

Submission to PEDW – Reference - PEDW CAS-02641-G8G7M5

Council Reference: 2019/00871/OUT; Site: Land at Model Farm, Port Road, Rhoose, CF62 3BT

Vale Communities Unite Against the Planned Development of Model Farm fervently oppose the building of a business park on land at Model Farm in the Vale of Glamorgan. We have registered with you, as an interested party, and will be attending, with legal representation the Public Inquiry. We would like to formally request four seats at the inquiry, plus spaces for our legal team as appropriate.

We remain opposed to the proposed development at Model Farm and you will have seen previous opposition from us. In addition, we raise the following matters.

It is vital that the inquiry recognises that this proposed development will have adverse implications for the wider area and has already been refused once. The recommendation to Welsh Ministers should be to reject the application and concur with the Planning Committee of the Local Planning Authority.

Through the democratic, quasi-judicial process at the VOG Council, on the 1st March 2023, the Council's Planning Committee clearly opposed the development and voted against it. Council Planning Officers refused to assist the Planning Committee and issue a determination, allowing the Appellant to lodge an appeal. The appeal does not change the fact that a majority of the Planning Committee were opposed to the development and subsequently stated their grounds for opposition.

The grounds that the Planning Committee determined were the prime reasons for refusal were resolved in June 2023, and were: -

'That further to discussion of the matter at Planning Committee meetings on 1st March 2023 and 18th May 2023 and the content of this report, the following putative reasons for refusal be approved: -

- (i) In the absence of an up-to-date preliminary ecological appraisal, the proposed development fails to appraise the biodiversity interests at the site. Therefore, the proposed development fails to incorporate, conserve or enhance biodiversity interests, as those biodiversity interests have not been quantified in the first instance. As a result, the development is contrary to the requirements of Policies SP1 (delivering the Strategy), MD2 (Design of new development) Criterion 10, MD9 (Promoting Biodiversity) and MG19 (sites and Species of European Importance) of the Vale of Glamorgan Local Development Plan 2011-2026 guidance within the Biodiversity and Development SPG, National Guidance contained within Planning Policy Wales 9th Edition 11, 2021), Policy 9 of the Future Wales National Plan 2040 and the sustainable Development Principle No2 of the Wellbeing of Future Generations (Wales) Act 2015;*
- (ii) And The proposed development by virtue of its layout, scale and massing would have a harmful impact on the setting of historic assets. The benefits of the scheme are not considered to outweigh the identified harm to the designated heritage assets. The proposed development is therefore*

contrary to Policies SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Vale of Glamorgan Local Development Plan 2011—2026, guidance within the Porthkerry Conservation Area Appraisal and Management Plan SPG, National Guidance contained within Planning Policy Wales (Edition 11, 2021) and Technical Advice Note (TAN) 24 (the historic environment).

We note this is an appeal under section 78(2) of the Planning Act 1990 i.e. non-determination. The Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017, reg 11 does state that an appellant may not raise any matter which was not before the local planning authority at the time specified in paragraph (2) unless the appellant can demonstrate—

(a) that the matter could not have been raised before that time, or
(b) that it's not being raised before that time was a consequence of exceptional circumstances.

(2) The time specified for the purposes of paragraph (1) is—

(a) when the decision appealed against was made; or
(b) when notice of appeal was given in relation to the local planning authority's failure to—

(i) give notice to the appellant of their decision on the application.

(ii) give notice to the appellant that they have exercised their power under section 70A or 70C of the Planning Act to decline to determine the application; or

(iii) give notice that the application has been referred to the Welsh Ministers under section 77 of the Planning Act, section 12 of the Listed Buildings Act or section 20 of the Hazardous Substances Act.

So arguably the appellant should not have raised any new matter not before the LPA as at the time of the appeal on 29 March 2023. We are disappointed that you appear to have allowed new information to be submitted by the Appellant contrary to guidance and our reasonable expectations, and we ask you formally to exclude any new information presented by the Appellant since 1st March 2023.

The proposed development is undeliverable without substantial public funds.

- There has been substantial construction cost inflation since the Financial Viability calculations were produced, without there being a corresponding increase in rental or sale proceeds in the same period.
- The financial viability reports show the development to be financial unviable.
- The transfer of land to the Council in this hybrid application, leaves the VOG Council with a substantial financial management liability that is unfunded and unquantified in the Statement of Case.

The farm has diversified and is now a major producer of seeds, which do not require the best and most productive land category to grow. This is a material

change in land use, and the farm is now a major contributor to the Welsh farm food chain.

- Model Farm has diversified into wildflowers and agricultural seed production. It also produces wheat, barley and has over 200 cattle including Belted Galloways. The business has over 150 acres in wildflowers, and the business can be viewed at www.wildwales-seeds.co.uk.
- There are too many reserved matters involving the environment which are uncertain. The effect will be to remove the tenant farmer from the land, destroy the farm buildings and effectively remove a barrier to any future revised planning amendment or application. We believe that this is the strategy of the Appellant.

There is misleading information in the Appellant's statement of case

- The Statement of Case document, produced by the Appellant contains false information about public transport access to the airport. There are no plans to provide railway access to Cardiff Airport and no feasibility study or plan exists to enable this to happen. There is also misleading information about active travel routes. One of the reserved matters, is that the Development could not be started (if permission was granted) until an active travel route was in place from Barry to Cardiff Airport. Currently, the Council has drawn up a proposed plan, but does not have funding, and the landowners for the route have made no agreement to sell the land.
- The Statement of Case fails to mention the diversification of the farming activities at Model Farm.
- The Appellant refers, on page four of the Statement of Case, to data from the Homes and Communities Agency (HCA). We contend that this information is inappropriate and should be discarded as the HCA is an English only Non-departmental Public Body and therefore has no relevance to the Welsh Context.

The evidence provided by the appellant about demand for industrial units B1/B2/B8 in South Wales is open to interpretation, and the Appellant is being selective about using data.

- The information provided by the appellant on demand for B1, B2, B8 industrial units is misleading and not supported by evidence. There is an excess of unlet industrial units and land across South Wales and this application is not taking that into account. The principle of this application, being required to address a need for industrial land, is not true.
- Substantial allocation of industrial land located between Newport and Cardiff has taken place since the application was refused by the VOGC Planning Committee. In addition, there are substantial tracts of industrial land available all along the M4 corridor. .
- A new material consideration is that Tata Steel have discontinued the operation of blast furnaces at the Port Talbot site. This in consequence has the effect of releasing huge volumes of industrial land, which is currently brownfield and unused. The economic consequences are that 4,000 people

are being made redundant in the local economy and many thousands more in the supply chain. Welsh Government have expressed desires to provide new jobs, financial support and investment in Port Talbot. New potential employers will be being directed to address these economic realities, rendering the need for a new industrial estate at Cardiff Airport redundant.

- In addition, there are new Freeport arrangements which are being put in place in West Wales. This is inevitably likely to move the focus of new Companies wanting to move to Wales (of which there are currently very few).
- The expected number of jobs being proposed by the applicant varies depending upon which document is being read. These are all conjecture, and not backed up by any factual evaluation, or firm intention by any potential investor or Company.
- The original inclusion of the Model Farm site, in the 2011-2026 Local Development Plan was for an Aviation related industrial estate. The current application has been amended to be B1/B2/B8 industrial use, and therefore any argument that it is important to be close to Cardiff Airport is now false.

There is a lack of capacity for the treatment of sewage and waste water at the Cog Moors treatment plant, where outflows from this site will be sent. No capital plans currently exist to address this matter.

- There are previously expressed concerns about how these new developments (and the Model Farm proposal) will impact upon the existing water and sewage system which will still require hydrostatic assessment, numerous objections have been raised by VCU and others, including Barry Town Council. There are concerns about Combined Sewage Outlets (CSOs) in Barry frequently releasing sewage into the sea at times of heavy rain and storm..
- Increased scrutiny of Water Companies has taken place since this planning application was first made. Welsh Water have been found to be infringing regulations and allowing unlawful discharges into the environment and have been fined by OFWAT, in the sum of £24.1 million in 2024 for failing to meet key performance targets. In 2023 Welsh Water was responsible for releasing sewage into Welsh rivers, lakes and coastal waters for over 916,000 hours – accounting for about 20% of all sewage discharge hours in England and Wales. Allowing and facilitating this Company to support planning applications, where they do not have capital financing in place to provide additional future capacity, is irresponsible and a dereliction of statutory duties about maintaining the environment.
- The proposed solution involving hydrostatic testing is not sufficient mitigation to allow this application to be allowed. The democratic planning process at the VOGC gave a clear indication that the evidence provided was insufficient for the Planning Committee to support the application. It should be rejected on this and other grounds.
- Porthkerry Park has in recent years undergone drainage works and yet it still floods. This will be made worse by Bullbrook and Whitebrook watercourses, which run across Model farm and converge in Porthkerry Park, if the whole 45

hectares of Model Farm is concreted over and there is substantial gravity fed run off into the park.

- We are told that attenuation ponds will be built to slow this water down. However, the Appellant is unable to provide any drawings or plans to show this. VOGC planners, at the Planning Committee meeting on 1st March 2023 were asked if the attenuation ponds would be concrete or earthen and did not know what was planned. The effect of building concrete ponds, for example, in an area of complex wildlife is clearly not going to enhance the biodiversity, as is required by current Welsh Planning Policy.

Traffic congestion between Cardiff Airport will be made worse by the new RLDP. Considerable new housing, and aeronautical college, Aberthaw power station demolition and associated redevelopment, schools and other developments are not being taken into account.

- The VOG Council's Replacement Local Development Plan (RLDP) puts forward numerous housing and development sites within the Western Vale, without any indication of extra infrastructure to accommodate increased traffic.
- The road and traffic data used by the Appellant is out of date and does not take account of the changes to Transport laws and strategy that have been implemented in Wales.
- The Welsh Government does not have an agreed Transport Strategy to support extra road building or associated infrastructure, which the proposed Model Farm development requires to commence site clearance. There are no commitments by anyone to provide the funding required.
- There have been changes to Road Transport since the application was originally made in 2019. The current information on road traffic use in the application is dated and does not take account of Welsh Government strategies (which are in turmoil and not yet finalised). Traffic speed restrictions to 20 mph in Barry are causing backlogs and queues in the whole area which is a new issue.
- In the RLDP there are substantial new proposed housing developments around Rhoose, and Llantwit Major which will exacerbate traffic problems around the airport and into Barry. A new aeronautical College development has been given Planning Permission for a site adjacent to the Airport, a new School exists in Rhoose, with children are being bought from other parts of the Vale and a complete redevelopment of the former power station site at Aberthaw is being proposed. This combination of factors has not been addressed by the Appellants plans.

The Model Farm site is home to many rare species including Bats, European Brown Hares, [REDACTED] Birds, Fungi and insects. This development isolate the site giving no corridors for biodiversity to utilise longstanding routes of access.

- Where will the protected species, that are abundant on the site, go while development takes place? The South East Wales Biodiversity Records Centre (SEWBReC) data evidences the wide range of protected species currently on the site.

- Increased numbers of European Brown Hares have been seen on the open grassland within the site and no mitigation has been provided for them.
- Welsh biodiversity guidance talks about enhancing biodiversity – this proposed development will destroy it.
- Porthkerry Park will be an island – cut off by housing to the east and west, the sea to the south, and the proposed development to the north. There is no possibility of enhancing the biodiversity as it will be isolated and hence irreparably damaged.
- The ‘State of the Nation’ report was released by the RSPB in 2023. This is a comprehensive report on the UK’s current biodiversity, using the latest and best data available. This shows that Wales has suffered from significant loss of plant, animal and fungi species. This shows that Welsh Wildlife has decreased on average by 20% since 1994, and that one in six (18%) of Welsh species are threatened with extinction. This proposed development will accelerate species decline, not as required by Welsh Government guidance, enhance it. The Model Farm site is vital to the biodiversity of the Western Vale of Glamorgan and should be protected from speculative and inappropriate development.
- There are areas of ancient woodland on the site. The Woodland Trust has previously objected to the design and layout of this proposed development, but this has been ignored by the Appellant and the VOG Council. There is inadequate distance between ancient woodland and the proposed development.
- The green wedge between Barry and Rhoose is slowly being eroded, limiting biodiversity and preventing migration routes for wildlife. Taking away the green wedge would negatively impact biodiversity by reducing essential foraging land and wildlife corridors, impacting navigational species such as bats, migrating birds and mammals.

Damage to heritage acknowledged by the VOGC

- The Appellant’s Heritage report lacks independence. It has been produced by a subsidiary company of the Council’s agents, and as such they have a vested financial interest in convincing decision makers to give planning permission.
- The VOG Council agree that damage will be caused to Heritage assets, by the proposed development.
- The Vale of Glamorgan Council’s Conservation Officer has recommended refusal of a previous planning application due to the impact it could have on several Grade II listed buildings and buildings listed as ‘County Treasure’s’ in close proximity.

We have concerns about the independence and integrity of the Appeal process.

- The Chief Planning Inspector at PEDW and the Head of Sustainable Planning at the VOGC are married and both have a history, of presenting this application to the VOG Planning Committee, and being advocates for its approval.. Indeed the first application was presented to the Council by the Current Chief Planning Inspector of PEDW.

- In our view, both presentations were biased in favouring the Appellant in planning matters. We have not seen any checks and balances that the Appeal system has put in place to prevent the impression that this process has an obvious and central duality of interest.

The VOG Council has failed to apply it's own policies on Section 106 contributions, thereby depriving itself of £3.4 million of income. The Council's financial position and that of Welsh Government have declined substantially since the COVID pandemic, which is a new material consideration.

The Parties in this matter cannot be relied upon to provide accurate information. In the Appeal questionnaire provided by the VOG Council, at Question 21, the Council were asked 'Are there any protected species on the site?', to which the Council answered 'no'. The Parties are well aware that there are numerous protected species on the site, but continually Planning Officers at the VOG seek to undermine the issue of harm to biodiversity at Model Farm.

In addition, at question 18 of the Appeal Questionnaire the Council are asked 'would the proposal affect the setting of a listed building or historic asset? And the VOG Council answer 'no'. But the Council's own Heritage Officer has already stated that harm would be made to historic assets, including listed buildings. The Council continues to be inaccurate and, in our view, seeks to mislead the appeals process.