the sub heading 'Specific Objections'.

Prematurity and Prejudice

The Planning Policy Wales document provides clear guidance (Chapter 2) in regard to planning applications that have been submitted ahead of an LDP being adopted.

*2.6.3 "Questions of **prematurity** may arise where an LDP is in preparation but the plan has not yet been adopted. In these circumstances refusing planning permission on grounds of prematurity may be justifiable in respect of development proposals which are individually so substantial, or whose cumulative effect would be so significant, that to grant permission would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the LDP context".*

The Council has already granted planning permission for substantial developments at Ogmere by Sea, Colwinston and Llangan. Therefore this proposal would further deliver a significant cumulative effect prematurely on a scale that is well beyond the LDP proposals.

*2.6.4 "A refusal on prematurity grounds will seldom be justified **where a plan is at the pre-deposit plan preparation stage, with no early prospect of reaching deposit, because of the lengthy delay which this would impose in determining the future use of the land in question**".*

However, the developers own application specifies that the LDP has progressed past the pre-planning stage and is in fact at the **Deposit stage**. Additionally, we have received a letter (23.08.15) confirming that the council has now submitted the LDP to the National Assembly for independent examination. **Therefore, we are justifiably arguing prematurity.**

2.6.6 Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the LDP process.

The application made by David Wilson Homes prejudices the LDP process for the following reasons:

- The development does not get to the heart of the proposed LDP due to it being too small. The LDP proposes several large developments in strategic housing sites and key settlements across the county. Wick is a minor rural settlement and therefore development there does not deliver sufficient housing need to meet the national requirements.
- Section 6.13 of Policy MG 2 states *“phasing will allow the council to ensure sites are prioritized assisting in the delivery of the aims and objectives underpinning the plan”*. Further, *“the council proposes to release housing allocations over 3 successive 5 year periods”*. This is also to *“ensure an appropriate balance between necessary development and the protection of the fine environmental qualities of the Vale of Glamorgan”*.

Therefore, granting planning permission to David Wilson ahead of the LDP would have circumnavigated due process as specified in the LDP documentation. Allowing David Wilson to develop a minor site that fails to get to the heart of the LDP plan and in a minor rural settlement that may in fact have only been scheduled for development in year 10 or 15. Thus failing to adequately protect the fine environmental qualities of the Vale of Glamorgan and the rural settlement of Wick.

- The Vale of Glamorgan LDP has now been submitted to the National Assembly for Wales for independent examination on 24th July 2015. The focused changes are now subject to a six-week public consultation taking place between 24 July – 4th September, prior to the public examination. Whilst this process is being completed it would prejudice and undermine the LDP process to grant permission to David Wilson’s application.
- David Wilson homes has already offered the Local Authority £566,191.00 and a further amount to be negotiated in mitigation (5.45, p.35 of their planning statement) in accordance with a Section 106 agreement. Offering this ‘mitigation’ to the council ahead of the LDP whose careful study has allocated a maximum of 100 dwellings on this site could be perceived as payment for permitting a greater number of dwellings on the site, increasing revenues for both developer and Local Authority.

- David Wilson Homes are currently under investigation for unauthorized development on the site having commenced work without planning permission (see enforcement order ENF/2015/0161/PC). This demonstrates their blatant disregard for due planning process, further prejudicing the planning and LDP process.

Therefore, we object to this proposal on the grounds of prematurity as it prejudices the submitted Vale of Glamorgan LDP.

Specific Objections

1. Density of Dwellings

The submitted Vale of Glamorgan LDP (2011-2026) has specified the appropriate density of dwellings per hectare, based on an assessment of appropriate density for each site. The Policy MG 2 clearly shows that should the land off St Brides Road be developed no more than 100 dwellings should be built. This is because *“a reduced gross density of 25 dwellings per hectare has been used for the minor settlement sites to reflect the character of these areas”* (6.11, p.59). David Wilson proposes 124 dwellings on the site at a density of 30.1 dwellings per hectare. There is no justification for this density which is in direct opposition to the recommendations in the LDP. Therefore, we wholly oppose the size and scale of the proposed plans.

2. Type of Dwellings

The plans proposed indicate that the site would include 2.5 storey dwellings and a 3 storey apartment block (5.10, p.28), which is not in keeping with the existing character of Wick. At present, Wick has no 2.5 or 3 storey dwellings. David Wilson has produced a ‘Design Access Statement’ in which they chose to display a series of photographs of houses in Wick. The images chosen were wholly biased towards large, detached 2 storey buildings. Yet between 30 – 50% of the properties in Wick are dormer and chalet bungalows. In fact, all the properties immediately bordering the site on Trepit Road are bungalows and therefore 2.5 and 3 storey buildings would be extremely out of character.

David Wilson Homes state the inclusion of the 2.5 storey properties are to *“provide interest and variety”* (3.5, p.7). We would argue that ‘interest and variety’ can be provided by introducing other architectural features and does not require a 2.5 or 3 storey property, which are obviously being proposed to increase profit despite it being out of character in the village. Therefore, if the proposed development is approved we would ask that 2.5 and 3 storey properties are not permitted.

3. Inclusion of one bedroomed social flats

The proposal states that affordable housing will be provided on site in line with the LDP requirement of 35%. We note that in fact they are slightly over this quota by .5%.

Therefore, we would suggest a modest reduction to ensure that if the site is approved it does not have more than 35% affordable homes.

Further, we note that only a quarter of the affordable homes planned are low cost ownership, with the majority being social rented. We would argue that there should be a balanced distribution.

The Vale of Glamorgan LDP (2011-2026) Local Housing Market Assessment states "*there is no requirement for any further one-bedroom market accommodation in the county*" (section 7.20 p.53). In fact, the figures indicate that over the course of the next 20 years the requirement for one bedroomed stock will fall by 142 units.

In addition, the report points out that the large growth in single pensioner households within the one bedroomed social rented accommodation indicates that these households will require an additional bedroom for a carer (section 7.22, p.54).

Therefore "*there is no requirement for any further one-bedroom market accommodation*" in the county (section 7.31, p.57). In fact, the long term market balance model suggests in the social rented accommodation category there is a particular need for two bedroomed housing.

Thus, there is no current housing need in Wick for one bedroomed social, intermediate or private housing. Therefore, David Wilson Homes' plan to build 10 one bedroomed social housing flats is not needs based or supported by the Local Authorities own assessment. They are in fact failing to provide "*housing of the right type*" which they stated in their proposal (4.21) in an effort to suggest they were meeting the requirements of Welsh Ministers and Planning Policy Wales.

4. Lack of Sustainability

Planning Policy Wales States that their definition of sustainable development in Wales means "*enhancing the economic, social and environmental well-being of people and communities*" in ways which "*enhance the natural and cultural environment and respect it's limits – using only our fair share of the earth's resources and retaining our cultural identity*" (Fig. 4.1, p.43).

In fact, section 4.4.3 provides clear guidelines to ensure sustainable development, which includes minimising "*land-take*" and "*urban sprawl*", and "*wherever possible avoiding development on greenfield sites*".

Further, Planning Policy Wales guidance outlines priorities for rural areas are to secure: access to affordable housing and high quality public services; a thriving and diverse local economy, and an accessible countryside in which the environment and biodiversity are conserved and enhanced (4.6.3, p.51).

Overall, the plan proposed by David Wilson homes fails on many counts to deliver on sustainability. For instance they:

- Are engaging in land-take by proposing high density housing on a green field site with below the recommended level of open space
- Are failing to protect the existing environment and wild life by not providing the recommended amount of open space
- fail to adequately acknowledge the poor level of public transport available to residents which is grant funded, isolating individuals in the community (particularly those on low income)
- Fail to acknowledge the limited opportunity for employment
- Fail to acknowledge the lack of pupil places in the village school, or that it is faith led which may be unsuitable for some
- Fail to acknowledge the poor pedestrian access around the village, particularly at the school and the impact of the development on pedestrian/road safety
- Fail to provide a sufficient quantity of Low Cost Ownership homes
- Fail to conserve the environment by providing homes that are environmentally neutral and powered by solar energy, ground source heat pumps and the like

The above points indicate that the developer is not providing a sustainable housing development in our rural community and is merely paying lip service to sustainability by using language associated with the principles of sustainability.

Grounds for specific objections relating to sustainability:

- a) The public open space proposed on the site falls below the minimum standards proposed by the Local Authority and on the basis of a recommendation from Fields in Trust. According to David Wilson homes these standards suggest 6,792 sq metres for 124 homes but they plan to provide less with a provision of 6,511 sq metres. This short fall is not acceptable and falls short of the Local Authorities own guidelines and the guidelines of the Fields in Trust recommendation.

The developer's rationale for this shortfall is also unacceptable, merely that Wick has lots of green space already and therefore there is an over provision of such space. This rationale further serves to indicate the developers lack of appreciation that they are not providing a plan that fits with the existing character of the village.

- b) The Vale of Glamorgan LDP (2011-2026) Local Housing Market Assessment provides definitive evidence of the low rate of employment across the Vale of Glamorgan and the high rate of those claiming job seekers allowance (3.12 -3.17). There are few employment opportunities in Wick, meaning that local residents must travel outside of the local area to work. The public transport infrastructure is insufficient and residents are unable to rely on it to get to work. Whilst David Wilson quite rightly points out that there are train stations at Llantwit Major and Bridgend, there is at best an hourly bus service to transport them to these stations. The bus route is aided by government funding (and therefore susceptible to cuts), with the first bus to Bridgend currently arriving at 8.30am (and until recently arriving at 9am). This means that individuals can at best only arrive in Bridgend at 9am, too late for most

employers and any onward journey. This would leave prospective residents who could not afford their own transport with limited means for employment and achieving a good quality of life.

- c) In relation to the above point, David Wilson Homes' state in their proposal that the development "complies with the transport related objectives contained within Paragraph 9.1.2 of PPW, as well as Chapters 4 and 8 of PPW, TAN 18, UDP Policies 2 and ENV 27 and Deposit LDP Policy MD2, which seek to minimise the need to travel by car and locate development to ensure the use of public transport, walking and cycling. Yet they provide no evidence of how they are complying with the above policies in reducing travel by car. There is no mention in any of the above documents for improvement to the public transport network directly serving Wick. Whilst there is mention of improvement to infra structure and services in the wider area, individuals in the village cannot access such improved services without first relying on existing poor public transport and instead have to rely on travel by car.

Therefore, the proposed development does not seek to minimise the need to travel by car and ensure use of public transport, walking and cycling. The majority of daily activities, education, employment, leisure, shopping etc will all require the use of a car as public transport is poor and adequate amenities too far to access on foot.

- d) The proposed plans for 124 houses in Wick will inevitably place additional demand on the existing primary school who are currently at full capacity and have no physical capacity to admit more children. We understand that the school already has to use shared space as overspill from classrooms in order to cater for their existing pupils. The Vale of Glamorgan LDP (2011-2026) states that "*existing schools will be extended or improved to meet demand for school places during the plan period*" (Policy MG 6, p.65). Yet we observe that the proposal submitted does not address these issues, merely offering the Local Authority £361, 747 in mitigation for education, a sum that would not enable the authority to meet Policy MG 6.

Furthermore, there is already inadequate parking available at the school and regardless of how near the school is to the proposed development working parents will drive their children to school en-route to their employment.

5. Incorrect Classification of Agricultural Land

David Wilson Homes' planning application cites the results of an agricultural land assessment confirming that the site falls within sub-grade 3B and grade 4 (5.23, p.31). However, the Local Authority have previously accepted that the land is grade 2. In addition, the Agricultural Land Classification of England & Wales 1985 (ALC009) indicates that the land is grades 1, 2 or at worst 3A and as such the Vale of Glamorgan should seek to preserve this versatile agricultural land from development in order to comply with Planning Policy Wales and the submitted Vale of Glamorgan LDP. We believe Natural Resource Wales should be consulted in order to provide independent and unbiased consultation to the Local Authority.

6. Inadequate Water Supply Network

We observe that Dwr Cymru Welsh Water “has advised that the site falls within the the Llantwit Major water supply network which is at the EXTREME of its capability. Extensive improvements would be required” and consultation to “determine whether improvements to this network will be required” (Updated Planning Statement, p.22). Concern has also been “expressed by Welsh Water over capacity at the Waste Water Treatment Plant” (Updated Planning Statement, p.34). David Wilson Homes have not yet provided a solution or offered the ‘mitiagtion’ required for the Local Authority to improve the water supply that is at it’s extreme limits.

We urge the planning committee to reject the proposed plans until such time that Dwr Cymru have completed their feasibility study and provided a satisfactory solution, funded by David Wilson Homes. At present, residents at Wick experience very poor water pressure, such that the water pressure is barely sufficient to feed combination boilers. Therefore, we ask that this issue is thoroughly addressed, as foreseen damage to existing resident’s boilers could prove costly if water services are not improved.

Conclusion

In summary, this planning proposal has been prematurely submitted ahead of the Vale of Glamorgan LDP (2011 -2026) and prejudices the LDP. David Wilson Homes’ plans for the site do not conform to the core principles of Planning Policy Wales or the guidance contained within the Vale of Glamorgan LDP across a number of areas, including issues of density, provision of social and affordable housing, sustainability, transport and environmental impact. There are significant concerns regarding the capacity and provision of effective water and sewerage systems – a solution has not been submitted by Welsh Water, the developer or the Local Authority. This is a grave concern.

The development is far larger than that proposed in the submitted LDP, expanding the rural settlement of Wick beyond the capacity of it’s current amenities. Further, the scale and nature of the development is not in keeping with the existing character of the village and they have not adequately demonstrated in a meaningful way the sustainability of their development. They have failed to demonstrate how they plan to provide favourable conditions in which people live, work, travel and take leisure within a rural location of outstanding beauty.

We urge the planning committee to reject this application.

Yours Sincerely,

Mr and Mrs Prevett

LATE ITEMS FOR COMMITTEE**COMMITTEE DATE : 3 September 2015**

Application No.: 2015/00016/FUL	Case Officer: Mr. Robert Lankshear
Location: Land to the South of Craig Yr Eos Avenue, Ogmore by Sea	
Proposal: Residential development for 20 dwellings	

From: Dwr Cymru Welsh Water**Summary of Comments:**

An amended response was received from DCWW dated 17 August 2015, largely reiterating the comments provided within the original officer report. These can be summarised as follows: foul and surface water discharged draining separately from the site land and surface water not being allowed to connect directly or indirectly to the public sewerage network; no development to commence until comprehensive scheme of integrated drainage for foul, surface and land drainage has been agreed by LPA; and also note the position of a 150mm sewer on the site and that no part of the building will be permitted within 3 metres of this sewer. They also indicate that 'no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from the site' nor do they have any objection with regard to Water Supply.



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Welsh Water

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Vale of Glamorgan County Council
Dock Office
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Barry
CF63 4RT

Date: 17.08.15
Our Ref: PLA0009933
Your Ref: 2015/00016/FUL

Dear Sir

Grid Ref: SS8653974944 286539 174944
Site: Land south of Craig Yr Eos Avenue Ogmere By Sea
Development: Residential development of 21 dwellings

*******AMENDED RESPONSE*******

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We would request that if you are minded to grant Planning Consent for the above development that the **Conditions and Advisory Notes** provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

SEWERAGE

Conditions

Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

glas
Glas Cymru Cyfyngedig

Welsh Water is owned by Glas Cymru – a 'not-for-profit' company.
Mae Dŵr Cymru yn eiddo i Glas Cymru – cwmni 'nid-er-elw'.

We welcome correspondence in
Welsh and English

Dŵr Cymru Cyf, a limited company registered in
Wales no 2366777. Registered office: Pentwyn Road,
Nelson, Treharris, Mid Glamorgan CF46 6LY

Rydym yn croesawu gohebiaeth yn y
Gymraeg neu yn Saesneg

Dŵr Cymru Cyf, cwmni cyfyngedig wedi'i gofrestru yng
Nghymru rhif 2366777. Swyddfa gofrestredig: Heol Pentwyn
Nelson, Treharris, Morgannwg Ganol CF46 6LY.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved by the Local Planning Authority.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

The proposed development site is crossed by a 150mm public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

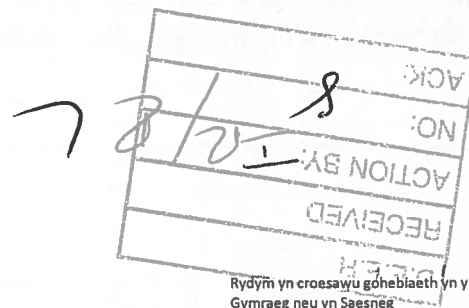
Reason: To protect the integrity of the public sewer and avoid damage thereto.

Advisory Notes

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.



On the 1st October 2012 the Welsh Government introduced the Welsh Ministers Standards and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on the Developer Services Section of our website - www.dwrcymru.com

Further information on the Welsh Ministers Standards can be found on the Welsh Government website - www.wales.gov.uk

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development. A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Please quote our reference number in all communications and correspondence.

Yours faithfully,



Clare Powell
Development Control Officer
Developer Services



Welsh Water is owned by Glas Cymru – a 'not-for-profit' company.
Mae Dŵr Cymru yn eiddo i Glas Cymru – cwmni 'nid-er-elw'.

We welcome correspondence in
Welsh and English

Dŵr Cymru Cyf, a limited company registered in
Wales no 2366777. Registered office: Pentwyn Road,
Nelson, Treharris, Mid Glamorgan CF46 6LY

Rydym yn croesawu gohebiaeth yn y
Gymraeg neu yn Saesneg

Dŵr Cymru Cyf, cwmni cyfyngedig wedi'i gofrestru yng
Nghymru rhif 2366777. Swyddfa gofrestredig: Heol Pentwyn
Nelson, Treharris, Morgannwg Ganol CF46 6LY.

4

Rees, Vivien

From: christopher.elmore@yahoo.co.uk
Sent: 02 September 2015 11:58
To: Goldsworthy, Marcus J; Development Control (Planning)
Subject: Planning Objection - 2015/00360/FUL

Dear Marucs

I would like to make a formal objection to the above application, which is to be heard at the planning committee, tomorrow 3rd September. I am sorry that I am unable to attend committee.

I would firstly like to express my disappointment that a site visit was arranged before the application was taken to committee. This has meant residents have received limited information about the site visit that is taking place tomorrow and few are able to attend the visit to speak to planning committee members after the site visit is complete. Surely it would be more democratic to allow local residents to speak with planning members, with enough notice to attend the site visit.

I would make the following objections to this application and again call on committee members to reject this application, listening to the views of residents.

Transport:

As with the now approved application for the Bio Mass Wood Plant, this application increases significantly the amount of traffic on our congested road system, it is of considerable concern to residents. With further lorry movements, it will only add to the difficult situation being faced on Cardiff Road, not only for commuters, but for residents living along and off Cardiff Road, The Waterfront Development and Dinas Powys.

Proximity to Housing:

The planned development is considerably close to properties off and on Cardiff road; the Hillary Rise area and the wider Cadoxton area. It is concerning that further work has not been undertaken to investigate what impact the plant could have on the area. Many residents have expressed concern to me that many of the houses in Hillary Rise are within the area of the proposed development and may be affected by the plant dust. The division of the railway line cannot be a real barrier for the properties.

It is of further concern that houses along and off Dock View Road, will again be expected to deal with this sort of plant coming to Barry after the approval of the Wood Bio Mass Plant.

Regeneration:

I again express my very real concerns about the future direction of regeneration in Barry, if the planning committee are to continue to approve this sort of applications. I am on record many times in making clear my view, that Barry Docks is no longer an industrial area, therefore should not be considered for further developments of this sort. The future of Barry is in leisure, tourism and retail, not heavy industry.

Conservation:

Dow Corning has a conservation area very close to this proposed plant. Why do committee papers suggest that a conservation area in Cardiff is of more importance than one in Barry? More work should be undertaken into the impact on conservation in the area and I would ask the committee to review this?

Finally, I must express my deep concern about the product being transported to Barry. A site should be found next the plant in Cardiff, limiting the considerable risk of moving such materials. I further feel committee should ask officers to further investigate, why sites in Cardiff have not been considered,

when the objection is based on conservation, yet this application is up for approval despite a near by conservation area, risk to near by houses, increased traffic flows, impacts of regeneration of Barry and the considerable objections from local residents.

I again ask that committee to reject this application.

Many thanks

Chris

Cllr Chris Elmore
Councillor for Castleland Ward, Barry
Cabinet Member for Children's Services and Schools
Vale of Glamorgan Council
01446 709 898 (office)
07867 506 116
@CPJElmore

5.

LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 3 September 2015

Application No.: 2015/00360/FUL	Case Officer: Mr. Morgan P. Howell
Location: Wimborne Road, Barry	
Proposal: Facility for the recycling of incinerator bottom ash (IBA) to produce aggregates (IBAA) and the recovery of metals	

From: Max Wallis (Barry and Vale FoE)

Summary of Comments:

An email has been received, in essence querying process over the receipt and consideration of additional information received in respect of the application; and raising issues relating to the asserted hazardousness of the material.

In respect of the first issue, the additional information received, principally the Waste Planning Assessment, does not form part of the Environmental Statement (ES). Regulation 19 of the EIA Regs sets out the procedures that should be followed where additional information is required in order for a statement to be considered as an environmental statement. In this case, the information received was not necessary for the ES to be considered as an ES, therefore, it was not necessary to follow the publicity procedures set out in regulation 19.

Further comments received from the same respondent query the distance of the proposed ash storage from the nearest residential properties in St. Hilary Rise. However it is confirmed that the ash storage and processing areas are in excess of 300metres from the nearest properties as can be seen on the submitted plans.

From: max wallis [REDACTED]
Sent: 24 August 2015 15:55
To: Howell, Morgan P
Cc: green keith; Planning & Transportation (Customer Care)
Subject: IBA Application 2015/00360/FUL Barry no.2 Dock

25 AUG 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Morgan P.Howell

IBA Application, Wimborne Road, Barry 2015/00360/FUL

D.E.E.R
RECEIVED
ACTION BY: MAHIR
NO 4
ACK:

Dear Mr. Howell,

Could I check on the late documents of 1st and 9th July in this case, in relation to the EIA Regs? I see no record in the file of the Council's letter asking for this further information, whether under Reg. 19 or not, but the information on handling/testing the waste (IBA) for hazardous properties is clearly further relevant EIA information, whether presented in a Waste Planning Statement or otherwise.

The e-file indicates you consulted the NRW and PHW only on 13 April, so not over the July documents. Their responses are not yet posted up, though necessary for EIA applications and done for the non-EIA 'Sunrise' application. The hazardous waste aspect is of course of interest to both NRW and PHW.

Have you or the Council's waste management section conducted your own check on the 1st and 9th July documents, for it appears the Supplementary information reagrding Process.pdf properly forms part of the Waste Planning Statement/Assessment, yet is not mentioned in the Amneded Waste Planning Assessment?

You or the NRW would have noticed that the Supplementary Info relies on what they call the "Energy Services Agency (ESA) Protocol". They presumably intend the "Environmental Services Association (ESA)" testing protocol, a mistake that shows lack of accuracy in writing and checking and deficient knowledge of this key part of quality control. No reference is made to the over-riding EA's *M4: Guidelines for Ash Sampling and Analysis*.

The document promises routine testing under the ESA Protocol to check the IBAA 'remains non-hazardous'; yet that protocol checks only twice-monthly samples and disregards many that come over the 'hazardous waste' threshold, up to five exceedances in 24 samples, two in a row, or exceedance 4-times over the threshold (s. 2.2 of the ESA Protocol). It tests the full 15 hazard characteristics including H14 ecotoxicity only once a year. It does not isolate samples which exceed the standard but only investigates causes for repeated breaches or a 4-times exceedance. Nor does it propose to isolate IBA that should be called as 'hazardous waste under EU rules, pending tests that take weeks, preparatory to returning it to Viridor.

Cardiff officials and Cabinet Member have given public assurances that the IBA accepted at Lamby Way site is "non hazardous" on the basis of the ESA protocol used by Viridor. They have clearly misled the public; the protocol does not exclude consignments that exceed hazardous waste thresholds. The NRW principle that IBA is presumed hazardous waste until proven otherwise has been bypassed in Cardiff. When the VoG Council comes to give similar public information, they need to be able to be fully honest on the hazardous waste issue – which is not possible on the ESA protocol.

Would you therefore check that the applicants are mistaken in referring to an "Energy Services Agency (ESA) Protocol"? If they reply the normal industry (ESA) protocol was intended, would you check that this would not exclude hazardous waste coming to the site, so hazardous waste legislation has to be considered?

I look forward to hearing that you are delaying the case from the 3rd Sept committee and consulting on the July materials under the EIA Regs.

Regards,

Max Wallis [REDACTED]

Barry & Vale FoE, Robert St, Barry

Howell, Morgan P

From: max wallis [REDACTED]
Sent: 02 September 2015 11:59
To: Howell, Morgan P; Planning & Transportation (Customer Care)
Cc: green keith
Subject: IBA Raymond Brown application to Planning Cttee 03 Sept

IBA dust assessment - late representation from Friends of the Earth

Theory and local experience of gusty winds, particularly in stormy conditions, over this very open site close to housing should be enough to determine a presumption against its use for any further dust-raising operations on grounds of nuisance. The applicants' claim of no (nuisance) dust at housing needs to be critically assessed.

The Officers' report appears to accept the 'dust assessment' part of the Environmental Statement (EIA) without question.

The dust assessment says the site is 300metres from homes. This figure is wrong. Simple use of google-maps show it is about 200metres from the closest homes on Hillary Rise. (A proposed bund up to 20metres wide would not significantly change matters). This difference of 200 over the 300metres claimed is critical, as the dust assessment says dust reaches up to 250metres. On their own document, the site is too close to housing.

The report says the *Regulatory Services (Environmental Health)* were consulted on 15 April 2015 and raised "no objection". Evidently they did not check the faulty claim of 300metres.

The applicants' dust assessment incredibly claims no dust would reach beyond 250metres. If *Regulatory Services* did not question this claim, that's contrary to information from nearby residents, then the Planning Officers had to question it themselves.

There is evidence of dust from processing of Viridor's IBA on the Lamby Way tip, far further from homes than proposed at Barry. Dust from the tip is evident on windows etc on homes in St Mellons to about 1000m away.

The IBA processing was first allowed by the NRW from January 2015 under the "standard" permit; then evidence of dust raising and carried by winds in the drier weather caused them in April to require a 'risk assessment'. This proved inadequate and the processing was stopped in June.

The report says "Council's Environmental Health department and NRW have *assisted in considering*" dust issues etc. This 'assistance' is environmental information that is not documented, in this report or other public documents. EIA Regs require it is part of the

environmental information that has to be taken into account by Councillors. Planning law says all information considered has to be made public. Writing "assisted" cannot be used to avoid these legal requirements.

History of public nuisance from dusty operations on the Barry docks site.

The Council holds evidence of this and public objections raised the point; the report fails to address it.

Processing of coal was previously refused on this site (1991/01099/FUL) for this reason, though nuisance from dust raised in coalyard operations still continued.

Subsequent use for scrap metal stocking and movement likewise generated public objections to the nuisance dust at homes.

The *Regulatory Services (Environmental Health)* "no objection" does not show they considered evidence on previous nuisance, or public representations raising the issue. As any covering report that may have mentioned it cannot be taken into account, the Planning Officers have to check this nuisance dust evidence and the faulty 300metres claim.

The Planning Officers have omitted to challenge or even question the applicants' dust assessment under the EIA appraisal, despite the unsupported assumptions (claimed to be 'reasonable') that dust would not reach beyond 250metres.

Raymond Brown as applicants present no evidence from their operations at other sites.. Their dust appraisal just argues from winds (measured at Rhoose airport) that pay no regard to the gustier nature of winds in Barry Dock (arising from the complex topography).

IBA dust contains toxic metals etc.

IBA dust from Viridor's incinerator contains high levels of toxic metals in reactive states.

No evidence on this is provided, nor was requested from the applicants. The Inst. for Environmental Health (Edinburgh-based; having long experience of industrial dust) assessed IBA as needing extra precautions because of its toxic components (and suggested a workplace safety factor stricter by a factor 10).

The applicants' dust assessment ignores the toxicity to health; however, Raymond Brown do admit (9 July documents) that the IBA may be so toxic as to be classed 'hazardous waste' and needs to be tested relative to the standards for fully contained waste materials.

Public Health Wales are the appropriate body to advise on the dust toxicity issue. "No comments have been received" (consulted on 15th April 2015), so the issue has not been addressed as required under EIA law.

Planning Policy Wales requires (as quoted by the officers):

- minimising adverse environmental impacts and avoiding risks to human health;

~This shows that avoiding risks to health is an absolute requirement, and not covered by the UDP/LDP minimising and mitigating policies.

It is not met in this case by saying *Public Health Wales* have not commented. It sets a requirement on the Council to obtain proper advice on the risks to health from IBA dust.

The report states misleadingly that “The bottom ash is classified as non-hazardous”, for Raymond Brown’s evidence (9 July) accepts they need to test the IBA to check its ‘hazard’ status from the point of view of waste classification. Tests at the Viridor end are relatively infrequent and allow through ‘hazardous’ loads until several are detected in a row (earlier evidence). Their bi-monthly tests can miss loads driving from short-term worse industrial waste inputs. Raymond Brown has to test in order to cut out any hazardous IBAA from its end.

The evidence is that some of the IBA on site could be classed as “hazardous” waste. In any case, dust from the IBA is a risk/hazard to health that the Planning Report is required to assess.

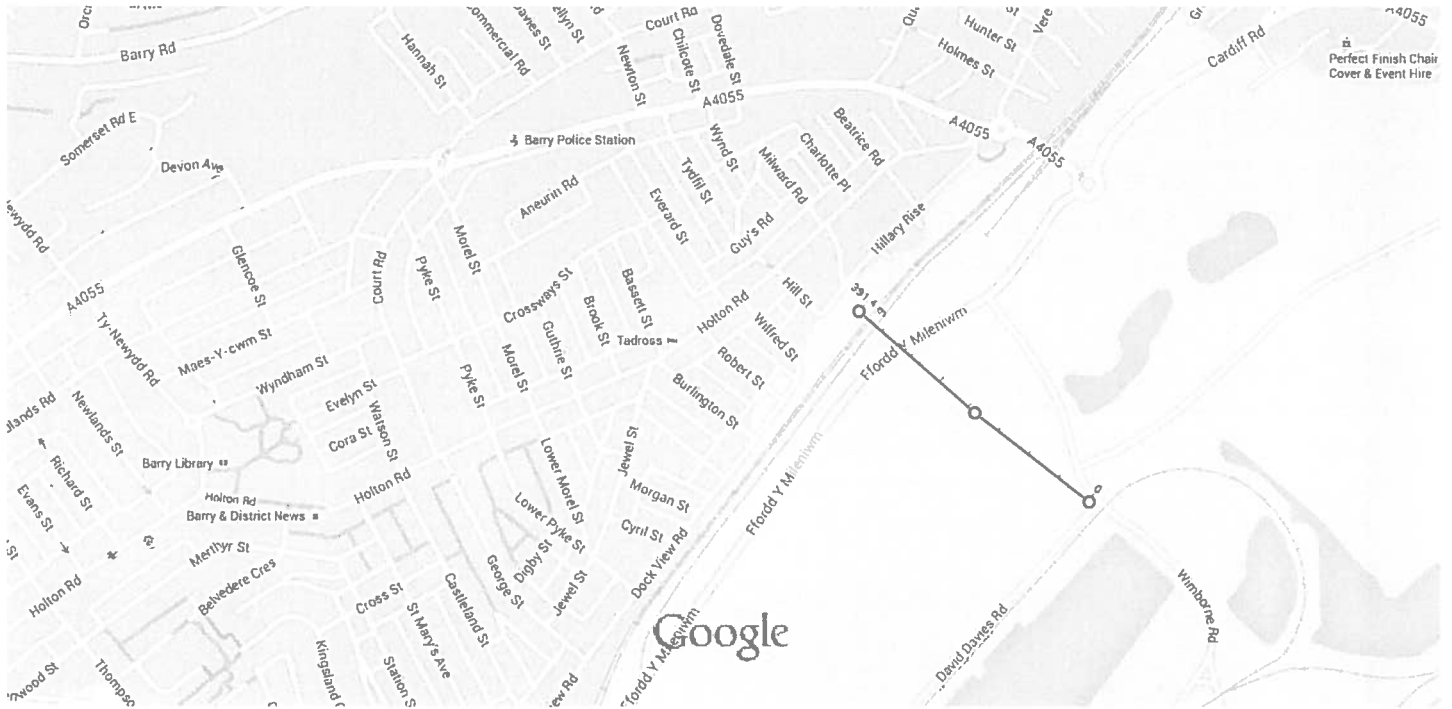
Max Wallis ([REDACTED])
Barry & Vale Friends of the Earth



Google

31 Wimborne Rd

From corner of David Davies Rd, its 190m across the site, then 200m to the closest homes on Hillary Rise



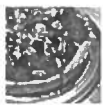
Map data ©2015 Google 100 m

31 Wimborne Rd

Barry, Vale of Glamorgan CF63
3DH



Street View



Explore this area
Search nearby

Measure distance

Total distance: 391.4 m (1,284.14 ft)

6.

LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 3 September 2015

Application No.: 2015/00360/FUL	Case Officer: Mr. Morgan P. Howell
Location: Wimborne Road, Barry	
Proposal: Facility for the recycling of incinerator bottom ash (IBA) to produce aggregates (IBAA) and the recovery of metals	

From:

Steve Bowley- Agent to applicant on this site

Summary of Comments:

The email and statement is with regard to the ESA protocol prepared by the company in response to the comments raised by Max Wallis. The ESA note confirms experience that IBA is non-hazardous (para 4). With regard to the IBA generated by the Cardiff ERF, all the material has been compliant with the sites Environmental Permit. The IBA is presently landfilled at Lamby Way landfill and has been compliant with waste acceptance procedures as a non-hazardous waste (last para). This same material will be processed at the Barry plant. Please note that an Environmental Permit has now been issued for the proposed facility by NRW who clearly have no concerns about the nature of the material.

Howell, Morgan P

From: [REDACTED]
Sent: 28 August 2015 11:01
To: Robinson, Ian
Cc: Goldsworthy, Marcus J; stevecole@aol.com; Howell, Morgan P
Subject: Re: wimborne road
Attachments: ESAsupplimentaryinformation.pdf

Dear Ian - I attach a note on the ESA protocol prepared by the company in response to the comments raised by Max Wallis. The ESA note confirms experience that IBA is non-hazardous (para 4). With regard to the IBA generated by the Cardiff ERF we can confirm that all the material has been compliant with the sites Environmental Permit. The IBA is presently landfilled at Lamby Way landfill and has been compliant with waste acceptance procedures as a non-hazardous waste (last para). This same material will be processed at the Barry plant. Please note that an Environmental Permit has now been issued for the proposed facility by NRW who clearly have no concerns about the nature of the material.

Whilst writing I wish to raise one issue regarding the Committee Report. A condition regarding Landfill Gas has been included (No.22) that we consider unnecessary and unreasonable. I have copied below a previous email exchange with Morgan:

Email from Morgan 10/8/15

Dear Steve,

In addition, just to make you aware, the Policy section did highlight that the site was within close proximity of an old landfill site (around 250m) and there are requirements within Policy WAST3 of the Adopted UDP to safeguard against migrating gas from old landfill sites. I have asked our EHO officer to consider this and also NRW in their comments. From speaking with one of the EHO directly it was considered that this could possibly be dealt with by way of an appropriate worded condition.

SBPC Response

Morgan - Thanks. I cannot imagine this will be an issue given the distance. Nevertheless the proposed IBAA plant is largely open with any enclosed spaces (where gas might collect) in elevated positions with airspace underneath. The development also includes a small number of containers, but these will also rest on the ground without foundations and again the risk of landfill gas accumulating is minimal. I would consider a condition unnecessary in these circumstances. It is a health and safety issue covered by other legislation.

We have also received the following comment from ABP the landowner this morning:

Regarding the gas question, there is no formal landfill site within the vicinity of the IBA site, however this may be a reference to the historic dock tip within the D shaped rail loop across the road? Such sites are common across port land and usually contain a variety of materials dating back to the original construction of the docks. We are not aware it has ever been raised as an issue and do not have any specific information on it. I agree I cannot see how it would impact on your planning.

It appears that the condition stems from a policy response and not a technical response from the EHO. Can I ask that the imposition of this condition be reconsidered. As drafted it is very onerous since it requires the submission of detailed site assessment before the commencement of development, which has the potential to seriously delay the project. As noted above the risk of landfill gas is minimal. If you wish to keep a condition can I suggest that the following would be more appropriate.

'Prior to the a preliminary assessment of landfill gas risk shall be submitted to the LPA for approval. Any measures shown to be necessary to mitigate landfill gas shall be implemented in accordance with the details and programme recommended in the report.'

This will ensure the issue is dealt with whilst avoiding the need for a full assessment prior to commencement.



RAYMOND BROWN AGGREGATES

Re Planning application - 2015/00360/FUL

Supplementary Information

Notes on the ESA (Environmental Services Association) Protocol.

The ESA protocol was derived to ensure the Incinerator Bottom Ash (IBA) despatched from mixed waste EfW facilities complies with UK and EU Hazardous Waste Regulation. This voluntary industry protocol has been produced by ESA and its members with the support of the Environment Agency at national level to provide a reliable method for the classification and assessment of Incinerator Bottom Ash from a mixed and municipal waste incinerator. First published in 2010, it is an organic document and continues to develop to meet changes to relevant UK and EU regulation by discussion and agreement between the ESA, its members and the Environment Agency.

It was derived to comply with EA Technical Guidance WM2 (now WM3) and as an expansion and application of the EA sampling guidelines M4. It utilised data from the majority of operational plants at that time, some of which had up to 10 years of reliable information on IBA. It follows BS and EN (European) Standard methods.

The historical evidence showed that a limited number of species and characteristics were relevant to the assessment of hazard. This assessment is focused on the quality of individual vehicle loads of material. IBA is a granular and heterogenic material at the particle scale but relatively consistent lorry load to lorry load. Earlier work (2007) demonstrated the variability in IBA composition most significant at the analytical stages of sample preparation and testing, rather than between days or time of day or within a lorry load.

Emphasis therefore has been given within the protocol to sampling and testing procedures to minimise this variability. It cannot remove all variability, however. The protocol was derived looking at performance over a long period of time and showed IBA to be non-hazardous, consistent with that similarly produced in the rest of Europe and elsewhere in the world. It has been supported by several investigational projects to reassure the regulators the method is sound. In order to ensure that the correct assessment is made the protocol necessarily looks at a long term statistical approach.

Most of the hazardous properties are not relevant for IBA and so full assessments are carried out less frequently (annually). Those properties that are pertinent to IBA are assessed twice monthly from a restricted suite of analysis.

Materials arriving at the IBA Processing site will have been sampled under the ESA protocol and the ongoing testing will determine its status. Each 'batch' of IBA between sampling campaigns will be identified and remain unprocessed until test results acceptable under the protocol are reported. This ensures that only non-hazardous material is processed.

With specific reference to the Trident Park Energy Recovery Facility we can confirm that all the IBA from the process has been compliant with the site's Environmental Permit and the ESA Protocol. Pending the availability of an IBA processing facility all IBA has been sent to Lamby Way landfill. The IBA has been compliant with their waste acceptance procedures in terms of being a non hazardous waste and no issues have been raised by NRW that we are aware of.

S R G Cole MBA, CEng, CEnv - 27th August 2015

Raymond Brown Aggregates is a division of Raymond Brown Minerals & Recycling Ltd
A1 Omega Park, Electron Way, Chandlers Ford, Hampshire, SO53 4SE. 02380 273750
www.rb-mr.co.uk

7.

LATE ITEMS FOR COMMITTEE

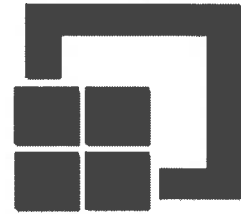
COMMITTEE DATE : 3 September 2015

Application No.: 2015/00549/FUL	Case Officer: Mr. Morgan P. Howell
Location: Former Leisure Complex, Beach Road, Swanbridge, Sully	
Proposal: Proposed new detached dwelling	

From: Applicants agent- Geraint John Planning Ltd

Summary of Comments:

Representation letter expressing the views of the applicant on the merits of the case and the officers report.



Geraint John Planning

Geraint John
E: geraint@gjplanning.co.uk
T : 02920 660244
F : 02920 660243
M : 07531 324325

Sophia House
28 Cathedral Road
Cardiff
CF11 9LJ
www.geraintjohnplanning.co.uk

2nd September 2015

Morgan Howell
Senior Planner (Enforcement and Appeals)
Planning and Transportation Services
Vale of Glamorgan Council

Sent via email: MPHowell@valeofglamorgan.gov.uk

Dear Morgan

**Late Letter of Representation
Full planning application for proposed new detached dwelling at Former Leisure Complex, Beach Road, Swanbridge, Sully (Ref: 2015/00549/FUL)**

This letter constitutes late representations for the attention of the Planning Committee on 3rd September 2015. This letter is submitted by Geraint John Planning Ltd on behalf of the Applicant (Andy Sinclair) in relation to the above.

This letter seeks to respond on matters and issues raised in the Officer's report to committee, and in some respects to reiterate the issues that were previously addressed in our letter to you dated 12th August 2015.

It is evident, as evidenced below in detail, that the proposals have been inadequately and wrongly reported and assessed by Officers. A lack of engagement with the applicant – to confirm important aspects – has led to a distorted view being adopted.

It is the applicants' view that the proposals are an acceptable reuse and redevelopment of this previously developed site, which has inherent considerable capacity in terms of existing use. The location of the site is, as a number of nearby appeal decisions have held, in amongst built form (and not as such an important part of the undeveloped coastline). Moreover the site is sustainably located, and will benefit from further planned improvements in the near future. It is considered, as Officers have previously considered, that this proposal for a single dwelling is preferable to, and will enable the cessation of, the existing uses, replacing an unsightly building in the process.

As such the applicant respectfully urges approval of the application. As a minimum it is respectfully urged that a site visit – in order to fully appreciate the built form on the site and its setting, is necessary.

The applicant's detailed observations on the key issues are as follows.

Main Issues

It is noted from the Officer's report that the Key Issues identified are as follows:

- The current use of the site and planning history;
- The principle of the erection of a dwelling in this location;
- The sustainability of the location;
- The issue of previously developed land;
- The impact upon the character of the countryside and East Vale Coast;
- Impact upon trees protected by a Tree Preservation Order (TPO);
- Highway and parking;
- The impact upon the amenity of neighbouring residential properties.

We agree that these issues are representative of the considerations raised by the proposal, albeit have significantly contrasting views on the acceptability of the proposals.

It should be noted at the outset that **the following matters are considered to be acceptable or positive**, and are not objections to the proposals as such (indeed are factors that weigh in favour of it):

- Highway and parking – there being no objection to this from consultees;
- The impact upon the amenity of neighbouring residential properties – the proposals being supported by neighbouring residents as a result of the improvements that will be brought about, not least the immediate neighbour who's property is currently blighted by the existing building. The immediate neighbour will be corresponding to this end, expressing extreme disappointment at the Officer's report.

In addition it should be noted that **the following issues are neutral or can be overcome**:

- The issue of previously developed land : insofar as agreement to the site's actual status is concerned, even though there are differences of opinion in respect to its considered suitability for redevelopment;
- Impact upon trees protected by a Tree Preservation Order (TPO) – which can be addressed through and by the submission of necessary survey information (to confirm the findings of the Council's Tree Officer - that the proposals are "*unlikely to have a significant bearing on the protected trees within the site*");

Accordingly, the key matters in this case are:

- The current use of the site and planning history;
- The principle of the erection of a dwelling in this location;
- The sustainability of the location; and
- The impact upon the character of the countryside and East Vale Coast.

It should be noted that detailed submissions and evidence on each of these matters has been made previously. Insofar as the Officer's assessment of each of these issues is concerned, as set out in the Officer's Report, the following points are made:

The current use of the site and planning history

The Officer's description of the site and context is extremely misleading. It is stated in the report that "*The buildings on site are currently vacant with no use*" [emphasis added]. Whilst the buildings are currently vacant, it is clear that they have a lawful use and inherent capacity – whether residential, or as a leisure and recreation club. Moreover, the claim that "There are not understood to have been any other uses since that time" [since the building last operated as a leisure complex], is wholly inaccurate. Officer's record in their Committee report when assessing the 2005 that residential use of the building had commenced and was taking place, and have been provided with evidence to confirm this and its more recent use for such purposes.

Whether residential or leisure complex use (the site benefitting from planning permission for this use), the building has a lawful 'fall-back' position – contrary to how Officers have assessed the case. This is a material factor in the consideration of the case.

The principle of the erection of a dwelling in this location

Whilst the site is located in the defined 'countryside' – as per the defined settlement limits, Officers accept and acknowledge that this in itself does not rule out any residential development – not least given that the site constitutes previously developed land, has lawful uses, and that planning policy allows for residential development in certain rural / countryside locations in recognition of their developed nature.



The acceptability of the redevelopment of the site, given all of the above, accordingly rests on whether, notwithstanding its previously developed status, the site is in a sustainable location and is compatible with the form and character of its surroundings.

The sustainability of the location

In terms of sustainability, the site is not isolated or remote. It benefits from a number of available facilities and services in easy walking reach. Officers contradict the content and provisions of the recently adopted Local Transport Plan, by suggesting that the planned cycleway and connectivity improvements to the nearby highways infrastructure are not (despite being clearly identified in the LTP) planned for the short term. The bottom line is of course is that, irrespective of their timing, there are planned improvements to the immediate locality that are committed to by the Council. The evidence points towards early provision of such improvements – which will further improve the site's sustainability.

In any event, Officers do not critically assess and comment on why in 2005 a proposal for a single dwelling on the site in lieu of the leisure complex use was considered to "result in a less intensive use of the site" (with resultant sustainability gains and improvements) whilst now reversing that view and opinion and deeming the leisure and recreation use to be preferable. This is highly inconsistent and contradictory.

Officer claims that the leisure complex use will serve the users of the existing nearby caravan park is mere speculation. There would be no requirement or obligation to do so, and as such customers to the premises could and would conceivably travel some distance to the facility. Such use would be much less sustainable than a single residential dwelling. It was this "cessation of the business use" that was previously considered beneficial by Officers, and should be again in this case.

The impact upon the character of the countryside and East Vale Coast

Officer's assessment in this respect is wholly at odds with, and out of accord, with numerous appeal decisions in the vicinity. Despite Officers asserting that development in this vicinity would have unacceptable impacts, each appeal decision has found the impact in landscape and visual amenity to not be an issue – the locality being held not to form part of the undeveloped coastline, despite its designation as such in the Plan. This reflects the considerable built form in the vicinity.

In terms of the detail of the proposals, and notwithstanding Officer's acceptance that there is a variety of built form in the locality and no set or defining character, the applicant has not been afforded the opportunity to discuss the exact configuration of the proposal, and whether changes to its siting, detail and extent of proposed curtilage etc can be incorporated such that this would overcome any localised impact. It is considered that such dialogue would enable a more productive and acceptable outcome as opposed to opposition to the proposals in principle. Such lack of engagement has led to a distortion of the position and acceptability of the proposals – with wrong assumptions (regarding the extent of the proposed curtilage for example) being damaging to the credentials of the case.

As set out previously, we trust that these points will be reported to committee. Please do not hesitate to contact me if you have any further questions or queries regarding these representations.

Yours sincerely,



Geraint John
Director
Geraint John Planning Ltd.



8.

LATE ITEMS FOR COMMITTEE

COMMITTEE DATE : 3 September 2015

Application No.: 2015/00441/RG3	Case Officer: Mr. I. Robinson
Location: Llanilltud Fawr/Llantwit Major Primary and Infant Schools, Ham Lane East, Llantwit Major	
Proposal: Replacing existing 1FE Primary School with a new 2FE Primary School (Inc. Nursery). Providing Secondary School with approx 5400m2 of new build accommodation and refurbishing the main existing along Ham Lane. Remaining buildings will be demolished to make way for new 3G Pitch and MUGA along with associated car parking and landscaping	

From: Sport Wales

Summary of Comments:

Sport Wales have queried the outdoor play provision at the site. The applicant's agent has confirmed that the requirements for hard surface/play areas would be exceeded and the secondary school space can account for any shortfall in soft play space.

Robinson, Ian

From: Gareth Woodfin <[REDACTED]>
Sent: 26 August 2015 12:38
To: Robinson, Ian
Cc: Jane Wade
Subject: RE: Scanned from a Xerox multifunction device

Hi Ian,

Standards for Schools Premises basically states suitable outdoor space needs to be provided in order to enable:

- a) Physical education to be provided to pupils in accordance with the school curriculum; and
- b) pupils to play outside.

It then refers you to Building Bulletins 103 for area guidelines. BB103 does not apply in Wales therefore our design has been based on BB99 (which actually has increased area requirements over BB103).

The site is also classed as a constrained site; in this case off-site provision needs to be arranged/provided to make up the shortfall...in the case of Llantwit that is technically the secondary school site (if ever actually required). Even though it is a constrained site we are actually exceeding hard surface/play areas and falling short on soft play however this is down to specific requirements and requests of the school to meet their curriculum therefore in principle satisfying standards of School Premises Regulations.

I trust this will satisfy the query.

Kind Regards
Gareth

Payne, Adrienne J

From: Rhodri Edwards <Rhodri.Edwards@sportwales.org.uk>
Sent: 07 May 2015 09:43
To: Planning & Transportation (Customer Care)
Cc: Rebecca Mattingley
Subject: Planning Application No. 2015/00441/RG3 (IR)

Dear Mr Robinson

Planning Application No. 2015/00441/RG3 (IR)

Location : Llanilltud Fawr/Llantwit Major Primary and Infant Schools, Ham Lane East, Llantwit Major
Proposal : Replacing existing 1FE Primary School with a new 2FE Primary School (Inc. Nursery). Providing Secondary School with approx 5400m2 of new build accommodation and refurbishing the main existing along Ham Lane. Remaining buildings will be demolished to make way for new 3G Pitch and MUGA along with associated car parking and landscaping

Thank you very much for your letter dated 28 April 2015 notifying Sport Wales of the above application.

While there will be an increase in playing pitch provision with buildings being demolished to make way for a new 3G pitch and MUGA there will also be increase in pupil numbers with the primary school becoming two form entry. Sport Wales would therefore like to know if the schools have access to sufficient playing field areas to satisfy the Schools Premises Regulations?

I confirm that Sport Wales is discussing this application with Fields in Trust and it supports these comments.

Kind regards

Rhodri Edwards
Sport Wales | Chwaraeon Cymru
Sophia Gardens | Gerddi Sophia
Cardiff | Caerdydd
CF11 9SW

Tel | Ffôn: 029 2033 4935

Rhodri.Edwards@sportwales.org.uk

www.sportwales.org.uk | www.chwaraeoncymru.org.uk

RECEIVED

07 MAY 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

D.E.E.R

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ACTION BY: IR

NO: 24

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Mae unrhyw wybodaeth a geir yn yr e-bost hwn, ac unrhyw atodiadau, yn gyfrinachol. Os derbyniwch yr e-bost hwn mewn camgymeriad, rhowch wybod i'r anfonwr os gwelwch yn dda a'i ddileu ar unwaith. Nid yw datgelu i unrhyw un ar wahân i'r sawl y cyfeirir yr e-bost ato, boed yn ddamweiniol neu fel arall, yn iildio cyfrinachedd yn fwnadol. Efallai y bydd Chwaraeon Cymru'n monitro ac yn cofnodi'r holl e-byst ar gyfer rheoli ansawdd ac at ddibenion hyfforddi. Ac eithrio pan anfonir yr e-bost hwn fel rhan o'n gwaith a'n busnes arferol, mae'r safbwyntiau a fynegir yn yr e-bost hwn yn perthyn i'r anfonwr ac nid i Chwaraeon Cymru. Nid yw Chwaraeon Cymru na'r anfonwr yn derbyn unrhyw gyfrifoldeb am firsau a'ch cyfrifoldeb chi yw sicrhau eich bod yn gwirio'r e-bost hwn ac unrhyw atodiadau am bresenoldeb firsau.

Chwaraeon Cymru yw enw brand Cyngor Chwaraeon Cymru ac mae ei gyfeiriad swyddfa cofrestredig yng Ngerddi Sophia, Caerdydd, CF11 9SW. Mae'n gwmni sydd wedi'i ymgorffori gan Siarter Brenhinol ac mae'n gofrestredig yng Nghymru ac yn Lloegr a'i rif cofrestru fel cwmni yw: RC000579.