



VALE OF GLAMORGAN COUNCIL

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended)**

Section 78 Appeal

WRITTEN STATEMENT

**Appeal by Legal & General (Strategic Land) Ltd
Site at Land at Model Farm, Port Road, Rhoose, CF62 3BT**

**TOWN AND COUNTRY PLANNING (REFERRED APPLICATIONS AND APPEALS PROCEDURE) (WALES)
REGULATIONS 2017**

PLANNING INSPECTORATE REF. NO: CAS-02641-G8G7M5

VALE OF GLAMORGAN REF. NO: 2019/00871/OUT

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1. INTRODUCTION

- 1.1 This appeal relates to the decision of the Vale of Glamorgan Council to refuse to determine a planning permission for the '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.' at Land at Model Farm, Port Road, Rhose, CF62 3BT.

2. PLANNING APPLICATION / APPEAL HISTORY

- 2.1 The planning application was registered on 22nd April 2021 and was originally considered by the Vale of Glamorgan Council's Planning Committee on 14th July 2021, where it was resolved to grant planning permission subject to a Section 106 legal agreement that was subsequently signed, and the permission was issued on 30th July 2021. That decision was judicially reviewed and subsequently quashed by the High Court on 6th October 2021 on the sole ground that the officer's report advised Members that the viability reports could not be released to the public.
- 2.2 The application was subsequently reported to the Vale of Glamorgan Council's Planning Committee on 1st March 2023 with the report recommending that the application be approved subject to conditions and a Section 106 Agreement. A copy of the officer report is attached for information as Appendix 1. The Planning Committee voted against the officer's recommendation and it was agreed that the application would be deferred to allow further consideration of the reasons for refusal of the application.
- 2.3 On 29th March 2023, the LPA were notified that the applicant had submitted an appeal against the non-determination of the application.
- 2.4 On 18th May 2023, a special Planning Committee meeting was held where the motion in support of defending the Council's position at appeal was passed and two putative reasons for refusal were agreed, the first relating to a lack of up-to-date ecological information and the second, relating to the impact of the development on historic assets.
- 2.5 On 12th December 2024, a further report was presented to the Planning Committee which advised that on review of the submitted appeal documents by the agent on behalf of Legal & General (Strategic Land) Ltd, the appeal documents now included new evidence, which was considered material to the determination of the appeal. It was confirmed that the new evidence, in the form of an Environment Statement (ES), was requested by Planning and Environment Decisions Wales (PEDW) in its ES Completeness Report issued in respect of the appeal. The ES superseded the original ES dated July 2019 and the subsequent ES Addendum dated April 2021. The ES had been prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, and its aim was to provide the

local planning authority and PEDW, when determining the planning appeal, with sufficient information to allow it to properly assess the likely significant environmental effects of the scheme. Whilst the Council had submitted their Statement of Case, the meeting had been organised with the Planning Committee members to discuss the merits of the new evidence, which would inform the Council's position when providing final comments on the appeal to PEDW. The meeting was adjourned to be reconvened at a later date to further consider the consultant's report.

- 2.6 On 16th January 2025, a special Planning Committee was held to discuss the merits of the new evidence and to examine the Council's position in light of the new evidence. The Council resolved that following the submission of new ecological evidence, that was not before the Council at the time it resolved its putative reasons for refusal;

(1) That reason for refusal 1 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

(2) That 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 2.

- 2.7 Furthermore, in withdrawing the previous agreed putative reasons, for the reasons outlined above, the Council did not consider that taking an active role in the appeal inquiry proceedings was justified or in the public interest.

- 2.8 On 20th January 2025, the Council's final comments were sent to PEDW which confirmed that it would not be presenting any evidence or calling any witnesses to appear on behalf of the Council.

- 2.9 The final comments also requested that the Inspector consider 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=uhme1eV6IP4>

- 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.

3. THE LOCAL PLANNING AUTHORITY'S STATEMENT

- 3.1 On 17th February 2025, the LPA received a request from PEDW requesting that the LPA be represented at the inquiry and that a statement be provided to address a number of matters including:

- (1) The adequacy of the environmental statement
- (2) Planning conditions
- (3) Planning obligations
- (4) Policy updates

- 3.2 The following comments therefore represent the LPA's response to the above matters.

(1) The Adequacy of the Environmental Statement

- 3.3 The LPA considers that the ES contains the level of information required for the reasons set out in PEDW's 'Assessment of Environmental Statement' issued on 30 October 2024.

- 3.4 As a result of the further ecology surveys and associated reports, culminating in the submission of the updated Environmental Statement including an additional chapter on Ecology (Chapter 9), the LPA were satisfied that its previous concerns regarding the lack of up-to-date ecological information had been overcome and withdrew its putative reason for refusal 1.

(2) Planning Conditions

- 3.5 The LPA has prepared a draft schedule of planning conditions which are the same conditions that were reported to the Planning Committee when it considered the planning application on 1st March 2023. A copy of the draft schedule is attached as Appendix 2.
- 3.6 The LPA has sent a copy of this schedule of conditions to the appellant and VCU and requested that any comments be submitted to it by 11th March 2025.

It is anticipated that a final schedule containing any comments received from the appellant and VCU will be sent to PEDW by 18th March 2025.

(3) Planning Obligations

- 3.7 At the time the planning application was reported to the Planning Committee meeting on 1st March 2023, the following Heads of terms for the Section 106 Agreement were agreed:
- 48ha extension to Porthkerry Country Park as indicated on plan reference JCD0064-003 210511, to include transfer of the land to the Council at nil value and a commuted sum of £531,500 toward facilitation, access, ecology mitigation and maintenance.
 - Transfer of a 10m wide section of land to the Council along southern side of Port Road as indicated on plan reference JCD0064-003 T 210511, at nil value, for provision of an active travel route.
 - The safeguarding of land for a rapid transit corridor and relocated hotel parking as indicated on plan reference JCD0064-003 T 210511, for 10 years, and a further 10 years if evidence of a detailed design is presented by Transport for Wales within three months of the expiry of the initial period.
- 3.8 The LPA considers that the above Heads of Terms remain an appropriate contribution in order for the development to proceed.
- 3.9 It is anticipated that a draft Section 106 Agreement agreed with the appellant will be prepared and sent to PEDW by 18th March 2025.

(4) Policy Updates

- 3.10 The LPA has identified the following policy updates that are relevant to the appeal proposal:

National Planning Policy Changes

Planning Policy Wales

- 3.11 Planning Policy Wales (Edition 12) was published in February 2024. The key substantive changes that would be relevant to this application is the amendments to Chapter 6 on Distinctive and Natural Places. 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 primary changes to PPW are as follows:
- **Green Infrastructure:** stronger emphasis on taking a proactive approach to green infrastructure covering cross boundary considerations, identifying key outputs of green infrastructure assessments, the submission of proportionate green infrastructure statements with planning applications and signposting Building with Nature standards.

- **Net Benefit for Biodiversity and the Step-wise Approach:** further clarity is provided on securing net benefit for biodiversity through the application of the step-wise approach, including the acknowledgement of off-site compensation measures as a last resort, and the need to consider enhancement and long-term management at each step. The use of the green infrastructure statement as a means of demonstrating the stepwise approach is made explicit. A simplified diagram of the policy approach has been developed (which will be further refined in the consolidated version of PPW12). The importance of strategic collaboration to identify and capture larger scale opportunities for securing a net benefit for biodiversity is recognised.
- **Protection for Sites of Special Scientific Interest:** strengthened approach to the protection of SSSIs, with increased clarity on the position for site management and exemptions for minor development necessary to maintain a 'living landscape'. Other development is considered unacceptable as a matter of principle. Exceptionally, a planned approach may be appropriate where necessary safeguards can be secured through a development plan.
- **Trees and Woodlands:** closer alignment with the stepwise approach, along with promoting new planting as part of development based on securing the right tree in the right place.

Local Planning Policy Changes

Economic Development, Employment Land and Premises

- 3.12 The Council has published new Supplementary Planning Guidance on Economic Development, Employment Land and Premises. This SPG was approved by Cabinet on 27th February 2023, but was subject to a call-in leading to a members' briefing session to consider this SPG and another SPG document on Retail and Town Centre Development. The feedback from this session was subsequently considered by Cabinet on 23rd May 2023, where it was resolved that no further amendments should be made to the SPG that was approved on the 27th February 2023. The document is available here: [Employment SPG English - March 2023](#)
- 3.13 The Economic Development, Employment Land and Premises SPG has been prepared to support key employment policies contained within the adopted LDP. It sets out the key considerations for new employment development in respect of good design and placemaking; context and character; public realm and landscaping; biodiversity; active travel and accessibility; parking provision and sustainability and climate change.

Trees, Woodlands, Hedgerows and Development

- 3.14 The Trees, Woodlands, Hedgerows and Development SPG was updated in January 2025 to reflect changes to national policy as set out in PPW (Edition 12). This included a change in the replacement planting ratio from 2:1 to 3:1 as per PPW. The amended document is available here: [Final Trees, Woodlands, Hedgerows and Development SPG 2025](#)

Other relevant evidence

- 3.15 The Committee Report refers to other relevant evidence or policy guidance. There are the following updates:
- Vale of Glamorgan Local Development Draft Review Report (November 2021) was finalised in May 2022: [Final Review Report PDF](#)
 - Vale of Glamorgan Corporate Plan 2020-2025 – an updated draft Corporate Plan 2025-2030 has now been published for consultation

Employment Land Study (March 2023)

- 3.16 As part of the evidence base for the Preferred Strategy for the Replacement Local Development Plan 2021-2036, an Employment Land Study was published (March 2023). The report states “Model Farm is an employment proposal for Legal and General owned land in the east of the Land adjacent to Cardiff Airport and south of Port Road, Rhose. A Hybrid planning application (App. No.2019/00871/OUT) was submitted, in outline, 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 and, in full, and a change of use from agricultural land to country park. This proposed the development of B1, B2, B8 premises along the southern side of Port Road and environmental mitigation/country park to the south. An approval of the application was quashed by the High Court in October 2021, following concerns being raised with issues including the publicity of viability evidence. The application remains under review. Agents for Legal and General have confirmed that the investor remains committed to a development here but is taking a long term view about when the scheme might come forward. It still sees strong potential here for a high-quality business cluster reinforced by Cardiff and Vale College’s investment nearby. It has stated that there is a development partner for the project.”
- 3.17 The study concludes that the Model Farm site, as part of the Land adjacent to Cardiff Airport and Port Road, Rhose, should continue to be protected for B-class use in the new LDP. It states “There are two key investors who continue to express a strong interest in delivering strategic schemes here. Delivery of the new Cardiff and Vale College Campus would be a key anchor facility to encourage further investment, particularly on the rest of the Council's land. Delivery of a large proportion of the identified land thus remains likely to 2038, supported by wider Welsh policy including the Vale’s inclusion in the South East Wales Growth Area, a focus within Wales for economic development and investment. The site should continue to be protected in the Replacement LDP as strategic employment land. At present, the realistically developable area of employment land within the wider allocation is some 61.05 ha, including Model Farm and the Airport Business/Commercial Park and excluding land proposed for a Country Park /environmental mitigation and the Advanced Technology Centre as a non B-Class facility.”
- 3.18 The study and Appendices can be found here: [Microsoft Word - ELS Report - Area Proforma 22](#) and [Microsoft Word - ELS Report - Area Proforma 22](#)

- 3.19 The conclusions and recommendations of the report will be considered as part of the Replacement LDP.

Replacement Local Development Plan

- 3.20 The Preferred Strategy for the RLDP was published for consultation in December 2023 and, following consideration of the Initial Consultation Report, the Strategy has been approved as the basis for the Deposit Plan, which is planned for public consultation later in 2025. Whilst it is recognised that the RLDP has no weight in this decision, which will be made in accordance with the adopted LDP, it is worth noting that Policy SP13 of the RLDP Preferred Strategy on Employment Growth identifies the 44.75 Ha Model Farm site as a major employment allocation based on the recommendations of the Employment Land Study. The Preferred Strategy does, however, reference the current position in respect of the site, stating “An appeal for non-determination has been submitted to the Planning and Environment Decisions Wales (PEDW) for an outline planning application for a B1, B2, B8 Business Park on the southern site (Model Farm). Consideration will be given to the outcome of this appeal when determining the status of this site within the Deposit RLDP.”

Draft Regional Transport Plan

- 3.21 It would also be worth noting that the Draft Regional Transport Plan for Cardiff Capital Region was published for consultation on 24th February 2025.

“Optimising National Airport”

- 3.22 The South Wales economy has a strong aviation ecosystem of which Cardiff Airport and Bro Tathan are the economic enablers at the centre of this. It is vital that these sites are well connected in order to support their commercial development and the opportunities that they can bring to the Region in areas such as maintenance, repair and overhaul, development of sustainable aviation fuels, an ever-growing freight offering, and other future innovations, as well as supporting a thriving tourism offer for the Region.
- 3.23 It is critical that we work with WG to maximise the opportunities that the airport has to offer following its announcement to invest a further £206m over a 10-year funding deal to enable these aspirations to be realised. CCR’s ambitions to provide clean and sustainable transport which will enhance connectivity to and from the airport, will be vital for the success of the airport going forward. Improved connectivity to rail, bus and road transport networks are all critical to ensure that the Region makes the most of its assets capable of bringing improvements in opportunity and productivity to drive the growth of the Region. Mixed with the opportunities that come through the use of more sustainable methods in this sector, all make for a proposition that brings connectivity and sustainable growth to the Region.
- 3.24 The following policies have been developed to support interventions that secure the future of Cardiff Airport and raise its profile as a national and international transport interchange. These policies provide the opportunity to improve

sustainable access to the airport and encourage sustainable onward journeys to the rest of the Region, supporting our tourism industry. Supporting the development of the Airport to increase its route network and cargo capabilities is key to fostering trade and accessing global markets more efficiently.

Aviation policies

- 3.25 AV1 - Deliver a lower carbon, accessible, integrated, and reliable transport network, for both staff and passengers to access the airport, which also facilitates sustainable access to the neighbouring Bro Tathan Business Park.

This will be achieved by;

- Working with the airport and transport operators to identify potential routes based on evidence of demand.
- Collaborating with transport operators to identify opportunities for better integration of rail and bus travel to the airport.

- 3.26 AV2 - Maximise the airport's transport role as a national and international transport interchange and gateway into Wales for business and leisure travellers.

This will be achieved by;

- Creating an environment to encourage growth of airlines and commercial partners.
- Collaborate with the airport and WG to investigate opportunities to expand the route network.
- Working with Bro Tathan business park and aviation and aerospace businesses in the Region to better understand what measures at the airport are needed to increase investment.
- Supporting opportunities to grow the existing cargo facilities at the airport via a new cargo terminal."

- 3.27 Whilst the policy updates provided above have been identified as relevant to the appeal proposal, it is not considered that these change the Council's current position.

4. CONCLUSION

- 4.1 The above statement addresses the current position of the LPA in relation to the adequacy of the environmental statement and policy updates. It is anticipated that further information regarding planning conditions and planning obligations will be forward to PEDW by 18th March 2025.