

STATEMENT OF CASE: MODEL FARM 2019/00871/OUT

This Statement of Case is prepared by RPS Consulting UK & Ireland on behalf of Legal & General (Strategic Land) Ltd. (the appellant) in relation to the appeal, in accordance with Section 78 (2) of the Town & Country Planning Act 1990, against the non-determination of application reference 2019/00871/OUT by the Vale of Glamorgan Council (VoGC).

Reason for Appeal

Application 2019/00871/OUT was presented at the VoGC Planning Committee on the 1st March 2023. The case officer's report presented to the Planning Committee recommended that the application be approved subject to conditions and a Section 106 Agreement. The Planning Committee voted against the officer's recommendation. The application was not refused. Members of the Committee were unable to provide reasons for refusal in order for the application to be determined.

Background

The Outline application comprises demolition of existing buildings and erection of 44.79ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, biodiversity provision and ancillary works. All matters are reserved aside from access. The planning application was registered as valid on 7 August 2019.

The application was amended to a Hybrid application comprising an outline application for the demolition of existing buildings and erection of 44.75ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, ecological mitigation and ancillary works (all matters reserved aside from access) within Area A and a full application for change of use from agricultural land to country park (Use Class D2) within Area B on 22 April 2021.

The planning application was previously considered by the Council's Planning Committee, on the 14th July 2021, where it was resolved to grant planning permission subject to a Section 106 legal agreement. The permission was issued on 30th July 2021. That decision was judicially reviewed and subsequently quashed by the High Court on 6th October 2021. The viability assessment submitted by the applicant, that previously had been kept confidential, was made public to resolve the procedural matter that led to planning permission being quashed by the Court.

An Article 18(1) Town and Country Planning (Development Management Procedure) (Wales) Order 2012 ("the Order") Holding Direction was issued by Welsh Government (WG) on the 12th October 2021. This direction restricts the grant of permission by VoGC until a decision has been made on whether the application should be referred to Ministers. Welsh Government requested the Council provide a report that has been considered to a conclusion by the Planning Committee.

Appellant's Case

The appellant's case is sub divided into three parts, Planning Policy, technical matters, and benefits.

Planning Policy

There are no areas of difference between the appellant and the content of the Officer's report. The appellant is content with the conditions proposed to be attached to a planning permission and the heads of terms for a S106 agreement.

The Development Plan

The planning application is consistent with Policies MG9 – Employment Allocations & MG10 St Athan - Cardiff Airport Enterprise Zone of the Vale of Glamorgan Local Development Plan 2011-2026 (LDP). The granting of planning permission would lead to the implementation of LDP Policy MG9 (2), MG10, SP2 (3) Land adjacent

to Cardiff Airport and Port Road, Rhoose (part of St Athan – Cardiff Airport Enterprise Zone) Allocated Uses: B1, B2, B8. The application site is part of the area contained within the Cardiff Airport and Gateway Development Zone

Future Wales: The National Plan 2040, which was put in place more recently than the LDP, makes specific reference (Policy 10) to the Enterprise Zone, within which the application site is located. Policy 10 notes a wide range of development sites and business accommodation, providing opportunities for the development of bespoke facilities or investment in existing accommodation in the Enterprise Zone.

Planning Policy Wales

The primary objective of Planning Policy Wales (Edition 11) (PPW) is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental, and cultural well-being of Wales. PPW paragraph 1.18 states a plan-led approach is the most effective way to secure sustainable development. Site allocation policies such as MG9 and MG10 are at the core of a plan led approach that has been subject to the scrutiny of a public examination and tested for soundness by an independent Inspector. For decision making there is a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise.

Section 5 recognises that “A Prosperous Wales can be achieved through increased economic activity across all sectors and at all scales.” It continues at paragraph 5.4.4, “Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration”.

Returning to para 1.19, PPW states “The planning system should be efficient, effective and simple in operation. It is not the function of the planning system to interfere with or inhibit competition between users of and investors in land. It should not discriminate against or favour any particular group or members of society.”

Technical Matters

Matters such as agricultural land classification, heritage and flood risk were taken into account prior to the principle of development being established at the application site in the adopted LDP.

The VoGC Conservation Officer agreed with the conclusions of the Built Heritage Statement that there will be varying degrees of harm to the setting of historic assets and could not support the application. Given the application is consistent with the LDP and the extent of benefits associated with the proposals the weight is in favour of planning permission being granted. Cadw has no objection to the proposed development. Glamorgan and Gwent Archaeological Trust considered the proposed development to be acceptable and a condition sought was added (#16).

In reaching a recommendation for approval the Planning Officers considered the strategic importance of the location of the application site, coupled with the economic benefits associated with the development of this site to weigh significantly in favour of its development, such as to outweigh the identified impacts to the heritage assets. The use of a significant part of the site as an extension to Porthkerry Country Park as well as the management of lighting are also considered by the Planning Officers to assist in mitigating the identified harm.

The site is not located within a Flood Risk Zone and there is a very low risk of surface water flooding to the site.

The vast majority (98.3%) of the land is graded 3b or less. This grade is not considered to be the best and most versatile agricultural land afforded protection in planning policy.

VoGC (Transport and Road Safety) considered the proposals acceptable in relation to active travel and public transport. The VoGC Highways Engineer raises no objection in relation to traffic generation/congestion.

Policy MG10 requires an extension to Porthkerry Park. The 48-hectare extension to the park, which is part of the planning application, will facilitate public access to enjoy the environment. Initial works will include new footpaths, trails, footbridges, together with associated signage and furniture. It is possible to re-create habitat

on land proposed to form the Porthkerry Country Park extension as well as on site. In order to facilitate these works and on-going maintenance a financial contribution is agreed.

Just over 10 hectares of green space will be retained within the business park. Overall, the proposals will result in:

- nearly two miles (3.01 km) of new hedgerows, plus 300m of hedgerows to be restored through additional planting;
- nearly 4 acres (1.5 hectares) of hazel dominated scrub planting;
- nearly 2.5 acres (1 hectare) of scrub planting; and
- over 6 acres (2.5 hectares) of new broadleaved woodland planting.

Natural Resources Wales (NRW) has no objection to the proposed business park. The Council's Ecologist has stated that the mitigation target set out within the Biodiversity and Development SPG has been met.

There is no overriding technical objection that would prevent planning permission from being granted. There is no objection from any statutory consultee.

Benefits

An objective of the LDP is to create a cluster of economic activity around Cardiff Airport. Progress to date has included the location of Aston Martin at St Athan.

The proposed business park sits immediately adjacent to the airport. Across the Port Road from the proposed business park is the site for the Cardiff and Vale College new campus investment. This includes a dedicated centre for advanced manufacturing technology. Cardiff and Vale College has 30,000 full time equivalent students and is one of the UK's largest further education institutions and the largest provider of Apprenticeships in Wales.

The completed business park has the potential to (support) significant financial benefit for the local residents in sectors that will pay in excess of the current average for the Vale of Glamorgan. Overall, the development is expected to result in net additional wages of up to £26 million in the construction phase and £94 million in the operational phase.

Access improvements to the business park include a section of active travel corridor to form part of the route between Cardiff Airport and Barry. It would also combine with the active travel linkages between Rhoose to Barry, as well as Five Mile Lane and Culverhouse Cross to Cardiff Airport.

The proposals also include measures for public transport. In addition, land at the business park is safeguarded for a rapid transit link between the Vale of Glamorgan railway and Cardiff Airport. The extent of land to be safeguarded was determined in collaboration with Transport for Wales. The land safeguarded is sufficient to accommodate a station as well as the rail link. When complete, this will greatly improve wider Airport accessibility via public transport.

Green space at the business park could be used for exercise, work breaks and lunch breaks. Wellbeing will be enhanced more broadly as it is anticipated that the extension to Porthkerry Country Park will result in increased visitors. The demand and interest in access to green and healthy environments has increased as people strive to achieve a balance between work, home and recreation.

Sutton Consulting and RPS completed a Delivery Report (ref: Parc Busnes Porth Cymru 191004) for the business park, which sets out the contribution the development would make to the supply of employment land in the Cardiff Capital Region. There is a lack of Grade A employment floorspace in the B1, B2 & B8 markets and a lack of readily developable employment sites. This is now a structural weakness of the Welsh economy. There are few international class strategic sites of this nature that can underpin Wales' inward investment efforts to attract or retain mobile projects, particularly in value added sectors.

Construction is estimated to last up to 10 years and generate up to 1,050 person years of construction sector employment. This equates to the creation of 104 full time equivalent jobs.

When built and functioning as a business park the development has the potential to generate gross wages of £127 million, and when factoring in leakages this equates to a £94 million net increase in local wages. Based

on the overall floorspace of the proposed development (circa 160,000m²) and using Homes & Communities Agency (HCA) indicative floorspace densities, the anticipated level of employment floorspace could create the capacity to accommodate approximately 1,000s of Full Time Equivalent (FTE) jobs.

Conclusion

As per the Well-being of Future Generations (Wales) Act 2015 “Sustainable Development” means the process of improving the economic, social, environmental, and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals. The seven well-being goals are pursued simultaneously by the proposed development.

1. The employment opportunities generated, and training will allow people to take advantage of the wealth generated through securing decent work and contribute to a prosperous Wales.
2. The onsite green space and sustainable drainage, biodiversity mitigation and enhancement as well as the extension to the Country Park enhances the natural environment to support social, economic and ecological resilience and the capacity for a resilient Wales.
3. A contribution to a healthier Wales will be possible as space at the business park could be used for exercise, work breaks and lunch breaks. The extension to Porthkerry Country Park will result in increased visitors. In addition to which there is a contribution to an active travel route.
4. Access to employment and training enables people to fulfil their potential no matter what their background or circumstances to achieve a more equal Wales.
5. Active travel and public transport measures to a modern attractive business park situated within an Enterprise Zone will contribute to a Wales of cohesive communities.
6. The proposed business park is located adjacent to Wales’ international airport. The proposed development will be part of one of a few Enterprise Zones in Wales. The development will encourage a Wales of vibrant business culture and embrace the Welsh language.
7. When improving the economic and social well-being of Wales via the proposed business park the biodiversity management, building techniques and materials as well as means of transport will make a positive contribution to a globally responsible Wales.

Applications for planning permission must be determined in accordance with the adopted development plan for the area unless material considerations indicate otherwise. Application reference 2019/00871/OUT should be granted planning permission as recommended in the report presented to the Planning Committee in March 2023.

Following submission of this appeal if the Vale of Glamorgan Council presents reasons for refusal the appellant will address the reasons for refusal in evidence as part of the appeal procedure.