

3 PLANNING POLICY CONTEXT

3.1 Introduction

- 3.1.1 This chapter sets out the planning policy and legislative context against which the development proposal will be considered. It provides a broad overview of the context relating to the development proposal, with more topic specific policy and legislation being referred to in individual chapters as necessary.
- 3.1.2 A detailed analysis of the development proposal having regard to the planning policy and legislative context is provided in the Planning Statement that accompanies the application.

3.2 National Legislation and Policy

Well-being of Future Generations Act 2015

- 3.2.1 The Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies to place the principles of sustainability and sustainable development at the heart of its decision-making processes. The objectives of the Act are as follows:

“A Prosperous Wales

- *Promoting resource-efficient and climate change resilient settlement patterns which minimise land take and urban sprawl, especially through the reuse of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites;*
- *Play an appropriate role to facilitate sustainable building standards;*
- *Play an appropriate role in securing the provision of infrastructure to form the physical basis for sustainable communities;*
- *Support initiative and innovation and avoid placing unnecessary burdens on enterprises so as to enhance the economic success of both urban and rural areas, helping businesses to maximise their competitiveness;*

A Resilient Wales

- *Contributing to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems;*

A Healthier Wales

- *Contribute to the protection and, where possible, the improvement of people’s health and well-being as a core component of achieving the well-being goals and responding to climate change;*

A More Equal Wales

- *Promoting access to, *inter alia*, employment, shopping, education and community facilities and open and green space, maximising opportunities for community development and social welfare;*

- *Promote quality, lasting, environmentally-sound and flexible employment opportunities;*
- *Respect and encourage diversity in the local economy;*

A Wales of Cohesive Communities

- *Locating development so as to minimise the demand for travel, especially by private car;*
- *Fostering improvement to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity;*
- *Fostering social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that the development is accessible by means other than the private car;*

A Wales of Vibrant Culture and Thriving Welsh Language

- *Helping to ensure the conservation of the historic environment and cultural heritage;*
- *Positively contribute to the well-being of the Welsh language;*

A Globally Responsive Wales

- *Support the need to tackle the causes of climate change by moving towards a low carbon economy.”*

Planning Policy Wales Edition 12

3.2.2 Edition 12 of PPW was released in February 2024. It remains centred around the well-being goals set out in the Well-being of Future Generations Act 2015 ('WBFG').

3.2.3 The primary objective of the latest version of PPW, set out at paragraph 1.2, is to ensure that:

“The planning system contributes to the delivery of sustainable development and improves the social, economic, environmental and cultural wellbeing of Wales, as required by the Planning (Wales) Act 2015, the Well-Being of Future Generations (Wales) Act 2015 (“the Well-Being Act”) and other key legislation”.

3.2.4 PPW sets out five ‘Key Planning Principles’ (PPW, Figure 4) for achieving the right development in the right place, the first of which concerns ‘Growing our economy in a sustainable manner’.

3.2.5 PPW puts sustainable placemaking at its heart. Four themes are identified in Figure 6 as collectively contributing to placemaking including ‘Productive and Enterprising Places’, which is focused on economic development, tourism, the rural economy, transportation infrastructure, telecommunications, energy, minerals and waste.

3.2.6 Section 5 of PPW is concerned with “Productive and Enterprising Places” - those which promote economic, social, environmental and cultural well-being by providing well connected employment and sustainable economic development. Key issues around the theme include ensuring that there is sufficient employment land to meet the needs and requirements of a range of future employment scenarios.

- 3.2.7 Paragraph 5.3.17 specifically acknowledges the importance of airports, identifying the important role they play in providing national and international connectivity for business. The Welsh Government supports the growth and enhancement of airports and their infrastructure and paragraph 5.3.18 states further that planning authorities should recognise the strategic and local importance of airports and their potential as centres of economic activity.
- 3.2.1 Paragraph 5.4.1 defines economic development as development of land and buildings for activities that generate sustainable long-term prosperity, jobs and incomes.
- 3.2.2 Paragraph 5.4.2 states economic land uses include, but are not limited to, the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. Economic land uses can also include construction, energy, minerals, waste and telecommunications sectors.
- 3.2.3 The Welsh Government seeks to maximise opportunities to strengthen the foundational economy, particularly the food, retail, tourism and care sectors which play such a prominent role throughout Wales; the planning system should be supportive of this aim. Similarly, growth in innovative, emerging technology and high value-added sectors such as advanced engineering, renewable and low carbon energy, digital and bio-technology sectors are also technology and high value added sectors such as advanced engineering, renewable and low carbon energy, digital and bio-technology sectors are also strongly supported. Development plans should consider the role these sectors may play in terms of investment and job creation in their area.
- 3.2.4 Paragraph 5.4.4 states, wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration.
- 3.2.5 Planning Policy Wales Edition 12 refers to enterprise zones within Wales:

“The Welsh Government’s Enterprise Zones are an example of where co-ordinated action can take place to encourage investment in a particular sector in a particular place. Planning authorities should seek to support the development of business networks and clusters particularly in relation to innovative and technology based enterprise.” (Para 5.4.17)

Future Wales: The National Plan 2040 (February 2021)

- 3.2.6 Future Wales is the national development framework, setting the direction for development in Wales to 2040. It sets the direction for investment in infrastructure and strategic development across Wales. It makes clear the importance of planning new infrastructure and development in such a way that they are complementary rather than competing priorities, ensuring opportunities are maximised and multiple benefits are achieved. Key priorities include sustaining and developing a vibrant economy; achieving decarbonisation and climate-resilience; developing strong ecosystems; and improving the health and well-being of communities.
- 3.2.7 Future Wales has been prepared in the context of Wales’ three-tiered development plan system and positioned as the highest tier of development plan. It is of material consideration in plan making and decision making. The strategy seeks to address key national priorities through the planning system, by providing a framework which will direct strategic and local development planning. Being focussed on solutions to issues and challenges at a national scale, it therefore does not allocate development to specific locations nor does it direct specific land uses.
- 3.2.8 A number of challenges and opportunities are identified for Wales nationally, challenges including climate change and Covid-19 and opportunities including progress towards a low carbon economy, renewable energy generation and abundance of natural resources. A changing society,

the need for good quality housing, prosperity and increasing resilience in the economy as well as improved connectivity are also identified as drivers for the next 20 years.

Setting and achieving ambitions

3.2.9 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in PPW. The aim of the spatial strategy and regional ambitions contained within Future Wales is to achieve these outcomes. These outcomes are inter-related and inter-dependent and will improve places and well-being across Wales.

3.2.10 There are 11 outcomes set out in Future Wales which collectively are a statement of where Wales 'wants to be' in 20 years. These 11 outcomes envisage a Wales where people live:

- and work in connected, inclusive and healthy places
- in vibrant rural places with access to homes, jobs and services
- in distinctive regions that tackle health and socio-economic inequality through sustainable growth
- in places with a thriving Welsh Language
- and work in towns and cities which are a focus and springboard for sustainable growth
- in places where prosperity, innovation and culture are promoted
- in places where travel is sustainable
- in places with world-class digital infrastructure
- in places that sustainably manage their natural resources and reduce pollution
- in places with biodiverse, resilient and connected ecosystems
- in places which are decarbonised and climate-resilient.

Spatial strategy

3.2.11 The Future Wales spatial strategy is made up of 36 policies and provides a framework to achieve the outcomes outlined above. This includes identifying and connecting key national and regional centres, providing a basis for long term infrastructure investment, identifying priorities for the planning system and providing a framework for the management of natural resources.

3.2.12 Initial policies in the spatial strategy direct strategic areas for growth, outlining both Regional Growth Areas and National Growth Areas, with National Growth Areas being economically distinct. The National Growth Areas includes, Cardiff, Newport and the Valleys which also includes the Vale of Glamorgan, within which the development proposal is located. Strategic placemaking principles are also introduced to shape urban growth and regeneration in these areas and range from ensuring a mix of uses and housing types to improving walkability and permeability as well as increasing population density. The Welsh Government supports development in the wider region which addresses the opportunities and challenges arising from the region's geographic location and its functions as a Capital Region.

3.2.13 In parallel with the aspirations of PPW, Future Wales' spatial strategy aims to support Welsh Government to address the Climate Emergency through its policies and ambitions.

3.2.14 Future Wales policies that are of particular relevance to the development proposals include:

Policy 3 – Supporting Urban Growth and Regeneration

3.2.15 The policy outlines that the Welsh Government will play an active and enabling role to support the delivery of urban growth and regeneration to ensure that aspirations can be met.

Policy 10 – International Connectivity

3.2.16 The Welsh Government identifies Cardiff Airport as a Strategic Gateway and recognises that the airport itself is located within Bro Tathan Enterprise Zone which offers opportunities for investment in the site and surrounding areas. The Enterprise Zone offers a wide range of development sites and business accommodation, providing opportunities for the development of bespoke facilities or investment in existing accommodation.

Technical Advice Note 23: Economic Development (2014)

3.2.17 Technical Advice Note (TAN) 23 paragraph 1.1.1 states economic development can include any form of development that generates wealth, jobs and income. It is important that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations.

3.2.18 Paragraph 1.2.1 states the economic benefits associated with development may be geographically spread out far beyond the area where the development is located. Consequently, it is essential that the planning system recognises, and gives due weight to, the economic benefits associated with new development.

3.2.19 Paragraph 1.2.2 advises that planning for economic land uses should aim to provide the land that the market requires, unless there are good reasons to the contrary. Where markets work well, this will help maximise economic efficiency and growth.

3.2.20 Paragraph 1.2.7 stipulates that in identifying land for economic uses in development plans, or when determining applications, local planning authorities should apply a sequential test approach. Land in the open countryside should be the third choice, but if the resulting benefits outweigh any adverse impacts of the development, land may be identified in such locations.

3.2.21 Paragraph 2.1.1 is clear that it should not be assumed that economic objectives are necessarily in conflict with social and environmental objectives.

3.2.22 Paragraph 2.1.5 states that where a planning authority is considering a site allocation or planning application that could cause harm to the environment or social cohesion, it should ask three questions to help balance the economic, social and environmental issues:

- **Alternatives:** if the land is not made available is it likely that the demand could be met on a site where development would cause less harm?
- **Jobs accommodated:** how many direct jobs will be based at the site?
- **Special merit:** would the development make any special contribution to policy objectives?

3.2.23 Paragraph 2.1.14 advises that planning authorities should use these criteria comparatively and should assess the additional benefits of development of the subject site (if any) against those of meeting demand in locations where the development would cause no harm (if any).

Technical Advice Note 5: Nature Conservation and Planning (2009)

3.2.24 Technical Advice Note (TAN) 5 provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. The TAN provides advice for local planning authorities on:

- The key principles of positive planning for nature conservation;
- Nature conservation and Local Development Plans;
- Nature conservation in development management procedures;
- Development affecting protected internationally and nationally designated sites and habitats; and
- Development affecting protected and priority habitats and species.

Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)

3.2.25 Technical Advice Note (TAN) 6 provides practical guidance on the role of the planning system in supporting the delivery of sustainable rural communities and highlights the key role the planning system has by ensuring that appropriate development takes place in the right place at the right time, making sufficient land available to provide homes and employment opportunities.

3.2.26 Paragraph 6.2.1 states that when preparing development plans and considering planning applications, planning authorities should consider the quality of agricultural land and other agricultural factors and seek to minimise any adverse effects on the environment.

3.2.27 Paragraph 6.2.3 highlights that agricultural land is classified by grades – 1 to 5, with grade 3 divided into two sub-grades. The best and most versatile land falls into grades 1, 2 and sub-grade 3a and is the most flexible, productive and efficient in response to inputs.

3.2.28 Paragraph 6.2.4 makes reference to the Agricultural Land Classification Map for Wales, noting this is published at a scale of 1:250,000 and provides only a generalised indication of the distribution of land quality. As such, the map is not considered suitable for use for evaluating individual sites and in such cases a resurvey at a larger scale is necessary to obtain a definitive grade.

Technical Advice Note 12: Design (2016)

3.2.29 Technical Advice Note (TAN) 12 promotes a collaborative, creative, inclusive, innovative and holistic approach to design and the use of design briefs is advocated as a route to good design.

3.2.30 Section 5.12 is concerned with the design of employment and commercial areas. Paragraph 5.12.1 stipulates the design of employment areas is important as high quality design can add value to commercial property, support the image of modern businesses and encourage further investment.

3.2.31 Paragraph 5.12.3 makes it clear that where employment premises are grouped together, a sufficient scale of planting and earth forms is essential, to absorb the bulk of the building, ancillary circulation and parking areas. Mixed employment uses would improve the feasibility and viability

of such schemes and care should be taken to avoid the creation of insular estates. Furthermore, efforts should be made to present a positive, outward looking image by ensuring key buildings in the development front onto road and help improve connectivity.

Technical Advice Note 18: Transport (2007)

3.2.32 Technical Advice Note (TAN) 18 highlights the role that integrating land use planning and development of transport infrastructure can play in addressing the environmental aspects of sustainable development. Paragraph 2.3 sets out how integration can help Welsh Government achieve wider sustainable development policy objectives through a number of measures:

- Ensuring new development is located where there is, or will be, good access by public transport, walking and cycling, to minimise the need for travel;
- Managing parking provision – using maximum car parking standards as a form of demand management;
- Encouraging the location of development near other related uses to encourage multi-purpose trips;
- Promoting cycling and walking; and
- Supporting the provision of high quality, inclusive public transport.

3.2.33 Section 7 of TAN 18 is concerned with public transport. Paragraph 7.1 acknowledges that new and improved public transport provision has the potential to provide alternatives to private vehicle use and to change existing travel demands. It states further that where enhanced public transport services or infrastructure is necessary to serve new development, but provision on a commercial basis is not viable, a developer contribution may be appropriate.

3.2.34 Paragraph 8.12 stipulates development which attracts substantial movements of freight, including large scale warehousing and distribution, should be located away from congested inner areas and residential neighbourhoods.

3.2.35 Paragraph 8.19 states that development plans should consider the contribution air traffic makes to the Welsh economy and also consider the benefits of having suitable ancillary or dependent facilities, although this should be balanced against the environmental impact on surrounding areas in terms of road and rail access, traffic and noise generation or floodplain protection.

3.2.36 Paragraph 8.20 states further that in determining planning applications planning authorities need to give careful consideration to the extent to which proposed development is related to the operation of the airport and is sustainable given the existing and planned levels of public transport.

3.2.37 Paragraph 9.2 requires developers to submit a Transport Assessment with any planning applications that are likely to result in significant trip generation. Early engagement with the relevant local highway authority is encouraged.

Technical Advice Note 24: The Historic Environment (2017)

3.2.38 Technical Advice Note (TAN) 24 sets out conservation principles to assess the potential impacts of a development proposal on the significance of any historic asset(s) and to assist in

the decision making where the historic environment is affected. The six principles are as follows:

- Historic assets will be managed to sustain their values;
- Understanding the significance of historic assets is vital;
- The historic environment is a shared resource;
- Everyone will be able to participate in sustaining the historic environment;
- Decisions about change must be reasonable, transparent and consistent;
- Documenting and learning from decisions is essential.

3.2.39 Paragraph 1.12 encourages the use of these principles when considering development proposals and other works to historic assets. There are four heritage values which need to be understood before the significance of the asset can be assessed.

- Evidential value;
- Historical value;
- Aesthetic value;
- Communal value.

3.2.40 An understanding of these values forms the basis of a statement of significance prepared as part of a Heritage Impact Statement.

3.3 Local Planning Policy

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions made under the planning acts should be made in accordance with the Development Plan unless material considerations indicate otherwise.

Vale of Glamorgan Local Development Plan (2017)

Strategic Policies

3.3.2 The overarching strategy of the Local Development Plan comprises four key elements, including ensuring the St Athan area is a key development opportunity and Cardiff Airport is a focus for transport and employment investment.

3.3.3 Strategic Policy SP1, 'Delivering the Strategy', seeks to improve the living and working environment, promote enjoyment of the countryside and coast and manage important environmental assets.

3.3.4 Strategic Policy SP2 allocates land adjacent to Cardiff Airport and Port Road for employment uses as part of the St Athan – Cardiff Airport Enterprise Zone. Furthermore, Strategic Policy SP5 allocates a total of 492ha of land to meet regional and local employment needs.

3.3.5 Strategic Policy SP7 sets out a range of proposed sustainable transport improvements, including improvements to the A4226 between Waycock Cross, Barry and Sycamore Cross (Five Mile Lane). These improvements are now well advanced and should be complete by early 2020.

3.3.6 Strategic Policy SP10 states that development proposals must preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan including conservation areas, Special Landscape Areas and important archaeological features.

Development Management Policies

3.3.7 Policy MG9 allocates land for three strategic employment sites including 77.4ha of land adjacent to Cardiff Airport and Port Road for Class B1, B2 and B8 uses. Supporting text to the policy makes it clear that all three sites are intended to cater for the needs of the aerospace industry and high-tech manufacturing, encouraging investment from the regional and sub-regional market place.

3.3.8 Policy MG10 is concerned with the St Athan – Cardiff Airport Enterprise Zone. The policy states the development of the Enterprise Zone will be guided by a masterplan, which will include the following in relation to the application site:

- New aerospace, education, research and development, manufacturing, office and other ancillary development at the Cardiff Airport and Gateway Development Zone (77ha);
- A 42 hectare extension to Porthkerry Country Park;
- Provision of sustainable transport infrastructure; and
- The incorporation of a sustainable energy centre at the Cardiff Airport and Gateway Development Zone.

3.3.9 With specific regard to the application site, supporting text to the policy reiterates that development in the Enterprise Zone will focus on the aerospace and defence sectors. The policy is clear that it is not allocated to meet local market demand for general industrial or office uses, but rather to accommodate business and employment uses catering specifically for the needs of the aerospace industry and high tech manufacturing.

3.3.10 Policy MG17 is concerned with Special Landscape Areas (“SLAs”). The land to the north of the application site, Nant Llancarfan, is designated as an SLA. Supporting text to the policy stipulates that any development proposal that is likely to have a significant impact on landscape character, or have a significant visual effect within the wider landscape, will need to be supported by a Landscape and Visual Impact Assessment.

3.3.11 Policy MG20 refers to nationally protected sites and species. The policy states that development proposals likely to affect protected species will only be permitted where it is demonstrated that:

- The population range and distribution of the species will not be adversely impacted;
- There is no suitable alternative to the proposed development;
- The benefits of the development clearly outweigh any adverse impacts; and
- Appropriate avoidance, mitigation and compensation measures are provided.

3.3.12 Policy MG21 states development proposals that are likely to have an adverse impact on priority species will only be permitted where the need for development clearly outweighs the conservation value, appropriate and proportionate mitigation and compensation measures can be provided and the development conserves, and where possible, enhances biodiversity interests.

3.3.13 Policy MG28 allocates 42ha of land for the provision of open space and recreational facilities at Porthkerry Country Park. Supporting text to the policy makes it clear that extension will be delivered as part of the first phase of development proposed under Policy MG10.

3.3.14 Chapter 7 of the LDP sets down general development management policies including:

- Policy MD2 – Design of New Development
- Policy MD4 – Community Infrastructure and Planning Obligations
- Policy MD7 – Environmental Protection
- Policy MD8 – Historic Environment
- Policy MD9 – Promoting Biodiversity
- Policy MD14 – New Employment Proposals
- Policy MD15 – Protection of Allocated Employment Sites.

Vale of Glamorgan Replacement Local Development Plan

3.3.15 The Replacement Local Development Plan (RLDP) will help shape development within the Vale of Glamorgan for the next 15 years (from 2021 to 2036). The RLDP is currently at Stage 2 (Political Reporting of the Preferred Strategy Consultation Report), with consultation of the deposit plan expected in Q1 2025. Adoption is expected in Autumn 2026.

3.3.16 Under **Objective 9 - Building a Prosperous and Green Economy**, the Preferred Strategy names the Cardiff Airport Enterprise Zone (comprising the Airport Business Park to the north of Port Road, and the strategic employment site to the south of Port Road, i.e. Model Farm) as an important employment area, enabling delivery of high-quality and skilled jobs, training, and education opportunities. **Sustainable Growth Strategy: 5. Supporting the role of Cardiff Airport as a strategic gateway for international connectivity** also seeks to safeguard land within the Enterprise Zone where appropriate to assist in supporting the role of Cardiff Airport.

3.3.17 The Application Site is allocated in the Preferred Strategy under **Policy SP13: Employment Growth**, as Major Employment Allocation 2. At paragraph 6.27, the Preferred Strategy acknowledges the importance of the contribution of the proposed development, stating:

'Land south of Port Road (Model Farm) Rhoose is currently subject to an appeal for non-determination of an outline planning application for a B1, B2, B8 Business. If the appeal is allowed, the site is anticipated to deliver 1.7 million sq. ft of Class B1, B2 and B8 offices, light industrial and warehousing and distribution units, alongside car parking, landscaping, drainage infrastructure and biodiversity enhancement works which include land for expansion of Porthkerry Country Park to the south (Figure 15). The site's proximity to Cardiff Airport and Bro Tathan alongside future aspirations of Cardiff and Vale College provides the opportunity to develop the area into a high-quality business cluster.'

3.3.18 The emerging policy direction recognises the ambition of the Council to realise the economic benefit of the delivery of employment land at the Application Site to the wider regional economy.