

IN THE MATTER OF AN APPEAL AGAINST NON-DETERMINATION OF APPLICATION

REFERENCE 2019/00871/OUT

IN THE MATTER OF LAND AT MODEL FARM, PORT ROAD, RHOOSE

FINAL COMMENTS

1. This statement sets out the final comments of the Vale of Glamorgan Council ("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 submitted by RPS Consulting UK & Ireland on behalf of Legal & General (Strategic Land) Ltd.
2. Confirmation of the validation of the appeal was received by the Authority on the 11th November 2024. Following a review of the submitted appeal documents, it was apparent that new ecological evidence had been included relating specifically to the Council's previously agreed putative reasons for refusal formed part of Legal & General (Strategic Land) Ltd' case.
3. On the 16th January 2025, a special planning committee was held to discuss the merits of the new evidence and examine the Council's position in light of said evidence.
4. In line with the advice provided by external consultants at the meeting, members discussed the merits of the new evidence and whether this impacted /changed the previously agreed putative reasons for refusal and subsequently voted on whether they wished to maintain the Council's defence at the appeal inquiry.
5. The Council resolved that following the submission of new ecological evidence, that was not before the Council at the time when it resolved its putative reasons for refusal;

(a) Reason for Refusal (i) has been superseded by the submission of new ecological evidence that was not before the Council at the time when it resolved its putative reasons for refusal and so is withdrawn and

(b) upon revisiting the weighing of the harm to heritage assets against the benefits, in light of the new evidence, the Council also withdraws putative reason for refusal (ii).
6. In withdrawing the previous agreed putative reasons, for the reasons outlined above, the Council does not consider that taking an active role in the appeal inquiry proceedings is justified or in the public interest. The Council will therefore not be presenting any evidence or calling any witnesses to appear on behalf of the Council. We trust that in light of this, the Council does not need to complete the "Inquiry Timetable Form".
7. Notwithstanding the above, the Council respectfully requests that the Inspector considers the following material planning considerations during the appeal proceedings, namely;
 - The recording of the original Vale of Glamorgan Planning Committee on the 1st of March 2023. This recording provides the Council's full analysis of the planning application, deliberation of the material planning considerations and their rationale to vote against the officer's original recommendation.

The recording can be accessed via the attached link:

<https://www.youtube.com/watch?v=uhme1eV6lP4>

- On the 11th of October 2023 the Minister for Climate Change wrote to Local Authorities setting out that Chapter 6 of PPW was being updated with immediate effect. The changes that comprised the update were set out in an annexe to the Ministers letter. 2.2. Chapter 6 of PPW relates to Distinctive and Natural Placemaking and Well-being.

The changes to this Chapter focus on its biodiversity and green infrastructure aspects, and the sections that have been amended are 6.2 'Green Infrastructure', 6.4 'Biodiversity and Ecological Networks', and 6.6 'Water and Flood Risk'.

The policy changes to Chapter 6 of PPW were not in place at the time when the Planning Committee voted against the officer's original recommendation (1st March 2023), and subsequently when the Council resolved its putative reasons for refusal (18th May 2023).

The subsequent change in National Planning Policy should be given appropriate weight when considering the merits of the planning appeal proposal as a whole.