

APPEAL BY: LEGAL & GENERAL (STRATEGIC LAND) LTD.

LAND AT MODEL FARM, PORT ROAD, RHOOSE

**OPENING STATEMENT
ON BEHALF OF THE LOCAL PLANNING AUTHORITY**

1. The Vale of Glamorgan Council attends this inquiry in order to assist the Inspector determining the appeal against non-determination of this hybrid application comprising an outline application for a new business park and a full application for a country park at land at Model Farm. The Council is strictly neutral in this respect. As a result of changes in circumstances since the appeal was lodged, its putative reasons have now fallen away and the Council does not propose playing any active role in objecting to the scheme. This does not, however, preclude any individual Members of the authority from making their own cases to the Inspector.
2. The planning application has a long history.
3. The application was originally submitted on 7 August 2019 and amended to hybrid form (having originally comprised the business park element only) on 21 April 2021. The Council granted planning permission on 30 July 2021. A judicial review was lodged in respect of the grant by Ms Maxine Levett and was conceded by the Council on 6 October 2021, following pre-application correspondence, because the Council had not made public the viability evidence that informed the decision.
4. The application was then subsequently taken to Planning Committee on 1 March 2023, and the matter was deferred for consideration of reasons for refusal. Before such time as it could be brought back to Committee, the Appellant appealed against non-determination on 29 March 2023.

5. On 18 May 2023, the Committee met and two putative reasons for refusal were agreed: the first related to the absence of an up-to-date preliminary ecological appraisal, resulting in a failure to appraise the biodiversity interests at the site; the second related to the harmful impact on the setting of historic assets which was considered not to be outweighed by the benefits of the scheme.
6. Confirmation of the validation of the appeal was received by the Council on 11 November 2024. Upon review of the submitted appeal documents, it became apparent to the Council that new evidence had been produced, in particular in the form of an Environmental Statement, following a request by PEDW in its ES Completeness Report issued in respect of the appeal.
7. This ES supersedes the original ES dated July 2019 and the subsequent ES Addendum dated April 2021. It contains updated ecological surveys of the site, which the Council's experts have advised overcome the objections within putative reason for refusal 1.
8. Consequently, consideration of the Council's position on appeal was brought back to the Planning Committee on 12 December 2024. At that meeting, Members requested further information concerning the new evidence. The Committee then re-convened on 16 January 2025. Members resolved that reason for refusal 1 had been superseded by the submission of the new ecological evidence that was not before the Council at the time when it resolved its putative reasons for refusal and so was withdrawn. Given that changed position, it was also necessary to re-visit the balancing exercise carried out in respect of weighing the heritage harm against the public benefits of the scheme under reason for refusal 2. Having re-considered this, it was concluded that in revising the weighing of the harm against the benefits in light of the new evidence, the balance no longer fell against objecting to the scheme, and so putative reason for refusal 2 was also withdrawn.
9. It is in that context that the Council appears at this inquiry in a neutral capacity. It is here to assist the Inspector, but does not propose to call any witnesses or cross-examine any of the Appellant's witnesses. The Council is also keen to reduce cost to the public

purse as far as is possible and would be grateful if, going forward, its attendance can be limited so far as practicable.

ANNABEL GRAHAM PAUL

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31 March 2025