

Vale of Glamorgan Local Development Plan 2011-2026

Further Matters Arising Changes Representations Register



April 2017



Vale of Glamorgan Local Development Plan 2011 - 2026
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Introduction

This Representations Register contains a copy of all of the duly made Further Matters Arising Changes (FMAC) representations that were received by the Council during the 6 week public consultation which took place between 17th February and 31st March 2017.

All representations on the Further Matters Arising Changes are set out in ID number order. An index containing all of the ID numbers and the relevant name / organisation (where applicable) is provided overleaf for ease of reference. Please note that every effort has been made to redact personal information such as addresses, signatures and other contact details.

32 duly made representations were received to the FMAC Schedule and no representations were received regarding the FMAC Sustainability Appraisal (SA) and FMAC Habitats Regulations Assessment (HRA) addendums. All of the duly made FMAC representations have been forwarded to the Inspector for his consideration as part of the LDP Examination process.

The FMAC Schedule and amended SA and HRA documents can be viewed in the LDP Examination Library at the Dock Office, Barry during normal office hours or on the Council's website at: www.valeofglamorgan.gov.uk/ldp

If you require any further assistance, please contact the LDP Team on 01446 704665 or Email: LDP@valeofglamorgan.gov.uk

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Further Matters Arising Changes Schedule

Representations ID Number Index

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Representor No.

Date Received.....

Date of Acknowledgement

Vale of Glamorgan Local Development Plan 2011-2026 Further Matters Arising Changes Consultation Representation Form

Data Protection

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**This document is available in other formats upon request
Mae'r ddogfen hon ar gael mewn fformatiau eraill drwy holi**

| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details (if relevant) |
|-------------------------|--------------------------------------|-------------------------------|
| Name | Mark Harris | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| Email Address | | |
| I.D.No.* (if relevant) | 31 | |

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2a. Which Further Matters Arising Change(s) are you commenting on? (Please refer to FMAC Schedule)

| Further Matters Arising Change reference number (e.g. FMAC1) | Support | Object | If you are objecting to an FMAC, please state which Test of Soundness you think that it fails. | | |
|--|--------------------------|--------------------------|--|--------------------------|--------------------------|
| | | | Test 1 | Test 2 | Test 3 |
| FMAC4 | X | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| FMCA6 | <input type="checkbox"/> | X | X | <input type="checkbox"/> | <input type="checkbox"/> |
| FMCA7 | <input type="checkbox"/> | X | X | <input type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The Tests of Soundness

| | |
|---------------|--|
| Test 1 | Does the plan fit? (i.e. is it clear that the LDP is consistent with other plans?) |
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2b. Please set out your comments in the space below using additional sheets if required. If you consider that the proposed Further Matters Arising Changes will not make the Plan sound, please clearly set out your reasons why and state what further changes you think are required. Please indicate in the space provided if you are submitting additional material to support your comments. If you are commenting on more than one FMAC, please ensure you clearly state which FMAC your comments relate to.

FMCA6 - The HBF objects to the inclusion of the following words within the policy: 'ALL AFFORDABLE HOUSING SHOULD BE CONSTRUCTED TO THE LATEST DEVELOPMENT QUALITY REQUIREMENTS SET BY WELSH GOVERNMENT.'

The HBF have objected at every stage of the plan since deposit to the inclusion of the requirement for all affordable housing to be built to DQR standards. Previously this requirement was contained within the supporting text to policy MG4 [we support the removal of this supporting text FMCA4], however the Council have instead included the requirement within the policy wording itself.

As explained in previous HBF submissions Welsh Government consulted on making DQR and WHQ standards mandatory in January 2016 and to date there has been no statement from WG on the results of this consultation. The consultation clearly stated: 'Development Quality Requirements (DQR) sets out the minimum functional standards for new and rehabilitated general needs homes built by social housing providers.' The document included the following wording (see screen shot below) which clarifies the legal position:

Legislative background

- The Housing (Wales) Act 2014 was passed by the National Assembly for Wales in July 2014 and received Royal Assent on 17 September 2014.
- **Part 4 of the Housing (Wales) Act 2014 & sections 33A, 33B and 33C of the Housing Act 1996 permits Welsh Ministers to set mandatory standards for the quality of housing for both new and rehabilitated housing where there is public subsidy and also for existing social homes.**

Further the consultation document stated at Part B: we are proposing a mandatory standard for the design and construction of new and rehabilitated **homes built using Welsh Government subsidy**.

The HBF considers that the above extracts from the WG consultation make it quite clear that, firstly there is currently no mandatory requirement for all affordable homes to be built to DQR standard. Secondly any such standard set by WG in the future **can only apply where public subsidy is involved**, in other words where Social Housing Grant (SHG) is used. Accordingly the Vale of Glamorgan should not require DQR standards to be met on all affordable housing through an LDP Policy, as this would be over and above that currently required by WG and **above the legislative powers which WG have** to set such a requirement.

The HBF note that Planning Policy Wales Edition 9 – November 2016 – Chapter 2 Local Development Plans at para 2.72 states:

1. *Does the plan fit? (i.e. is it clear that the LDP is consistent with other plans?);*
2. *Is the plan appropriate? (i.e. is the plan appropriate for the area in the light of the evidence?);*

The HBF considers that the evidence above indicates that the policy is not consistent with national policy and there has been no area specific evidence submitted to justify a policy requirement for all affordable homes to be built to DQR standards.

The HBF requests that the Council provide clarification to the Inspector as to whether or not the calculation of the number of affordable homes proposed to be delivered by the plan takes account of the suggested policy requirement to build all affordable homes to DQR standard. In response to a previous WG consultation on DQR, HBF submitted evidence which suggested that on average a DQR house is 20% larger. If this requirement has not been taken accounted of in the plans affordable homes calculation then it will deliver less affordable homes. This demonstrates that such a policy requirement is in fact likely to result in a reduction in the number of affordable homes delivered by the plan. This potential reduction in the delivery of affordable homes could be further added to by the impact on the viability of the scheme as a result of the additional cost associated with meeting DQR standard around 20% higher.

Please use additional sheets if required.

In conclusion the HBF requests that the following wording 'ALL AFFORDABLE HOUSING SHOULD BE CONSTRUCTED TO THE LATEST DEVELOPMENT QUALITY REQUIREMENTS SET BY WELSH GOVERNMENT' **is deleted from the policy.**

If however the Inspector is minded to not agree with the HBF on this issue it is requested that consideration is t given to moving the requirement back into the supporting text rather than the policy wording, giving greater flexibility to developers to negotiate the requirement. Critically the wording of such a requirement should be clear that it **only applies to affordable housing which receives Welsh Government Subsidy** as currently required by the WG legislation.

FMAC7 - The HBF objects to this additional supporting text firstly for the reasons given above in relation to FMAC6 and secondly if the Inspector does accept the wording in FMCA6 then the additional supporting text is not required as it is duplication.

Part 3: What Happens Next?

At this stage of the LDP process, you can only make comments in writing (these are called 'written representations'). However, the Inspector may decide that further Hearing Sessions are necessary as a result of the Further Matters Arising Changes consultation to more fully consider any issues raised. In the event that additional Hearing Sessions are arranged you should indicate on the form whether you would like to participate and speak at any future Hearing Session(s). You should bear in mind that your written comments on this form will be given the same weight by the Inspector as those made verbally at any future Hearing Session(s).

All representations received by the closing date will be forwarded directly to the Inspector for consideration. Please note that the Council will not be responding to duly made representations.

3a. Do you want your comments to be considered by 'written representations' or do you want to speak at any additional hearing sessions? (If requested by the Inspector) (Please tick one of the following)

| | |
|--|-------------------------------------|
| I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector. | <input checked="" type="checkbox"/> |
| I want to speak at a hearing session. | <input type="checkbox"/> |

3b. If you wish to speak, please confirm which part of your representation you wish to speak to the Inspector about and why you consider it to be necessary to speak at the Hearing Session.

| |
|--|
| |
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| | | | |
|----------------|--|---------------|------------|
| Signed: | | Dated: | 29/03/2017 |
|----------------|--|---------------|------------|

If this form represents a petition please indicate how many people it represents.

| | |
|--|--|
| | |
|--|--|

THANK YOU FOR YOUR COMMENTS ON THE FURTHER MATTERS ARISING CHANGES SCHEDULE

Please do not forget to enclose any additional relevant documentation with this form.

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BY EMAIL – To: ldp@valeofglamorgan.gov.uk OR

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**REPRESENTATION FORMS MUST BE RETURNED BY
Midnight on Friday 31st March 2017**

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**The Council will acknowledge of all representations and make them available to the
Inspector as a part of the Examination process.**

**If you have any queries regarding the consultation or require assistance completing
the form please contact the LDP team on 01446 705663 or email
ldp@valeofglamorgan.gov.uk**



The Coal
Authority

Vale of Glamorgan Local Development Plan - Matters Arising Changes

Consultation Deadline – 31 March 2017

Contact Details

Planning and Local Authority Liaison Department
The Coal Authority

Planning Email:
Planning Enquiries:

Person Making Comments

Melanie Lindsley *BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI*
Planning Liaison Manager

Date of Response

30 March 2017

Vale of Glamorgan Local Development Plan - Matters Arising Changes

Thank you for consulting the Coal Authority on the above document.

Having reviewed the document, I confirm that we have no specific comments to make at this stage.

Should you require any assistance please contact a member of Planning and Local Authority Liaison at The Coal Authority on our direct line (01623 637 119).

Yours sincerely

Mark Harrison *BA(Hons), DipTP, LLM, MInstLM, MRTPI*
Principal Manager

Vale of Glamorgan Local Development Plan 2011-2026

Further Matters Arising Changes Consultation Representation Form

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Mae'r ddogfen hon ar gael mewn fformatiau eraill drwy holi**

| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details (if relevant) |
|-------------------------|--------------------------------------|-------------------------------|
| Name | Anne Williams | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| Email Address | | |
| I.D.No.* (if relevant) | | |



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|--|--------------------------|-------------------------------------|--|-------------------------------------|-------------------------------------|
| | | | Test 1 | Test 2 | Test 3 |
| FMAC 11 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The Tests of Soundness

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FMAC 11.

Regarding item 1: there is no reasonable access to health, employment, shops and community facilities. The proposed site is 3 miles from all, with no public transport .

Regarding item 2: the proposed site is disproportionate with the nearest hamlet (Llangan)

Regarding item 3: The water and waste service are inadequate. Providing them will incur major sustained costs

Regarding item 4: the highway is poor and narrow. emergency service would find access difficult if not impossible (fire) .

In addition, the present site was illegal and has been imposed on the area. A judgement given over 20 years ago required the Local Authority to make best attempts to rehouse the family and return the land to its previous status as agricultural land. The local Authority made no best effort, it was difficult see they made any effort at all .

Finally, the proposed site ignores the points of the Fordham report in which the travelling community asked for facilities mentioned in item 1

Part 3: What Happens Next?

x

| | | | |
|----------------|--|---------------|------------|
| Signed: | | Dated: | 27.03.2017 |
|----------------|--|---------------|------------|

If this form represents a petition please indicate how many people it represents.

ID: 3581

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| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details (if relevant) |
|-------------------------|--------------------------------------|-------------------------------|
| Name | Jocelyn De Courcy Davies | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| Email Address | | |
| I.D.No.* (if relevant) | | |

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1/ FMAC11 , Policy MD18

Delete criterion 1 (IT IS DEMONSTRATED THAT THERE IS A LOCAL NEED FOR THE ACCOMMODATION) from Policy MD18 GYPSY AND TRAVELLER ACCOMMODATION

This is unfair on the current site resident at Llangan who would be the only family in the area who would meet the criteria and secure a single family site. The family from Wenvoe would not meet this criteria.

3/ FMAC11 , THERE WILL BE A PREFERENCE FOR ACCOMMODATION NEEDS TO BE MET ON ANY OF THE

FOLLOWING:

ALLOCATED GYPSY AND TRAVELLER SITES;

EXISTING GYPSY AND TRAVELLER SITES OR ON APPROPRIATE EXTENSIONS TO THOSE SITES; OR SITES WITHIN EXISTING SETTLEMENTS.

The above means that the Llangan would be the only site that is considered, when there are actually other sites available. This does take into account the individual family needs and local connections. Also gypsy traveller families at all types will be offered pitches on the same site, which is against councils own policy.

The local community has also been informed that there is a legal obligation on the council to clear the site at Llangan due to a historical legal undertaking. This brings into question the deliverability of the proposed Llangan site expansion.

Given the above issues the LDP proposal fails tests 1, 2 and 3.

Part 3: What Happens Next?

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3a. Do you want your comments to be considered by 'written representations' or do you want to speak at any additional hearing sessions? (If requested by the Inspector) (Please tick one of the following)

| | |
|--|----------|
| I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector. | x |
| I want to speak at a hearing session. | |

3b. If you wish to speak, please confirm which part of your representation you wish to speak to the Inspector about and why you consider it to be necessary to speak at the Hearing Session.

FMAC 11 to review the content of the additional information from Counsel.

| | | | |
|----------------|--|---------------|------------|
| Signed: | | Dated: | 31.03.2017 |
|----------------|--|---------------|------------|

| | |
|--|--|
| If this form represents a petition please indicate how many people it represents. | |
|--|--|

THANK YOU FOR YOUR COMMENTS ON THE FURTHER MATTERS ARISING CHANGES SCHEDULE

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For Office use only

Representor No.

Date Received.....

Date of Acknowledgement

Vale of Glamorgan Local Development Plan 2011-2026 Further Matters Arising Changes Consultation Representation Form

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**This document is available in other formats upon request
Mae'r ddogfen hon ar gael mewn fformatiau eraill drwy holi**

| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details <i>(if relevant)</i> |
|-------------------------------|--------------------------------------|--------------------------------------|
| Name | Claire Salisbury | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| Email Address | | |
| I.D.No.* <i>(if relevant)</i> | | |

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|--|--------------------------|--------------------------|--|--------------------------|--------------------------|
| | | | Test 1 | Test 2 | Test 3 |
| FMAC 11 | <input type="checkbox"/> | X | <input type="checkbox"/> | X | X |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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The Tests of Soundness

| | |
|---------------|--|
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In section FMAC11 the following statement has been removed.

1. IT IS DEMONSTRATED THAT THERE IS A LOCAL NEED FOR THE ACCOMMODATION;

The most appropriate way to satisfy the local need for accommodation would be to grant the Carroll family planning permission on the existing alternative land that they own in St Mary Hill, and to extend the temporary planning permission for the family from Wenvoe.

By Deleting this section the following are the criteria for permitting additional Gypsy and traveller accommodation :

1. 2. THERE IS REASONABLE ACCESS FROM THE SITE TO DAY TO DAY SERVICES, FACILITIES AND EMPLOYMENT, INCLUDING SCHOOLS, MEDICAL FACILITIES, SHOPS AND COMMUNITY FACILITIES;

2. 3. THE SIZE OF THE SITE AND THE NUMBER OF PITCHES ARE APPROPRIATE TO ITS LOCATION AND ACCOMMODATION NEEDS OF THE APPLICANT;

3. 4. ADEQUATE ON SITE SERVICES FOR WATER SUPPLY, DRAINAGE, SEWAGE, POWER AND WASTE DISPOSAL ARE AVAILABLE OR CAN BE PROVIDED WITHOUT CAUSING ANY UNACCEPTABLE ENVIRONMENTAL IMPACT; AND

4. 5. THE EXISTING HIGHWAY NETWORK IS ADEQUATE TO SERVE THE SITE AND A SATISFACTORY MEANS OF ACCESS CAN BE PROVIDED, INCLUDING PROVISION FOR PARKING, TURNING, SERVICING AND EMERGENCY VEHICLES.

I would argue that the existing (illegal) site in Llangan does not meet any of these criteria- there nearest facilities described in the first section are in Cowbridge or Pencoed.

The size and number of pitches currently on the site are in proportion to the size of the village but to extend them to the proposed 12 pitches would increase the number of dwellings in the village by approx. 30%.

There aren't the adequate services described in para 3 and to install them would mean that trees would need to be dug up which would expose the site to the view of the main part of the village – a view which is in itself protected under the Conservation order.

The existing highway is not sufficient to provide access and again to make it so would involve digging up trees which currently hide the site from view.

The use of the word "preference" in the context of priority setting, implies that this will be used as a mechanism for the Council to force applicants to live on a site that (as conveyed by the travelling community themselves at the examination) they do not want. It is unfair to force a family to live with others when they have plainly stated that this is not what they want.

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FMAC 11 to review the content of the additional information from Counsel.

Signed:

Dated:

30/03/17

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| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details <i>(if relevant)</i> |
|-------------------------------|--------------------------------------|--------------------------------------|
| Name | Dynla Davies | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| Email Address | | |
| I.D.No.* <i>(if relevant)</i> | | |

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| | | | Test 1 | Test 2 | Test 3 |
| FMAC 11 | <input type="checkbox"/> | X | X | X | X |
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1/ FMAC11 , Policy MD18

Delete criterion 1 (IT IS DEMONSTRATED THAT THERE IS A LOCAL NEED FOR THE ACCOMMODATION) from Policy MD18 GYPSY AND TRAVELLER ACCOMMODATION

This is unfair on the current site resident at Llangan who would be the only family in the area who would meet the criteria and secure a single family site. The family from Wenvoe would not meet this criteria.

3/ FMAC11 , THERE WILL BE A PREFERENCE FOR ACCOMMODATION NEEDS TO BE MET ON ANY OF THE

FOLLOWING:

ALLOCATED GYPSY AND TRAVELLER SITES;

EXISTING GYPSY AND TRAVELLER SITES OR ON APPROPRIATE EXTENSIONS TO THOSE SITES; OR SITES WITHIN EXISTING SETTLEMENTS.

The above means that the Llangan would be the only site that is considered, when there are actually other sites available. This does take into account the individual family needs and local connections. Also gypsy traveller families at all types will be offered pitches on the same site, which is against councils own policy.

The local community has also been informed that there is a legal obligation on the council to clear the site at Llangan due to a historical legal undertaking. This brings into question the deliverability of the proposed Llangan site expansion.

Given the above issues the LDP proposal fails tests 1, 2 and 3.

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| Signed: | | Dated: | 31.03.2017 |
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| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details (if relevant) |
|-------------------------|--------------------------------------|-------------------------------|
| Name | Helen Hammond | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| Email Address | | |
| I.D.No.* (if relevant) | | |

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1/ FMAC11 , Policy MD18

Delete criterion 1 (IT IS DEMONSTRATED THAT THERE IS A LOCAL NEED FOR THE ACCOMMODATION) from Policy MD18 GYPSY AND TRAVELLER ACCOMMODATION

This is unfair on the current occupant of the Llangan site as they are the only family who would currently meet the requirement of the rural exceptions policy giving them some protection against other families from different areas and background moving next to them and changing their way of life that has been unchanged for over 18 years. I would have thought this is against their human rights and very unreasonable of the council to take this uncaring approach to people's lives.

Also the original idea of the Welsh Government when considering Gypsy Site developments in rural locations was not to allow mass development of sites, but to address the use of rural protection policy where individual family applications for sites were made and often refused on the grounds of unacceptable development in the open countryside. This should not be used to give a free hand to over develop small sites, forming large mixed sites in open countryside.

3/ FMAC11 , THERE WILL BE A PREFERENCE FOR ACCOMMODATION NEEDS TO BE MET ON ANY OF THE FOLLOWING:

ALLOCATED GYPSY AND TRAVELLER SITES;

EXISTING GYPSY AND TRAVELLER SITES OR ON APPROPRIATE EXTENSIONS TO THOSE

SITES; OR SITES WITHIN EXISTING SETTLEMENTS.

This gives the Council the opportunity to always consider the Llangan site first, even when there may be other suitable sites that could house small family groups before looking at the Llangan site. In this case there are other sites to be considered, both the current families that would be located in Llangan have other places that they would prefer to be. This approach doesn't consider the Gypsy families local connections, school allocation, work or general knowledge of the area which seems discriminatory when compared to the rural housing policy. What it does mean is that there will be one location that gypsy/traveller families needing accommodation will be placed, regardless of their wishes. Is this contrary to their human rights? From the Fordham 2007 report we also know that Gypsy families don't like to be housed on the same site as other families. This proposal will mix people with different backgrounds on the same site and doesn't meet their own policy guidance. If the site is expanded to a large number of mixed families, sustainability and local infrastructure will be pushed to the limit as there is no local shops, medical facilities, poor employment opportunities and Llangan school if full.

My understanding from Llangan Action is that there is also a legal obligation on the council to clear the site at Llangan via a legal undertaking and that the council's proposal is not in line with their responsibility to enforce this. The current occupant of the site has applied for planning permission on his own land and will vacate the site (with or without planning), in this case the VOG should take action to meet the undertaking.

Based on what I know and understand the VOG expansion proposal does not meet any of the above tests (1, 2 or 3)

Please use additional sheets if required.

Please state how many additional sheets have been used

Part 3: What Happens Next?

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I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector.

I want to speak at a hearing session.

X

3b. If you wish to speak, please confirm which part of your representation you wish to speak to the Inspector about and why you consider it to be necessary to speak at the Hearing Session.

FMAC 11 Review the changes of the wording "(IT IS DEMONSTRATED THAT THERE IS A LOCAL NEED FOR THE ACCOMMODATION" and additional information provided by Llangan Action.

Discuss the changes requested for the "THERE WILL BE A PREFERENCE FOR ACCOMMODATION NEEDS TO BE MET ON ANY OF THE FOLLOWING":

Signed:

Dated:

29.03.17

If this form represents a petition please indicate how many people it represents.

8

**THANK YOU FOR YOUR COMMENTS ON THE FURTHER MATTERS ARISING
CHANGES SCHEDULE**

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ldp@valeofglamorgan.gov.uk



For Office use only

Representor No.

Date
Received.....

Vale of Glamorgan Local Development Plan 2011-2026 Further Matters Arising Changes Consultation Representation Form

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Mae'r ddogfen hon ar gael mewn fformatiau eraill drwy holi**

| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details (if relevant) |
|-------------------------|--------------------------------------|-------------------------------|
| Name | D Hammond | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| Email Address | | |
| I.D.No.* (if relevant) | 4036 | |

*You will have an ID Number if you have made representations at previous stages of the LDP process or if you have requested to be included on the Council's LDP database. The ID number will be clearly indicated on previous

correspondence from the Council. PLEASE QUOTE THIS NUMBER TO ASSIST THE COUNCIL IN IDENTIFYING YOU. ID: 4036

Guidance Notes

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Part 2: Your Comments on the Further Matters Arising Changes Schedule.

2a. Which Further Matters Arising Change(s) are you commenting on? (Please refer to FMAC Schedule)

| Further Matters Arising Change reference number (e.g. FMAC1) | Support | Object | If you are objecting to an FMAC, please state which Test of Soundness you think that it fails. | | |
|--|--------------------------|--------------------------|--|--------------------------|--------------------------|
| | | | Test 1 | Test 2 | Test 3 |
| FMAC 11 | <input type="checkbox"/> | X | X | X | X |
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| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The Tests of Soundness

| | |
|---------------|--|
| Test 1 | Does the plan fit? (i.e. is it clear that the LDP is consistent with other plans?) |
| Test 2 | Is the plan appropriate? (i.e. is the plan appropriate for the area in the light of the evidence?) |
| Test 3 | Will the plan deliver? (i.e. is it likely to be effective?) |

2b. Please set out your comments in the space below using additional sheets if required. If you consider that the proposed Further Matters Arising Changes will not make the Plan sound, please clearly set out your reasons why and state what further changes you think are required. Please indicate in the space provided if you are submitting additional material to support your comments. If you are commenting on more than one FMAC, please ensure you clearly state which FMAC your comments relate to.

1/ FMAC11 , Policy MD18

Delete criterion 1 (IT IS DEMONSTRATED THAT THERE IS A LOCAL NEED FOR THE ACCOMMODATION) from Policy MD18 GYPSY AND TRAVELLER ACCOMMODATION

This is unfair on the current occupant of the Llangan site as they are the only family who would currently meet the requirement of the rural exceptions policy giving them some protection against other families from different areas and background moving next to them and changing their way of life that has been unchanged for over 18 years. I would have thought this is against their human rights and very unreasonable of the council to take this uncaring approach to people's lives.

Also the original idea of the Welsh Government when considering Gypsy Site developments in rural locations was not to allow mass development of sites, but to address the use of rural protection policy where individual family applications for sites were made and often refused on the grounds of unacceptable development in the open countryside. This should not be used to give a free hand to over develop small sites, forming large mixed sites in open the countryside.

3/ FMAC11 , THERE WILL BE A PREFERENCE FOR ACCOMMODATION NEEDS TO BE MET ON ANY OF THE FOLLOWING:

ALLOCATED GYPSY AND TRAVELLER SITES;

EXISTING GYPSY AND TRAVELLER SITES OR ON APPROPRIATE EXTENSIONS TO THOSE

SITES; OR SITES WITHIN EXISTING SETTLEMENTS.

I was party to the discussion at the hearing 25 meeting and objected to this wording because it gives the Council only one route, to consider the Llangan site first, even when there may be other suitable sites that could house small family groups before looking at the Llangan site. This approach doesn't consider the Gypsy families local connections, school allocation, work or general knowledge of the area which seems discriminatory when compared to the rural housing policy. From the Fordham 2007 report we also know that Gypsy families don't like to be housed on the same site as other families. This proposal will mix people with different backgrounds on the same site and doesn't meet their own policy guidance. If the site is expanded to a large number of mixed families, sustainability and local infrastructure will be push to the limit as there is no local shops, medical facilities, poor employment opportunities and Llangan school if full.

My understanding from Llangan Action is that there is also a legal obligation on the council to clear the site at Llangan via a legal undertaking and that the councils proposal is not in line with their responsibility to enforce this. The current occupant of the site has applied for planning permission on his own land and will vacate the site (with or without planning), in this case the VOG should take action to meet the undertaking.

Based on what I know and understand the VOG expansion proposal does not meet any of the above tests (1,2 or 3)

Please use additional sheets if required.

Please state how many additional sheets have been used

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I want to speak at a hearing session.

X

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Discuss the changes requested for the "THERE WILL BE A PREFERENCE FOR ACCOMMODATION NEEDS TO BE MET ON ANY OF THE FOLLOWING":

Signed:

Dated:

29.03.17

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For Office use only

Representor No.

Date Received.....

Date of Acknowledgement

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Mae'r ddogfen hon ar gael mewn fformatiau eraill drwy holi**

| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details (if relevant) |
|-------------------------|--------------------------------------|-------------------------------|
| Name | Llangan Action | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| Email Address | | |
| I.D.No.* (if relevant) | | |

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|--|--------------------------|--------------------------|--|--------------------------|--------------------------|
| | | | Test 1 | Test 2 | Test 3 |
| FMAC 11 | <input type="checkbox"/> | X | <input type="checkbox"/> | X | X |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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The FMAC refers to:

THERE WILL BE A **PREFERENCE** FOR ACCOMMODATION NEEDS TO BE MET ON ANY OF THE FOLLOWING:

ALLOCATED GYPSY AND TRAVELLER SITES;

EXISTING GYPSY AND TRAVELLER SITES OR ON APPROPRIATE EXTENSIONS TO THOSE SITES;
OR

SITES WITHIN EXISTING SETTLEMENTS.

At the recent public examination there was a significant discussion over merit (or otherwise) of the allocation of the ONLY site in Llangan.

The Council stated within their response (re the legal undertaking) that they believed that they had complied with the terms of the undertaking. It was argued by Llangan Action that this was not the case.

The application of the Undertaking raises significant questions re the deliverability of the site, in that if it is evidenced that the Undertaking stands, the Council remain legally obligated to clear the site and prevent further occupation.

Llangan Action has now received Counsels opinion over the validity of the Undertaking which has concluded that the Council remains bound by its obligations.

The existing occupant has not made an application for his own land (which is likely to be successful), therefore the Council could return the site back to its former agricultural status.

Taking into account the enclosed advice the proposal fails test 2 and 3.

Whist it was discussed at the examination – the status of the words “preference” in the context of priority setting, it remains our view that this will be used as a mechanism for the Council to force applicants to live on a site that (as conveyed by the travelling community themselves at the examination) they do not want.

We reiterate, that the ONLY ALLOCATED GYPSY AND TRAVELLERS SITE in the LDP is located in Llangan (which further contradicts the remaining statements within FMAC 11 being “THERE IS REASONABLE ACCESS FROM THE SITE TO DAY TO DAY SERVICES, FACILITIES AND EMPLOYMENT, INCLUDING SCHOOLS, MEDICAL FACILITIES, SHOPS AND COMMUNITY FACILITIES - In addition, the sustainability of the site in terms of access to essential services and facilities will also be an important factor in determining the suitability of the proposal”

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| | |
|--|-------------------------------------|
| I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector. | <input type="checkbox"/> |
| I want to speak at a hearing session. | <input checked="" type="checkbox"/> |

3b. If you wish to speak, please confirm which part of your representation you wish to speak to the Inspector about and why you consider it to be necessary to speak at the Hearing Session.

FMAC 11 to review the content of the additional information from Counsel.

| | |
|----------------|------------------------|
| Signed: | Dated: 28.03.17 |
|----------------|------------------------|

| | |
|--|------|
| If this form represents a petition please indicate how many people it represents. | 60 + |
|--|------|

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IN THE MATTER OF A PROPOSED ACTION :**B E T W E E N :****MEMBERS OF THE LLANGAN ACTION GROUP****Claimant****-and-****VALE OF GLAMORGAN COUNCIL****Defendant****ADVICE**

1. In this matter, I am asked to advise as to the validity and enforceability of an undertaking, given as long ago as the 1st May 1996. It was given by the Chief Executive of the Council, for and on behalf of the Council but it has never been given any real effect. In order to understand the discussion that follows, it is of some importance to set out the salient facts.
2. Mr Carrol and his family have claimed to be entitled to maintain their travelling lifestyle in the immediate vicinity of Llangan since 1991 at the latest. He seems to have or have had a large family, as at 1997, there was himself, his wife and 5 children. I do not know if that was the final size of the family. Between 1991 and 1993, he was on land he bought at St Mary's Hill. He was refused planning permission for a site there and ultimately moved to a site some 230 metres east of the hamlet. There he has stayed, despite the refusal of planning permission on two occasions and the setting aside by the court of a planning permission the Council gave itself. It is what happened during those latter proceedings which gives rise to the undertaking under consideration.
3. Mr Harding, a then resident of Llangan and member of the Action Group, took Judicial Review proceedings to set aside a planning permission which the Council had granted itself, in very unusual circumstances, to allow the site to be used by the Carrols. These proceedings would have started in or about early 1995 (the permission having been granted in December 1994). At some point, someone in the Council appears to have realised that they were trying to defend the indefensible and a consent order was entered into by the Council and Mr Harding on the 1st May 1996. On that day, Mr Foster gave the undertaking we are concerned with. There are three terms that are particularly important:

- (a) As for the term of the Undertaking, Mr Foster confirmed that he was authorised to give it on behalf of the Council and that the Council *shall hereafter be bound by it and all of its terms.*
- (b) The first and foremost thing that the Council undertook to do was to *Use its best endeavours to remove from the site known and situate at OS Parcel No. 3869 ("the site") at the earliest possible date, whether by legal proceedings or other lawful means, Mr William Carrol and any other person who then occupies the said site and to prevent their return.*
- (c) Secondly, and at this stage I paraphrase, the Council undertook to remove all structures and services on the site, which had been provided for the use of the Caroll family and to return the site back to its original condition.

The Council also undertook to terminate a licence it had apparently granted to Mr Carrol. I have not seen that but I have seen that advice was given to the Council that it was ineffective as a licence. However, I do note that the Council terminated it.

4. Although this undertaking was given on the same date of the original Consent Order, all parties have proceeded on the basis that this undertaking was independent of that Order and I proceed on the same basis. The Consent Order itself was set aside later that year, on the application of Mr Carrol who complained (if I understand matters correctly) that he had not been served. This was in January 1997 and led to a substantive hearing of the Judicial Review application in November 1997. Judicial Review was granted, the planning permission was set aside. No other order, save as to costs was made, the question of any necessary further relief being adjourned. The undertaking continued, being in essence simply a promise to do certain acts with contractual effect.
5. What happened next? The Council did seek to determine the licence and clearly started possession proceedings. Those proceedings were ongoing at the time of the final hearing of the Judicial Review application. They were finally listed for hearing on the 15th September 1998, Mr Carrol started Judicial Review proceedings on the basis that eviction in the absence of a suitable alternative site would be Wednesbury unreasonable. I suspect but do not know that this was based on the alleged needs of his autistic child rather than the fact that he was a traveller. However, his "requirements" went far beyond the need for a site. According to the minutes I have seen of the 28th October 1998, the alternative had to be close to Llangan, be one solely for his family's occupation

and he had to have an option to purchase the land. It appears from para. 2.2 of those Minutes that the Council limited itself to seeing whether there were sites which met those “requirements”. Prima facie, it seems to me that those requirements go far beyond what Mr Carrol and his family could reasonably say were necessary to meet their housing needs and were themselves unreasonable. However, the Council seems to have thought that it was consistent with their obligations under the Undertaking to continue to seek such sites (which by definition would be almost vanishingly small in number) and to allow the Carrols to remain on the site in the interim. This meant abandoning the eviction proceedings.

6. I have to say that I find it very difficult to say that this could constitute best endeavours on the part of the Council. In particular, restricting itself to meeting Mr Carrol’s requirements cannot easily be said to be using best endeavours by lawful means to secure Mr Carrol’s removal. Furthermore, one would have to consider the legal advice very carefully before expressing a view as to whether the prospects of success were so low that the Council was acting in a way consistent with its undertaking in withdrawing the eviction proceedings.
7. It is fair to say that there is a letter of the 2nd November from the Council to Mr Harding’s then solicitors which suggests that the parameters of the search for accommodation had somehow widened in the 4 days between the Minutes and the date of the letter. Whether that was the case might be important if there is ever an issue as to whether or not the Council were using their best endeavours, as at the 28th October but I am prepared to assume, for present purposes that it is. More significantly, the letter goes on to say *the Council is mindful of the Undertaking given to Mr Harding by the Chief Executive but assures your client that it continues to use its best lawful endeavours to move the family off the site, but as you will appreciate, it cannot be in the best interests of the Council to become involved in litigation against advice that success is highly unlikely that thereby expend significant sums of public money to no good purpose.* In the absence of sight of that Advice, I would not wish to comment on the accuracy or otherwise of the last sentence but it is the first and second clauses that are significant in this context.
8. The matter again came before the Council in July 2000, the Council having obtained an Advice from Morag Ellis, then a well-known planning and public law junior and now a silk. It appears that her Advice was to grant a temporary licence on “humanitarian”

grounds; those being the then needs of the autistic child.¹ As I understand matters, that child was then spending 4 nights a week in residential care and 3 nights with the Carrols. This is, of course, only 2 years after the matter was last considered. However, again it was on the basis that matters had to be kept under constant review.

9. The temporary planning permission that was granted in 2000, following that advice, expired in 2003. On the 16th November 2005, Mr Harding's solicitors wrote to the Council pointing out that the children were no longer of school age and that, in fact, Mr Carrol's caravans had now been replaced by a permanent structure and asking what the Council's present position was. That letter referred to the Undertaking. I have not seen a copy of any reply to that letter or, indeed, any further correspondence since that date.

10. The present position appears to be this. As far as paragraph 1 of the Undertaking is concerned, it may well be that the Council will never be required to seek the eviction of Mr Carrol. I gather that the planning considerations which precluded the use of the St Mary's site are no longer as obviously compelling and that there is a reasonable prospect of Mr Carrol obtaining the permission he originally sought in 1991. If that is the case, then he will be vacating this site. However, the Council far from seeking to remove all the structures and services needed for such a site, clearly want to retain them since their proposals for the Local Development Plan are that this site is not only continued but extended to allow for a second family. It is a matter of planning law and not for the matters put before me as to how that can be justified if it is based on an assessment that the site is required, inter alia, for the Carrol family when they have plans to move from the site. However, it is a matter of contractual law that the second paragraph of the Undertaking still, in my view, applies. The opening words of that paragraph are *Upon the site becoming vacant*, not *on compliance by the Council with paragraph 1 of this undertaking* or similar words. In other words, the obligations under paragraphs 1 and 2 are independent. As and when the Carrols leave this site, then the council has given a contractual undertaking to carry out clearance works.

11. The position of the Council is set out in paragraph 4.11 of their Evidence to Hearing number 25 of the consideration of the Local Development Plan. That, in essence, makes three points:

¹ See para. 12 of the Joint Report provided for the Cabinet Meeting on the 25th July 2000.

- (a) That starting the eviction proceedings and ending them in the circumstances set out in paragraph 7 above discharged all of the Council's obligations under the undertaking;
- (b) Paragraph 2 only arises if the Council succeeds in removing Mr Carrol in compliance with paragraph 1 and not, for example, if he decides to leave the site voluntarily and
- (c) Any action would lie in private law and not as a matter of planning law.

For the reasons given above, one can readily accept the third of those propositions.

However, the first seems to me to be unsustainable. Firstly, it is clearly arguable that what was done or not done in 1998 did not constitute best endeavours then. Secondly, and this helps construe the obligation under the undertaking, no-one at the time believed that it did discharge the Undertaking. Paragraph 1 does not contain any wording which suggests that it is limited to one attempt or that it is limited in time. I simply cannot construe it in the way contended for by the Council. The Council's position seems to me even weaker in respect of paragraph 2 for the reasons I have given in paragraph 10 above.

12. It follows that I am firmly of the view that both paragraphs 1 and 2 of the Undertaking constitute continuing contractual obligations on the part of the Council which contractually require the Council to act in certain ways. My own view is that there is a continuing duty of the Council to, at the very least consider, whether or not eviction proceedings would now be justified against the Carrol family, if they do not decide to leave voluntarily. As and when they do leave, whether voluntarily or pursuant to an eviction order, then there is the clear duty to reinstate in accordance with the requirements of paragraph 2.

Michael Mulholland

23rd March 2017

23ESCommercial

IN THE MATTER OF A PROPOSED

ACTION :

B E T W E E N :

MEMBERS OF THE LLANGAN

ACTION GROUP

Claimant

-and-

VALE OF GLAMORGAN COUNCIL

Defendant

ADVICE

Vale of Glamorgan Local Development Plan 2011-2026

Further Matters Arising Changes Consultation Representation Form

Data Protection

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Mae'r ddogfen hon ar gael mewn fformatiau eraill drwy holi**

| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details (if relevant) |
|-------------------------|--------------------------------------|-------------------------------|
| Name | John Williams | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| I.D.No.* (if relevant) | | |



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For Office use only

Representor No.

Date Received.....

Date of Acknowledgement

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1.

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The Tests of Soundness

2b. Please set out your comments in the space below using additional sheets if required. If you consider that the proposed Further Matters Arising Changes will not make the Plan sound, please clearly set out your reasons why and state what further changes you think are required. Please indicate in the space provided if you are submitting additional material to support your comments. If you are commenting on more than one FMAC, please ensure you clearly state which FMAC your comments relate to.

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FMAC 11.

Regarding item 1: there is no reasonable access to health, employment, shops and community facilities. The proposed site is 3 miles from all, with no public transport .

Regarding item 2: the proposed site is disproportionate with the nearest hamlet (Llangan)

Regarding item 3: The water and waste service are inadequate. Providing them will incur major sustained costs

Regarding item 4: the highway is poor and narrow. emergency service would find access difficult if not impossible (fire) .

In addition, the present site was illegal and has been imposed on the area. A judgement given over 20 years ago required the Local Authority to make best attempts to rehouse the family and return the land to its previous status as agricultural land. The local Authority made no best effort, it was difficult see they made any effort at all .

Finally, the proposed site ignores the points of the Fordham report in which the travelling community asked for facilities mentioned in item 1

Part 3: What Happens Next?

x

Signed:

Dated:

27.03.2017

If this form represents a petition please indicate how many people it represents.

ID: 4183

**THANK YOU FOR YOUR COMMENTS ON THE FURTHER MATTERS ARISING
CHANGES SCHEDULE**

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Mae'r ddogfen hon ar gael mewn fformatiau eraill drwy holi**

| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details (if relevant) |
|-------------------------|--------------------------------------|-------------------------------|
| Name | Louise Brookes | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| Email Address | | |
| I.D.No.* (if relevant) | | |

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| | | | Test 1 | Test 2 | Test 3 |
| FMAC 11 | <input type="checkbox"/> | X | <input type="checkbox"/> | X | X |
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FMAC Item 11 proposes to delete the first criterion

PROPOSALS FOR ADDITIONAL GYPSY AND TRAVELLER ACCOMMODATION WILL BE PERMITTED PROVIDING THAT:

1. IT IS DEMONSTRATED THAT THERE IS A LOCAL NEED FOR THE ACCOMMODATION;

I believe it is important to keep this criterion as one of the factors in deciding if a site should be allowed for Gypsy and Traveller accommodation. My reasons for this are:

The Vale of Glamorgan covers a wide geographic area with a diverse range of communities. The term local is important in this context as the opportunities and communities in one part of the vale can be very different to another part of the Vale. Gypsy and Traveller communities have ties to specific parts of the Vale of Glamorgan, not to the Vale as a whole. Therefore, the specific local needs must be taken into account when considering Gypsy and Traveller accommodation.

Enabling local needs to be met will ensure sustainability for any permitted accommodation and represent a good use of resources. If there is no need to consider local needs, it is likely that a site will be permitted which will not be viable in the medium to long term because the community for which it is intended will move elsewhere, to a site local to where their needs are met.

It is common sense for development to be made on the basis of need. Local opportunities for employment, a need for continuity in education and maintaining family and existing community links are important needs for the Gypsy and Traveller Communities. The need for accommodation will be driven by these considerations and will be local in nature.

It is known from previous reports that different Gypsy and Traveller groups do not want to be located together. It is known that they have a need to keep their links to similar family and ethnic groups and that those links will be to a specific area.

Similar arguments apply keep the section “with a need for the Council to be satisfied that there is a

demonstrable need for the accommodation in the proposed location.” In section 7.81 which is currently proposed to be deleted under action FMAC 11.

With regard to the proposed site in LLangan, it thus follows that there is a local need for one family only to be accommodated in this area.

The LDP must then provide alternative sites for other Gypsy and Travellers groups who have accommodation needs in the Vale. These sites will need to be provided in the vicinity where these people currently live and work.

Part 3: What Happens Next?

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3a. Do you want your comments to be considered by 'written representations' or do you want to speak at any additional hearing sessions? (If requested by the Inspector) (Please tick one of the following)

| | |
|--|----------|
| I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector. | X |
| I want to speak at a hearing session. | |

3b. If you wish to speak, please confirm which part of your representation you wish to speak to the Inspector about and why you consider it to be necessary to speak at the Hearing Session.

FMAC 11 to review the content of the additional information from Counsel.

| | | | |
|----------------|--|---------------|-----------------------------|
| Signed: | | Dated: | 31 st March 2017 |
|----------------|--|---------------|-----------------------------|

| | |
|--|---|
| If this form represents a petition please indicate how many people it represents. | 4 |
|--|---|

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| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details (if relevant) |
|-------------------------|--------------------------------------|-------------------------------|
| Name | Richard Antuck | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| Email Address | | |
| I.D.No.* (if relevant) | | |

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FMAC 11 - Policy MD18

* Criterion 1 (It is demonstrated that there is a local need for the accommodation) should be deleted from Pol. MD18 Gypsy and Traveller Accommodation.

Reason:- It is unfair on the current site resident, being the only family in the locality that would meet the criteria and secure a single family site. The family from Wemae would not meet this criteria.

* FMAC 11 - Re "There will be a preference for accommodation needs to be met on any of the following: Allocated Gypsy and Traveller sites; Existing Gypsy and Traveller sites or on appropriate extensions to those sites; or sites within existing settlements".

Reason:- This would make Llanyon the only site for consideration, given the strict wording, notwithstanding there are other sites to consider. Further, it does not have regard to the needs of individual families' needs. To offer families of all types a pitch on the same site would go against the Council's own policy.

* The proposal go against the terms of a legal undertaking previously given by the Council to clear the site.

Please use additional sheets if required.
Please state how many additional sheets have been used

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I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector.



I want to speak at a hearing session.



3b. If you wish to speak, please confirm which part of your representation you wish to speak to the Inspector about and why you consider it to be necessary to speak at the Hearing Session.

| |
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|----------------|--|---------------|----------------------|
| Signed: | | Dated: | <i>30 March 2017</i> |
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| If this form represents a petition please indicate how many people it represents. | |
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THANK YOU FOR YOUR COMMENTS ON THE FURTHER MATTERS ARISING CHANGES SCHEDULE

Please do not forget to enclose any additional relevant documentation with this form.

Completed representation forms should be returned to the LDP Team either:

BY EMAIL – To: ldp@valeofglamorgan.gov.uk OR

BY POST – To: The LDP Team, Vale of Glamorgan Council, Dock Office, Barry Docks, Barry, CF63 4RT.

**REPRESENTATION FORMS MUST BE RETURNED BY
Midnight on Friday 31st March 2017**

ANY REPRESENTATIONS RECEIVED AFTER THIS TIME WILL NOT BE CONSIDERED TO BE DULY MADE

The Council will acknowledge of all representations and make them available to the Inspector as a part of the Examination process.

If you have any queries regarding the consultation or require assistance completing the form please contact the LDP team on 01446 705663 or email

ldp@valeofglamorgan.gov.uk



Llywodraeth Cymru
Welsh Government

Department for Natural Resources
Adran Cyfoeth Naturiol

Sarah Knevett
Programme Officer
Vale of Glamorgan LDP Examination
Barry Docks
Barry
CF63 4RT

24th March 2017

Dear Sarah,

Vale of Glamorgan Local Development Plan Examination – Welsh Government Response to the Further Matters Arising Changes (FMAC) Consultation

As a result of changes arising from the additional hearing sessions on 6 January, the Council is currently consulting on its Further Matters Arising Changes (FMAC) in respect of New Allocations, Gypsy & Travellers, Miscellaneous Matters and the Monitoring Framework.

As noted in our position statement in ED72, if the changes proposed by the Council to address our outstanding objections in relation to Gypsy & Travellers and Zone C2 Flood Risk were formally made to the LDP, this would satisfy our outstanding concerns. The changes identified below address our concerns:

| FMAC No: | LDP Section: | Representation: |
|-----------|---|-----------------|
| FMAC5 | Paragraph 5.84 | Support |
| FMAC8 | Paragraph 6.39 | Support |
| FMAC11 | Policy MD18 | Support |
| FMAC36 | Gypsy & Traveller Monitoring | Support |
| FMAC54-56 | Appendices 5 & 6 on Employment & Flood Risk | Support |

If you require any further assistance, please do not hesitate to contact us.

Yours sincerely,

Candice Myers
Senior Planning Manager
Planning Directorate



For Office use only

Representor No.

Date Received.....

Date of Acknowledgement

Vale of Glamorgan Local Development Plan 2011-2026 Further Matters Arising Changes Consultation Representation Form

Data Protection

How your representation and the information that you give us will be used.

All information submitted will be seen in full by the Vale of Glamorgan Council staff dealing with the Local Development Plan (LDP). Your name and comments as set out in your representation form will be published in due course. This helps to show that the consultation was carried out properly. Please note that this form and any supporting information will be forwarded to the Inspector for consideration.

As part of the Examination into the Vale of Glamorgan LDP, a number of Further Matters Arising Changes have been proposed to the written statement and proposals map. These changes are set out in the **Further Matters Arising Changes (FMAC) Schedule (2017)**. The Council has prepared an addendum to the Sustainability Appraisal (SA) (incorporating Strategic Environmental Assessment) and Habitats Regulations Assessment (HRA) (Appropriate Assessment Report) in relation to the proposed changes. All of the FMAC consultation documents can be viewed on the Council's website www.valeofglamorgan.gov.uk/ldp, at the Council's Dock and Civic offices in Barry and Alps Depot Wenvoe and at all local libraries during normal opening hours.

The consultation on the FMAC schedule and the addendum to the SA and HRA commences on Friday 17th February 2017 and ends at midnight on Friday 31st March 2017. It is important to note that all comments made in previous LDP consultations have already been considered by the Inspector as part of the Examination. Comments at this stage **must therefore only relate to the FMACs** and this is not an opportunity to add to or make new comments to the Deposit LDP.

**This document is available in other formats upon request
Mae'r ddogfen hon ar gael mewn fformatiau eraill drwy holi**

| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details (if relevant) |
|-------------------------|--------------------------------------|-------------------------------|
| Name | Llangan Community Council | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| Email Address | | |
| I.D.No.* (if relevant) | 5122 | |

*You will have an ID Number if you have made representations at previous stages of the LDP process or if you have requested to be included on the Council's LDP database. **The ID number will be clearly indicated on previous correspondence from the Council. PLEASE QUOTE THIS NUMBER TO ASSIST THE COUNCIL IN IDENTIFYING YOU.**

Guidance Notes

This form should only be used to make comments on the FMAC Schedule. A separate form is available if you wish to comment on the addendum to the SA / HRA. You should include all of your comments on this form. If additional sheets as required please clearly number each additional sheet and securely attach them to this form.

Additional representation forms can be downloaded from the Council's website at www.valeofglamorgan.gov.uk/ldp or obtained from the LDP Team on 01446 704663. You may also photocopy this form if you wish.

Where a group shares a common view on an FMAC, the Council will accept a signed petition. In submitting a representation form on behalf of a group, the representation form should include the contact details of the lead individual in Part 1 and the comments should be clearly set out on the representation form. The signed petition should clearly state how many people are being represented and how the representation has been authorised. Signing a petition does not prevent the submission of individual forms.

Part 2: Your Comments on the Further Matters Arising Changes Schedule.

2a. Which Further Matters Arising Change(s) are you commenting on? (Please refer to FMAC Schedule)

| Further Matters Arising Change reference number (e.g. FMAC1) | Support | Object | If you are objecting to an FMAC, please state which Test of Soundness you think that it fails. | | |
|--|--------------------------|--------------------------|--|--------------------------|--------------------------|
| | | | Test 1 | Test 2 | Test 3 |
| FMAC 11 | <input type="checkbox"/> | X | X | X | X |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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The Tests of Soundness

| | |
|---------------|--|
| Test 1 | Does the plan fit? (i.e. is it clear that the LDP is consistent with other plans?) |
| Test 2 | Is the plan appropriate? (i.e. is the plan appropriate for the area in the light of the evidence?) |
| Test 3 | Will the plan deliver? (i.e. is it likely to be effective?) |

2b. Please set out your comments in the space below using additional sheets if required. If you consider that the proposed Further Matters Arising Changes will not make the Plan sound, please clearly set out your reasons why and state what further changes you think are required. Please indicate in the space provided if you are submitting additional material to support your comments. If you are commenting on more than one FMAC, please ensure you clearly state which FMAC your comments relate to.

1/ FMAC11 , Policy MD18

Delete criterion 1 (IT IS DEMONSTRATED THAT THERE IS A LOCAL NEED FOR THE ACCOMMODATION) from Policy MD18 GYPSY AND TRAVELLER ACCOMMODATION

Llangan Community Council believes this is unfair on the current Llangan site resident who would be the only family in the area who could meet the criteria, so protecting their single family way of life. If this was a housing allocation the rural exceptions policy would apply and give preference to people with local connections. **See appendix 1 WAG Circular 30/2007**

It is clear that the intent of the WG when considering G&T development in rural locations, was not to allow mass development of sites for this purpose - but to address the unacceptable use of rural protection policy where individual family applications for G&T sites were made and often refused on the grounds of unacceptable development in the open countryside. This is evident in the appeal report **12/2173682 (The Stables, Redway Road, Bonvilston)**

The inspectors report refers to the fact that the children occupy a local school and that the distance from the school to the proposed site is less than the distance that they currently travel, he also refers to the point that the applicant works from the adjacent fields and that the occupancy is restricted to the applicant. These are all material components of a Rural Exception Policy. This sets a precedent to use the rural exceptions policy to allow the allocation of a locally connected single family Gypsy site in Llangan.

3/ FMAC11 , THERE WILL BE A PREFERENCE FOR ACCOMMODATION NEEDS TO BE MET ON ANY OF THE FOLLOWING:

ALLOCATED GYPSY AND TRAVELLER SITES;

EXISTING GYPSY AND TRAVELLER SITES OR ON APPROPRIATE EXTENSIONS TO THOSE

SITES; OR SITES WITHIN EXISTING SETTLEMENTS.

This was discussed in some detail at the hearing 25. Llangan Community Council representative objected to this change as it implies that Llangan is the only site that should be considered, when in fact there are other suitable sites that could accommodate single or multiple families before considering the Llangan allocation. To take this approach would not take into account the individual family needs and local connections to their existing community, or other community. It would also mean that all gypsy/traveller families needing accommodation would have no choice in where they live, which seems discriminatory as other families needing accommodation do have other choices and have their links to local communities taken into consideration. It also means that all gypsy/traveller families will be accommodated on the same site, which is contrary to the policy to not mix travellers from different backgrounds.

In addition, if the only site located is in Llangan, the FMAC 11 statement concerning "THERE IS REASONABLE ACCESS FROM THE SITE TO DAY TO DAY SERVICES, FACILITIES AND EMPLOYMENT, INCLUDING SCHOOLS, MEDICAL FACILITIES, SHOPS AND COMMUNITY FACILITIES, could not sustainable when considering an expanded large site of up to 21 pitches as the council suggest in the early stages of the LDP, but would not comment on at the hearing 25.

Llangan Community Councils also understands that there is still a legal obligation on the council to clear the site at Llangan (legal undertaking) and that the proposed expansion is against the spirit of the undertaking. The Council stated during the hearing 25 that they believed that they had complied with the terms of the undertaking. Llangan Community Council have been informed this is not the case. If the undertaking is still in force then this brings into question the deliverability of the site and the proposed expansion. **See appendix for Barrister feedback advice.**

Also as the current resident of the site has applied for planning permission on his own land and could vacate the site, giving the council the opportunity to meet the undertaking, clear the land and return it to its original agricultural use.

Given the legal problems, and issues described above, the expansion proposal fails tests 1, 2 and 3.

Please use additional sheets if required.

Please state how many additional sheets have been used

Part 3: What Happens Next?

At this stage of the LDP process, you can only make comments in writing (these are called 'written representations'). However, the Inspector may decide that further Hearing Sessions are necessary as a result of the Further Matters Arising Changes consultation to more fully consider any issues raised. In the event that additional Hearing Sessions are arranged you should indicate on the form whether you would like to participate and speak at any future Hearing Session(s). You should bear in mind that your written comments on this form will be given the same weight by the Inspector as those made verbally at any future Hearing Session(s).

All representations received by the closing date will be forwarded directly to the Inspector for consideration. Please note that the Council will not be responding to duly made representations.

3a. Do you want your comments to be considered by 'written representations' or do you want to speak at any additional hearing sessions? (If requested by the Inspector) (Please tick one of the following)

I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector.

I want to speak at a hearing session.

X

3b. If you wish to speak, please confirm which part of your representation you wish to speak to the Inspector about and why you consider it to be necessary to speak at the Hearing Session.

FMAC 11 to review the proposed deletion of the wording "(IT IS DEMONSTRATED THAT THERE IS A LOCAL NEED FOR THE ACCOMMODATION" and additional information provided by Llangan Action.

Signed:

Dated:

29.03.17

If this form represents a petition please indicate how many people it represents.

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ldp@valeofglamorgan.gov.uk

Appendix

Planning for Gypsy And Traveller CARAVAN sites (WAG Circular 30/2007).

Extract:

28. Gypsies and Travellers in rural areas often face difficulties in securing an adequate supply of affordable land for their needs. Where there is a lack of affordable land to meet local Gypsy and Traveller needs (as demonstrated by an up-to-date accommodation assessment) **local planning authorities in rural areas should consider including a “Gypsy and Traveller rural exception site policy” in the relevant LDP.**

29. Rural exception site policies for Gypsies and Travellers **should operate in the same way as rural exception site policies for housing**, as set out in paragraphs 9.2.21 to 9.2.22 of Ministerial Interim Planning Policy Statement 01/2006 “Housing” (June 2006) and paragraphs 10.13 to 10.14 of Technical Advice Note 2

“Planning and Affordable Housing” (June 2006). In applying the Gypsy Traveller rural exception site policy, **local planning authorities should consider in particular the needs of households who are either current residents or have an existing family or employment connection.**

Appeal Application details for 12/2173682 (The Stables, Redway Road, Bonvilston)

Penderfyniad ar yr Apêl Appeal Decision

Gwrandawriad a gynhaliwyd ar 31/07/12 Hearing held on 31/07/12

Ymweliad â safle a wnaed ar 02/08/12 Site visit made on the 02/08/12

gan Tim Belcher FCII, LLB (Hons),

Cyfreithiwr (Nad yw'n Ymarfer) by Tim Belcher FCII, LLB (Hons),

Solicitor (Non-Practising)

Arolygydd a benodir gan Weinidogion Cymru an Inspector appointed by the Welsh Ministers

Dyddiad: 12/09/12 Date: 12/09/12

Appeal Ref: APP/Z6950/A/12/2173682

Site address: The Stables, Redway Road, Bonvilston, Cardiff, CF5 6TR

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.

The appeal is made by Mr T. Price against the decision of the Vale of Glamorgan Council.

The application Ref 2011/00710/FUL, dated 14 July 2011, was refused by notice dated 21 October 2011.

The development proposed is the use of land for the stationing of caravans for residential purposes for one gypsy pitch together with the formation of additional hard-standing and utility/dayroom ancillary to that use.

Decision

1. The appeal is allowed and planning permission is granted for the use of land for the stationing of caravans for residential purposes for one gypsy pitch together with the formation of additional hard-standing and utility/dayroom ancillary to that use at The Stables, Redway Road, Bonvilston, Cardiff, CF5 6TR in accordance with the terms of the application, Ref 2011/00710/FUL, dated 14 July 2011 and the plans submitted with it, subject to the conditions set out in the Schedule of Conditions below.

Application for costs

2. At the Hearing an application for costs was made by the appellant against the Council.

This application is the subject of a separate Decision.

Procedural and Background Matters

3. On 2 August 2012 I carried out an unaccompanied site visit at the appeal site and surroundings. As requested by the appellant I also viewed from the adjoining public highways:

- a) the caravan site at Llangan,
- b) the land at Swn-Y-Mor Stables, near Wick, and
- c) the land to the north of Crossways.

4. On the basis of the evidence given at the Hearing the Council confirmed that they were satisfied that the appellant was a gypsy as defined in Circular 30/2007 - "Planning for Gypsy and Traveller Caravan Sites" (the Circular). He buys and sells www.planningportal.gov.uk/planninginspectorateCosts Decision APP/Z6950/A/12/2173682 horses and travels around the country in pursuit of that living. The number of horses which he owns at any one time fluctuates but at the time of the Hearing he had about 200 horses. I agree with the Council's assessment that the appellant is a gypsy.

5. The appellant and his family live on an unauthorised site a Swn-Y-Mor, near Wick. The appellant's agent advised that the appellant was statutorily homeless because he did not have a lawful site to live at. This was not disputed by the Council. The appellant keeps and breeds horses there. In September 2010 he informed the Council's Contravention Officer that he had between 70 and 80 horses at Swn-Y-Mor and about a further 220 to 230 on other land. The appellant claimed at that time to be living at an official gypsy caravan site at Rover Way in Cardiff. However, the appellant confirmed that he had no lawful right to reside at Rover Way and that there was a very long waiting list to get a pitch there.

6. The Council acknowledge that there is a need for gypsy caravan sites in their administrative area.

The Appeal Site and Surroundings

7. The appeal site (as shown red on Plan A) comprises part of a field to the west of Redway Road and to the south east of Crossways. The appeal site excludes a stable block (the stables) erected on land adjoining the appeal site which is also in the ownership of the appellant. The stables were granted retrospective conditional planning permission 1 on 24 March 2006.

8. The appellant acquired the appeal site and adjoining land in the summer of 2009. He confirmed that he had laid the hard-standing which now surrounds part of the stables sometime after August 2009. The appellant also confirmed that he owns the field immediately to the south east of the red and blue land shown on Plan A.

9. I was advised that there is a main electricity supply serving the appeal site.

10. The field immediately to the west of the appellant's landholding has the benefit of planning permission for the erection of a stable building 2 and for the construction of a manege for the exercising and training of horses 3. The stable building has been erected and the manege was in the process of being constructed.

Main Issues

11. I consider the main issue in this case is whether the appeal site is suitable for use as a gypsy caravan site. If there is any material harm arising from that use is that harm outweighed by other material considerations.

Planning Policy and Other Relevant Documents

12. The development plan for the area is the Unitary Development Plan for the Vale of Glamorgan (the UDP). I have been referred to UDP Strategic Policies 1, 2 and 8 and Policies ENV1, ENV2, HOUS2 4 and HOUS14.

13. I have also been referred to:

1/ Document 6

2/ Document 4

3/ Document 5

4/ The Council confirmed at the Hearing that this Policy was not relevant to the determination of this appeal.

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2Costs Decision APP/Z6950/A/12/2173682

- a) Policies MD12 and MG9 of the Deposit Draft of the Vale of Glamorgan Local Development Plan 2011–2026 (the draft LDP),
- b) the Cardiff & Vale of Glamorgan Survey & Assessment of Gypsy Traveller Accommodation (August 2008) prepared by Fordham Research,
- c) the Vale of Glamorgan Gypsy & Traveller Site Assessment Background Paper,
- d) Paragraphs 4.6.8, 4.10.9, 5.5, 9.2.21 & 9.3 of Planning Policy Wales,
- e) Paragraph 6.2 of Technical Advice Note 6: “Planning for Sustainable Rural Communities” (TAN 6),
- f) the Circular,
- g) Paragraphs 1.1.2, 3.2.1 and 5 of the Good Practice Guide in Designing Gypsy Traveller Sites in Wales, and
- h) Paragraphs 6, 7, 54 and 55 of “Travelling to a Better Future”

14. Finally, I was referred to other policy documents 5 . The Council confirmed that there was no specific advice in any of those documents that they wished to rely on or refer me to.

Is the appeal site suitable for use as a gypsy caravan site?

15. The appeal site is within the open countryside. The UDP explains that the distinctive rural character of the Vale of Glamorgan will be protected and enhanced. Within the countryside permission will only be granted for specified forms of development. The only relevant criterion in this case is that countryside development will be allowed if it accords with other policies of the UDP. Further, proposals for new development must have full regard to the context of the local natural environment. New development will only be permitted where it complements the local character of buildings and open spaces and minimises any detrimental impact on adjacent areas.

16. Proposals for the use of land for the siting of residential caravans occupied by gypsies will only be permitted if specified criteria are met. The criteria include that the proposal does not have an unacceptable effect on landscape protection.

17. The appeal site is on land significantly higher than the level of the carriageway in Redway Road and is separated from Redway Road by a substantial roadside hedge. It is proposed to have one static caravan on the site and one touring caravan. Further, there would be an amenity block/dayroom. This is a typical arrangement found on many gypsy caravan sites. It allows a gypsy family to have a settled base for the family and the touring caravan allows the gypsy family to travel in connection with seeking out work. There would be views of the some of the proposed development from the access gate but this would only realistically be seen by people visiting the land and even then the view would be dominated by the stables.

18. I have had regard to the proposed layout of the site, the existing roadside hedge and the possibility of further landscaping within and around the appeal site. In my assessment there would be very limited views of the caravans, amenity block and

5
Technical Advice Note 12: “Design”, Supplementary Planning Guidance “Design in the Landscape”,

Supplementary Planning Guidance “Amenity Standards” & Supplementary Planning Guidance

“Sustainable Development”.

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domestic paraphernalia associated with the residential use from Redway Road. I know that I saw the site when the trees and hedgerow were in leaf but I am satisfied that even when leaves have fallen the site when viewed from Redway Road would be substantially screened.

19. Public Footpath No. 34 (the Public Footpath) links Redway Road (to the south of the appeal site) to Greenway Lane (to the west of the appeal site). The route of the Public Footpath is identified on Plans A to D as “Path (um)”. For a significant length of the Public Footpath views of the appeal site would be screened by the stables. At the time

the application was made there was a mound with vegetation growing on it in the field^{IP: 5102} to the south west of the appeal site. The appellant's witness informed me that this mound screened views of the appeal site from a further significant length of the Public Footpath. That mound has now been removed and there would be clear unobstructed views from the Public Footpath of the caravans, amenity block, parked vehicles and domestic paraphernalia albeit that these would only be visible from a long distance. However, I am of the view that a well designed landscaping scheme would be able to significantly soften the impact of the aforementioned development on the countryside.

20. Whilst the appeal site forms part of an attractive area of countryside this is an area which is characterised by a scattering of built development including small buildings e.g. there is a semi-derelict building to the north of the appeal site (which is larger than the proposed amenity block) and there are also the two sets of stables referred to earlier.

21. I therefore conclude that the proposed single pitch gypsy caravan site would not unacceptably impact on the countryside landscape of the appeal site and the surroundings. Accordingly it would comply with criterion (ii) of Policy HOUS14.

Loss of agricultural land

22. The UDP explains that particular emphasis will be given to conserving the best and most versatile agricultural land (the best agricultural land). The best agricultural land will be protected from irreversible development save where an overriding need can be demonstrated. Further, gypsy caravan sites will only be permitted where the proposal does not have an unacceptable effect on the interests of agriculture.

23. The Council produced a plan entitled "Vale of Glamorgan Agricultural Land Classification 1966 6". This plan indicates that the appeal site would be within a Grade 2 area which would be best agricultural land. However, even on that plan the appeal site is close to a Grade 4 area and/or other land primarily in non-agricultural use.

24. TAN 6 explains that the Agricultural Land Classification Map for Wales is published at a scale of 1:250,000 (the ALC Map). The ALC Map is produced for use in strategic planning and provides only a generalised indication of the distribution of land quality. The ALC Map is not suitable for use in evaluating individual sites. In such cases a re-survey at a larger scale is necessary to obtain a definitive grade.

25. The document produced by the Council is based on the ALC Map. Given the clear advice in TAN 6 I do not consider that it is safe to conclude that the appeal site forms part of the best agricultural land. I consider that it is incumbent on the Council to show on the balance of probabilities that the appeal site is best agricultural land and in this case they have not achieved that.

6

Document 2

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4Costs Decision APP/Z6950/A/12/2173682

26. I am aware of the Appeal Decision relating to Maerdy Newydd Farm 7. In that case the appellant commissioned a soil survey which showed the relevant land in that case to be Grade 3a. This does not alter my view that the onus of proof rests on the Council in this case given that they claim that the proposal would involve the loss of best agricultural land.

27. Accordingly, I am unable to conclude that the proposal fails to conserve or protect the best agricultural land or have an unacceptable effect on agriculture.

Therefore, I find no conflict with the relevant parts of the UDP.

Sustainability of the Site

28. The UDP explains that proposals which encourage sustainable practices will be favoured including proposals which are located to minimise the need to travel especially by car. Development will be favoured in locations which are highly accessible by means of travel other than the private car. As explained above proposals for the use of land for the siting of residential caravans occupied by gypsies will only be permitted if specified criteria are met. The criteria include that adequate community services exist and are reasonably accessible.

29. The appeal site is about 1.5k from a small village shop in Bonvilston, 7k from a large

store where the weekly shopping can be bought, 4.2k from the primary school in St. Nicholas or 3.5k from the primary school in Pendoylan, 7k from a comprehensive school in Cowbridge or 10k from a High School in Ely (Cardiff), 7.2k from a doctors surgery or a dentist in Cowbridge and there are three hospitals 9.8k, 11.6k and 19.8k from the appeal site. The nearest bus stop is about 0.9k from the appeal site on the A48 near the junction with Redway Road. Access to all these services requires the use of narrow single track lanes.

30. The Circular explains that issues of site sustainability are important for the health and well being of gypsies not only in respect of environmental issues but also for the maintenance and support of family and social networks. Sustainability should not only be considered in terms of transport mode or distances from services but should include consideration of, amongst other things, children attending school on a regular basis. Three of the appellant's children currently attend the primary school in St. Nicholas. The appeal site is much closer to this school than the unauthorised site a Swn-Y-Mor Stables. Accordingly, the proposal would support the appellant's desire to ensure their continued attendance at the primary school.

31. The appellant confirmed that he also rented about 150 acres of land which he uses in connection with his horse business. The rented land is about 1.5 miles from the appeal site. Accordingly, the proposal would assist the appellant in terms of ease of accessibility to this important landholding.

32. In my assessment the local facilities and services can only realistically be accessed if the occupiers of the site use a private car. However, the Circular explains gypsy caravan sites are found in rural settings and where these are not subject to specific planning or other constraints they are acceptable in principle. In assessing the suitability of such sites Councils should be realistic about the availability of alternatives to the car in assessing local services. Over-rigid application of development plan policies that seek a reduction in car borne travel would not be appropriate as they could be used to effectively block proposals for gypsy caravan sites in rural locations.

7 Document 3

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5 Costs Decision APP/Z6950/A/12/2173682

33. Having regard to the advice in the Circular (which post-dates the UDP) I consider that the distances from the appeal site to local facilities and services are such that the facilities and services are reasonably accessible and there is no conflict with the relevant part of Policy HOUS14.

Other Matters

34. I have had regard to the relevant parts of the draft LDP. These policies are at a very early stage in the process towards adoption. My understanding is that the public consultation exercise is still taking place and clearly limited weight can be given to them. The Council propose to provide for gypsy needs by the provision of public pitches on Council owned land at Llangan. However, the Circular explains that gypsies may wish to find and buy their own sites to develop and manage. An increase in the number of approved private sites may also release pitches on Council sites for gypsies most in need of public provision. Further, Councils should encourage the provision of private sites. Clearly, the appellant and his family wish to live on a private site which should be encouraged.

35. I have dealt with the appeal in accordance with the relevant statutory test and found, for the reasons explained above, that the proposal complies with the development plan. I do not consider that the draft LDP is a material consideration that at this stage would indicate that another decision should be made.

36. I am also aware that there was a considerable concern raised by local residents regarding highway safety issues. The Council as the Highway Authority are primarily responsible for ensuring that new development does not result in highway safety problems and they raised no objections to this proposal. There is no evidence that the Council have failed to properly assess the highway safety considerations in this case.

37. I am also aware that the Circular seeks to achieve the promotion of peaceful and

integrated co-existence between those that would occupy the site and the local community. Whilst I am aware that there is considerable opposition the appellant has sought to obtain permission through the lawful process. Whilst others may object to the grant of any permission this does not mean that any gypsies occupying the site will not be able to integrate and live peaceably with the local community. The appellant has a young family who already attend a local primary school and as such the appellant's family already have ties with other children living in the area and I consider it likely that this site will be successfully integrated into the local community.

Conditions

38. I have considered the conditions discussed at the Hearing in the light of the advice in Circular 35/95 "The Use of Conditions in Planning Permissions". In addition to the statutory time commencement condition I consider it is reasonable and necessary to ensure that:

- a) the occupation of the site is restricted to gypsies or travellers as this is the policy justification for allowing this development,
- b) details of the external materials for the utility/dayroom building are agreed to ensure that they are appropriate for this area,
www.planningportal.gov.uk/planninginspectorate
6Costs Decision APP/Z6950/A/12/2173682
- c) the number and size of vehicles are restricted to ensure that the visual amenities of the area are protected,
- d) no commercial activities are carried out on the site as none are proposed and any such activities could harm the visual amenities of this countryside location,
- e) the number and type of caravans are limited to those sought so as to protect the visual amenities of the countryside location,
- f) the position of the mobile home is agreed by the Council. This is necessary because the appellant is of the view that the position of the mobile home as shown on the application plans may not leave sufficient room for the planting of trees along the boundary with the adjoining land to the west. It is important that the position of the mobile home is agreed so as to limit its visual impact on the area,
- g) the touring caravan shall be located in the position indicated on the application plans so as to limit its visual impact on the area,
- h) the site should be landscaped in accordance with an agreed scheme and the scheme should be implemented and maintained so as to ensure that the visual impact of the development on the countryside is limited. Further details of the hard-standing and external lighting should be agreed with the Council for the same reasons.
- i) The hedgerow adjoining to Redway Road should be retained as this effectively screens the proposal from public view from that direction.

Overall Conclusions

39. I have explained above that the proposal would comply with the relevant policies of the UDP and is therefore suitable for use as a gypsy caravan site. As the use complies with the relevant parts of the development plan there is no need for me to consider any other material considerations.

Tim Belcher
Inspector

www.planningportal.gov.uk/planninginspectorate

IN THE MATTER OF A PROPOSED ACTION :

B E T W E E N :

MEMBERS OF THE LLANGAN ACTION GROUP

Claimant

-and-

VALE OF GLAMORGAN COUNCIL

Defendant

ADVICE

- 1** In this matter, I am asked to advise as to the validity and enforceability of an undertaking, given as long ago as the 1st May 1996. It was given by the Chief Executive of the Council, for and on behalf of the Council but it has never been given any real effect. In order to understand the discussion that follows, it is of some importance to set out the salient facts.
- 2** Mr Carrol and his family have claimed to be entitled to maintain their travelling lifestyle in the immediate vicinity of Llangan since 1991 at the latest. He seems to have or have had a large family, as at 1997, there was himself, his wife and 5 children. I do not know if that was the final size of the family. Between 1991 and 1993, he was on land he bought at St Mary's Hill. He was refused planning permission for a site there and ultimately moved to a site some 230 metres east of the hamlet. There he has stayed, despite the refusal of planning permission on two occasions and the setting aside by the court of a planning permission the Council gave itself. It is what happened during those latter proceedings which gives rise to the undertaking under consideration.
- 3** Mr Harding, a then resident of Llangan and member of the Action Group, took Judicial Review proceedings to set aside a planning permission which the Council had granted itself, in very unusual circumstances, to allow the site to be used by the Carrols. These proceedings would have started in or about early 1995 (the permission having been granted in December 1994). At some point, someone in the Council appears to have realised that they were trying to defend the indefensible and a consent order was entered into by the Council and Mr Harding on the 1st May 1996. On that day, Mr Foster gave the undertaking we are concerned with. There are three terms that are particularly important:
 - a.** As for the term of the Undertaking, Mr Foster confirmed that he was authorised to give it on behalf of the Council and that the Council *shall hereafter be bound by it and all of its terms.*

b. The first and foremost thing that the Council undertook to do was to *Use its best*^{ID: 5122} endeavours to remove from the site known and situate at OS Parcel No. 3869 ("the site") at the earliest possible date, whether by legal proceedings or other lawful means, Mr William Carrol and any other person who then occupies the said site and to prevent their return.

c. Secondly, and at this stage I paraphrase, the Council undertook to remove all structures and services on the site, which had been provided for the use of the Caroll family and to return the site back to its original condition.

The Council also undertook to terminate a licence it had apparently granted to Mr Carrol. I have not seen that but I have seen that advice was given to the Council that it was ineffective as a licence. However, I do note that the Council terminated it.

4 Although this undertaking was given on the same date of the original Consent Order, all parties have proceeded on the basis that this undertaking was independent of that Order and I proceed on the same basis. The Consent Order itself was set aside later that year, on the application of Mr Carrol who complained (if I understand matters correctly) that he had not been served. This was in January 1997 and led to a substantive hearing of the Judicial Review application in November 1997. Judicial Review was granted, the planning permission was set aside. No other order, save as to costs was made, the question of any necessary further relief being adjourned. The undertaking continued, being in essence simply a promise to do certain acts with contractual effect.

5 What happened next? The Council did seek to determine the licence and clearly started possession proceedings. Those proceedings were ongoing at the time of the final hearing of the Judicial Review application. They were finally listed for hearing on the 15th September 1998, Mr Carrol started Judicial Review proceedings on the basis that eviction in the absence of a suitable alternative site would be Wednesbury unreasonable. I suspect but do not know that this was based on the alleged needs of his autistic child rather than the fact that he was a traveller. However, his "requirements" went far beyond the need for a site. According to the minutes I have seen of the 28th October 1998, the alternative had to be close to Llangan, be one solely for his family's occupation and he had to have an option to purchase the land. It appears from para. 2.2 of those Minutes that the Council limited itself to seeing whether there were sites which met those "requirements". Prima facie, it seems to me that those requirements go far beyond what Mr Carrol and his family could reasonably say were necessary to meet their housing needs and were themselves unreasonable. However, the Council seems to have thought that it was consistent with their obligations under the Undertaking to continue to seek such sites (which by definition would be almost vanishingly small in number) and to allow the Carrols to remain on the site in the interim. This meant abandoning the eviction proceedings.

- 6** I have to say that I find it very difficult to say that this could constitute best endeavours on the part of the Council. In particular, restricting itself to meeting Mr Carrol's requirements cannot easily be said to be using best endeavours by lawful means to secure Mr Carrol's removal. Furthermore, one would have to consider the legal advice very carefully before expressing a view as to whether the prospects of success were so low that the Council was acting in a way consistent with its undertaking in withdrawing the eviction proceedings.
- 7** It is fair to say that there is a letter of the 2nd November from the Council to Mr Harding's then solicitors which suggests that the parameters of the search for accommodation had somehow widened in the 4 days between the Minutes and the date of the letter. Whether that was the case might be important if there is ever an issue as to whether or not the Council were using their best endeavours, as at the 28th October but I am prepared to assume, for present purposes that it is. More significantly, the letter goes on to say *the Council is mindful of the Undertaking given to Mr Harding by the Chief Executive but assures your client that it continues to use its best lawful endeavours to move the family off the site, but as you will appreciate, it cannot be in the best interests of the Council to become involved in litigation against advice that success is highly unlikely that thereby expend significant sums of public money to no good purpose.* In the absence of sight of that Advice, I would not wish to comment on the accuracy or otherwise of the last sentence but it is the first and second clauses that are significant in this context.
- 8** The matter again came before the Council in July 2000, the Council having obtained an Advice from Morag Ellis, then a well-known planning and public law junior and now a silk. It appears that her Advice was to grant a temporary licence on "humanitarian" grounds; those being the then needs of the autistic child.¹ As I understand matters, that child was then spending 4 nights a week in residential care and 3 nights with the Carrols. This is, of course, only 2 years after the matter was last considered. However, again it was on the basis that matters had to be kept under constant review.
- 9** The temporary planning permission that was granted in 2000, following that advice, expired in 2003. On the 16th November 2005, Mr Harding's solicitors wrote to the Council pointing out that the children were no longer of school age and that, in fact, Mr Carrol's caravans had now been replaced by a permanent structure and asking what the Council's present position was. That letter referred to the Undertaking. I have not seen a copy of any reply to that letter or, indeed, any further correspondence since that date.

¹ □ See para. 12 of the Joint Report provided for the Cabinet Meeting on the 25th July 2000.

10 The present position appears to be this. As far as paragraph 1 of the Undertaking is ^{ID: 5122} concerned, it may well be that the Council will never be required to seek the eviction of Mr Carrol. I gather that the planning considerations which precluded the use of the St Mary's site are no longer as obviously compelling and that there is a reasonable prospect of Mr Carrol obtaining the permission he originally sought in 1991. If that is the case, then he will be vacating this site. However, the Council far from seeking to remove all the structures and services needed for such a site, clearly want to retain them since their proposals for the Local Development Plan are that this site is not only continued but extended to allow for a second family. It is a matter of planning law and not for the matters put before me as to how that can be justified if it is based on an assessment that the site is required, inter alia, for the Carrol family when they have plans to move from the site. However, it is a matter of contractual law that the second paragraph of the Undertaking still, in my view, applies. The opening words of that paragraph are *Upon the site becoming vacant*, not *on compliance by the Council with paragraph 1 of this undertaking* or similar words. In other words, the obligations under paragraphs 1 and 2 are independent. As and when the Carrols leave this site, then the council has given a contractual undertaking to carry out clearance works.

11 The position of the Council is set out in paragraph 4.11 of their Evidence to Hearing number 25 of the consideration of the Local Development Plan. That, in essence, makes three points:

- a. That starting the eviction proceedings and ending them in the circumstances set out in paragraph 7 above discharged all of the Council's obligations under the undertaking;
- b. Paragraph 2 only arises if the Council succeeds in removing Mr Carrol in compliance with paragraph 1 and not, for example, if he decides to leave the site voluntarily and
- c. Any action would lie in private law and not as a matter of planning law.

For the reasons given above, one can readily accept the third of those propositions. However, the first seems to me to be unsustainable. Firstly, it is clearly arguable that what was done or not done in 1998 did not constitute best endeavours then. Secondly, and this helps construe the obligation under the undertaking, no-one at the time believed that it did discharge the Undertaking. Paragraph 1 does not contain any wording which suggests that it is limited to one attempt or that it is limited in time. I simply cannot construe it in the way contended for by the Council. The Council's position seems to me even weaker in respect of paragraph 2 for the reasons I have given in paragraph 10 above.

12 It follows that I am firmly of the view that both paragraphs 1 and 2 of the Undertaking constitute continuing contractual obligations on the part of the Council which contractually

require the Council to act in certain ways. My own view is that there is a continuing ^{DR: 5122} duty of the Council to, at the very least consider, whether or not eviction proceedings would now be justified against the Carrol family, if they do not decide to leave voluntarily. As and when they do leave, whether voluntarily or pursuant to a n eviction order, then there is the clear duty to reinstate in accordance with the requirements of paragraph 2.

Michael Mulholland

23rd March 2017

23ESCommercial

IN THE MATTER OF A PROPOSED

ACTION:

B E T W E E N :

**MEMBERS OF THE LLANGAN ACTION
GROUP**

Claimant

-and-

VALE OF GLAMORGAN COUNCIL

Defendant

ADVICE

DRN Commercial

| |
|--------------------------------------|
| DEER |
| RECEIVED |
| ACTION BY: <i>[Signature]</i> LOP To |
| NO: 3 |
| ACK: |

20.3.17

For the attention of FMAC

I wish to object to the intention of increasing the size of the Coy Road site. Sufficient to say that the infrastructure is not available to support this proposal.

Yours faithfully,

M. C. FRANCES

| |
|---------------------------|
| RECEIVED |
| 21 MAR 2017 |
| Regeneration and Planning |

Dear Sir,

Vale of Glamorgan Local Development Plan 2011 -
2026, Further Matters Arising Changes

REFERENCE 5925.

With reference to your letter regarding the above I am writing to say that all the paperwork you have received from me under the above reference quoted I would like everything to remain the same.

My opinion is that the whole affair should be scrapped and restarted.

The areas that are under consultation have caused quite a number of problems and Planning seem to be hanging every matter out and not considering any considerations for the areas or the residents.

I would like to receive an acknowledgment.

Yours faithfully

A.P. JAMES.

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| NO: |
| ACK: |

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| RECEIVED |
| 20 FEB 2017 |
| Regeneration and Planning |

From: [Geoff Dunn](#)
To: [LDP](#)
Subject: REF :
Date: 16 February 2017 11:32:21

f.a.o. L.D.P. Team

All my earlier submissions (reference number 5930) are to be considered towards this next round of consultation talks regarding the L.D.P. 2011-26.

Regards

G.W. Dunn



This email has been checked for viruses by Avast antivirus software.
www.avast.com

From: [Will Dunn](#)
To: [LDP](#)
Subject: REF : Vale Of Glamorgan Local Development Plan 2011-2026
Date: 16 February 2017 11:28:36

f.a.o. L.D.P. team

Dear Sir/Madam,

I wish to add that my previous submissions of comments to the Vale Of Glamorgan Council relating to LDP sites as well as for the LDP as a whole over the last 5 or so years (my reference number 5931) still stand and I wish them to be considered towards this next period of consultation regarding the LDP.

Also, I wish to make the comment that I believe 100% that that the current LDP 2011-2026 is as unsound now as it was when I first submitted comments. It is untenable, very costly on Council Tax payers and bears striking resemblances to the frailties and unsoundness of the European Union model over which last year's referendum was held. The LDP as it stands should be scrapped completely.

Yours sincerely

W.E. Dunn



This email has been checked for viruses by Avast antivirus software.
www.avast.com

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Representor No.

Date Received.....

Date of Acknowledgement

Vale of Glamorgan Local Development Plan 2011-2026 Further Matters Arising Changes Consultation Representation Form

Data Protection

How your representation and the information that you give us will be used.

All information submitted will be seen in full by the Vale of Glamorgan Council staff dealing with the Local Development Plan (LDP). Your name and comments as set out in your representation form will be published in due course. This helps to show that the consultation was carried out properly. Please note that this form and any supporting information will be forwarded to the Inspector for consideration.

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**This document is available in other formats upon request
Mae'r ddogfen hon ar gael mewn fformatiau eraill drwy holi**

| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details (if relevant) |
|-------------------------|--------------------------------------|-------------------------------|
| Name | Ron & Mair Richards | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| Email Address | | |
| I.D.No.* (if relevant) | | |

*You will have an ID Number if you have made representations at previous stages of the LDP process or if you have requested to be included on the Council's LDP database. **The ID number will be clearly indicated on previous correspondence from the Council. PLEASE QUOTE THIS NUMBER TO ASSIST THE COUNCIL IN IDENTIFYING YOU.**

Guidance Notes

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Part 2: Your Comments on the Further Matters Arising Changes Schedule.

2a. Which Further Matters Arising Change(s) are you commenting on? (Please refer to FMAC Schedule)

| Further Matters Arising Change reference number (e.g. FMAC1) | Support | Object | If you are objecting to an FMAC, please state which Test of Soundness you think that it fails. | | |
|--|--------------------------|--------------------------|--|--------------------------|--------------------------|
| | | | Test 1 | Test 2 | Test 3 |
| FMAC 11 | <input type="checkbox"/> | X | <input type="checkbox"/> | X | X |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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The Tests of Soundness

| | |
|---------------|--|
| Test 1 | Does the plan fit? (i.e. is it clear that the LDP is consistent with other plans?) |
| Test 2 | Is the plan appropriate? (i.e. is the plan appropriate for the area in the light of the evidence?) |
| Test 3 | Will the plan deliver? (i.e. is it likely to be effective?) |

2b. Please set out your comments in the space below using additional sheets if required. If you consider that the proposed Further Matters Arising Changes will not make the Plan sound, please clearly set out your reasons why and state what further changes you think are required. Please indicate in the space provided if you are submitting additional material to support your comments. If you are commenting on more than one FMAC, please ensure you clearly state which FMAC your comments relate to.

The FMAC refers to:

THERE WILL BE A **PREFERENCE** FOR ACCOMMODATION NEEDS TO BE MET ON ANY OF THE FOLLOWING:

ALLOCATED GYPSY AND TRAVELLER SITES;

EXISTING GYPSY AND TRAVELLER SITES OR ON APPROPRIATE EXTENSIONS TO THOSE SITES;
OR

SITES WITHIN EXISTING SETTLEMENTS.

At the recent public examination there was a significant discussion over merit (or otherwise) of the allocation of the ONLY site in Llangan.

The Council stated within their response (re the legal undertaking) that they believed that they had complied with the terms of the undertaking. It was argued by Llangan Action that this was not the case.

The application of the Undertaking raises significant questions re the deliverability of the site, in that if it is evidenced that the Undertaking stands, the Council remain legally obligated to clear the site and prevent further occupation.

Llangan Action has now received Counsels opinion over the validity of the Undertaking which has concluded that the Council remains bound by its obligations.

The existing occupant has not made an application for his own land (which is likely to be successful), therefore the Council could return the site back to its former agricultural status.

Taking into account the enclosed advice the proposal fails test 2 and 3.

Whist it was discussed at the examination – the status of the words “preference” in the context of priority setting, it remains our view that this will be used as a mechanism for the Council to force applicants to live on a site that (as conveyed by the travelling community themselves at the examination) they do not want.

We reiterate, that the ONLY ALLOCATED GYPSY AND TRAVELLERS SITE in the LDP is located in Llangan (which further contradicts the remaining statements within FMAC 11 being “THERE IS REASONABLE ACCESS FROM THE SITE TO DAY TO DAY SERVICES, FACILITIES AND EMPLOYMENT, INCLUDING SCHOOLS, MEDICAL FACILITIES, SHOPS AND COMMUNITY FACILITIES - In addition, the sustainability of the site in terms of access to essential services and facilities will also be an important factor in determining the suitability of the proposal”

Part 3: What Happens Next?

At this stage of the LDP process, you can only make comments in writing (these are called 'written representations'). However, the Inspector may decide that further Hearing Sessions are necessary as a result of the Further Matters Arising Changes consultation to more fully consider any issues raised. In the event that additional Hearing Sessions are arranged you should indicate on the form whether you would like to participate and speak at any future Hearing Session(s). You should bear in mind that your written comments on this form will be given the same weight by the Inspector as those made verbally at any future Hearing Session(s).

All representations received by the closing date will be forwarded directly to the Inspector for consideration. Please note that the Council will not be responding to duly made representations.

3a. Do you want your comments to be considered by 'written representations' or do you want to speak at any additional hearing sessions? (If requested by the Inspector) (Please tick one of the following)

| | |
|--|----------|
| I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector. | x |
| I want to speak at a hearing session. | |

3b. If you wish to speak, please confirm which part of your representation you wish to speak to the Inspector about and why you consider it to be necessary to speak at the Hearing Session.

FMAC 11 to review the content of the additional information from Counsel.

| | | | |
|----------------|--|---------------|----------|
| Signed: | | Dated: | 31.03.17 |
|----------------|--|---------------|----------|

| | |
|--|---|
| If this form represents a petition please indicate how many people it represents. | 2 |
|--|---|

THANK YOU FOR YOUR COMMENTS ON THE FURTHER MATTERS ARISING CHANGES SCHEDULE

Please do not forget to enclose any additional relevant documentation with this form.

Completed representation forms should be returned to the LDP Team either:

BY EMAIL – To: ldp@valeofglamorgan.gov.uk OR

BY POST – To: The LDP Team, Vale of Glamorgan Council, Dock Office, Barry Docks, Barry, CF63 4RT.

**REPRESENTATION FORMS MUST BE RETURNED BY
Midnight on Friday 31st March 2017**

**ANY REPRESENTATIONS RECEIVED AFTER THIS TIME WILL NOT BE CONSIDERED
TO BE DULY MADE**

**The Council will acknowledge of all representations and make them available to the
Inspector as a part of the Examination process.**

**If you have any queries regarding the consultation or require assistance completing
the form please contact the LDP team on 01446 705663 or email
ldp@valeofglamorgan.gov.uk**



Ebost/Email:

Ffôn/Phone:

Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

31 March 2017

Annwyl Syr/Madam / Dear Sir/Madam,

Vale of Glamorgan Local Development Plan 2011 – 2026: Further Matters Arising Changes

Thank you for referring us to the Further Matters Arising Changes (FMAC) to the Vale of Glamorgan Local Development Plan (LDP).

Having reviewed the FMAC schedule and FMACs for the Sustainability Appraisal (incorporating the Strategic Environmental Assessment) and Habitats Regulation Assessment we have no objections to these changes. These changes do not make the Plan unsound.

I trust this advice is clear

Yn gywir / Yours faithfully

James Davies

Uwch Ymgynghorydd Cynllunio Datblygu / Senior Development Planning Advisor
Cyfoeth Naturiol Cymru / Natural Resources Wales

For Office use only

Representor No.

Date Received.....

Date of Acknowledgement

Vale of Glamorgan Local Development Plan 2011-2026 Further Matters Arising Changes Consultation Representation Form

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**This document is available in other formats upon request
Mae'r ddogfen hon ar gael mewn fformatiau eraill drwy holi**

| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details <i>(if relevant)</i> |
|-------------------------------|--------------------------------------|--------------------------------------|
| Name | Colin Masterson | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| Email Address | | |
| I.D.No.* <i>(if relevant)</i> | | |

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| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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The Tests of Soundness

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| Test 1 | Does the plan fit? (i.e. is it clear that the LDP is consistent with other plans?) |
| Test 2 | Is the plan appropriate? (i.e. is the plan appropriate for the area in the light of the evidence?) |
| Test 3 | Will the plan deliver? (i.e. is it likely to be effective?) |

2b. Please set out your comments in the space below using additional sheets if required. If you consider that the proposed Further Matters Arising Changes will not make the Plan sound, please clearly set out your reasons why and state what further changes you think are required. Please indicate in the space provided if you are submitting additional material to support your comments. If you are commenting on more than one FMAC, please ensure you clearly state which FMAC your comments relate to.

The FMAC refers to:

THERE WILL BE A PREFERENCE FOR ACCOMMODATION NEEDS TO BE MET ON ANY OF THE FOLLOWING:

ALLOCATED GYPSY AND TRAVELLER SITES;

EXISTING GYPSY AND TRAVELLER SITES OR ON APPROPRIATE EXTENSIONS TO THOSE SITES;

OR

SITES WITHIN EXISTING SETTLEMENTS.

At the recent public examination there was a significant discussion over merit (or otherwise) of the allocation of the ONLY site in Llangan.

The Council stated within their response (re the legal undertaking) that they believed that they had complied with the terms of the undertaking. It was argued by Llangan Action that this was not the case.

The application of the Undertaking raises significant questions re the deliverability of the site, in that if it is evidenced that the Undertaking stands, the Council remain legally obligated to clear the site and prevent further occupation.

Llangan Action has now received Counsels opinion over the validity of the Undertaking which has concluded that the Council remains bound by its obligations. The existing occupant has not made an application for his own land (which is likely to be successful), therefore the Council could return the site back to its former agricultural status.

Taking into account the enclosed advice the proposal fails test 2 and 3.

Whist it was discussed at the examination – the status of the words “preference” in the context of priority setting, it remains our view that this will be used as a mechanism for the Council to force applicants to live on a site that (as conveyed by the travelling community themselves at the examination) they do not want.

We reiterate, that the ONLY ALLOCATED GYPSY AND TRAVELLERS SITE in the LDP is located in Llangan (which further contradicts the remaining statements within FMAC 11 being “THERE IS REASONABLE ACCESS FROM THE SITE TO DAY TO DAY SERVICES, FACILITIES AND EMPLOYMENT, INCLUDING SCHOOLS, MEDICAL FACILITIES, SHOPS AND COMMUNITY FACILITIES

- In addition, the sustainability of the site in terms of access to essential services and facilities will also be an important factor in determining the suitability of the proposal”

Part 3: What Happens Next?

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3a. Do you want your comments to be considered by 'written representations' or do you want to speak at any additional hearing sessions? (If requested by the Inspector) (Please tick one of the following)

| | |
|--|-------------------------------------|
| I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector. | <input checked="" type="checkbox"/> |
| I want to speak at a hearing session. | <input type="checkbox"/> |

3b. If you wish to speak, please confirm which part of your representation you wish to speak to the Inspector about and why you consider it to be necessary to speak at the Hearing Session.

| | |
|----------------|-----------------------------|
| Signed: | Dated: 29 March 2017 |
|----------------|-----------------------------|

If this form represents a petition please indicate how many people it represents.

**THANK YOU FOR YOUR COMMENTS ON THE FURTHER MATTERS ARISING
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Representor No.

Date Received.....

Date of Acknowledgement

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Mae'r ddogfen hon ar gael mewn fformatiau eraill drwy holi**

| Part 1: Contact Details | Your Details | Agent's Details <i>(if relevant)</i> |
|-------------------------------|--------------|--------------------------------------|
| Name | Ian Tarr | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| Email Address | | |
| I.D.No.* <i>(if relevant)</i> | | |

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2a. Which Further Matters Arising Change(s) are you commenting on? (Please refer to FMAC Schedule)

| Further Matters Arising Change reference number (e.g. FMAC1) | Support | Object | If you are objecting to an FMAC, please state which Test of Soundness you think that it fails. | | |
|--|--------------------------|--------------------------|--|--------------------------|--------------------------|
| | | | Test 1 | Test 2 | Test 3 |
| FMAC 11 | <input type="checkbox"/> | X | x | X | X |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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The Tests of Soundness

| | |
|---------------|--|
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The FMAC refers to:

POLICY MD 18 - GYPSY AND TRAVELLER ACCOMMODATION

PROPOSALS FOR ADDITIONAL GYPSY AND TRAVELLER ACCOMMODATION WILL BE PERMITTED

PROVIDING THAT:

1. 2. THERE IS REASONABLE ACCESS FROM THE SITE TO DAY TO DAY SERVICES, FACILITIES AND EMPLOYMENT, INCLUDING SCHOOLS, MEDICAL FACILITIES, SHOPS AND COMMUNITY FACILITIES;

In response to the above paragraph. When I moved here June 2015 I struggled to get places for my children in Llangan School as they told me that the school was at maximum capacity. Therefore, how will the school cope with extra children should additional families move to the area. Secondly, the nearest shops/medical facilities are approximately 3 miles away in Cowbridge or Pencoed and with the area being rural transport links are very limited.

4. 5. THE EXISTING HIGHWAY NETWORK IS ADEQUATE TO SERVE THE SITE AND A SATISFACTORY MEANS OF ACCESS CAN BE PROVIDED, INCLUDING PROVISION FOR PARKING, TURNING, SERVICING AND EMERGENCY VEHICLES.

In response to the above paragraph. The site location is in a rural village with very narrow lanes, plus there is a small bridge which I believe has a weight limit. In my opinion the lanes/access is not suitable for larger vehicles, such as emergency vehicles.

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- SITES WITHIN EXISTING SETTLEMENTS.

From my understanding I believe that there is a legal obligation on the council to clear the site at Llangan due to a historical legal undertaking.

In my opinion LDP proposal fails tests 1, 2 and 3.

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| | |
|--|----------|
| I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector. | x |
| I want to speak at a hearing session. | |

3b. If you wish to speak, please confirm which part of your representation you wish to speak to the Inspector about and why you consider it to be necessary to speak at the Hearing Session.

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| Signed: | | Dated: | 30/3/17 |
|----------------|--|---------------|---------|

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| If this form represents a petition please indicate how many people it represents. | |
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THANK YOU FOR YOUR COMMENTS ON THE FURTHER MATTERS ARISING CHANGES SCHEDULE

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Mae'r ddogfen hon ar gael mewn fformatiau eraill drwy holi**

| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details (if relevant) |
|-------------------------|--------------------------------------|-------------------------------|
| Name | Edward Hunt | |
| Address | | |
| Postcode | | |

| | | |
|------------------------|--|----------|
| Telephone No. | | ID: 7399 |
| Email Address | | |
| I.D.No.* (if relevant) | | |

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|--|--------------------------|--------------------------|--|--------------------------|--------------------------|
| Further Matters Arising Change reference number (e.g. FMAC1) | Support | Object | If you are objecting to an FMAC, please state which Test of Soundness you think that it fails. | | |
| | | | Test 1 | Test 2 | Test 3 |
| FMAC 11 | <input type="checkbox"/> | X | X | X | X |
| FMAC 35 | <input type="checkbox"/> | X | X | X | X |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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FMAC 11 Policy MD18

This FMAC seems to now refer to Llangan being the only site for Gypsy and Travellers in the entire Vale of Glamorgan. This is a completely inappropriate proposal and its implementation would be a disaster to the community and environment of Llangan. Furthermore, Llangan absolutely does not in any way comply with your statements in points 1, 2, 3, 4 which relate to access, appropriateness, services and the highway network. Llangan is a rural location with no access to services, no regular bus service, no sewage, inadequate access for the emergency services and many other reasons that contradict the points set out. It beggars belief that Llangan is still being considered given previous objections from the community and their expert opinion.

I understand that different traveller families will be forced to live together which is against the Council's own policy.

Vale of Glamorgan Council clearly have no plan b and are totally committed to implementing an ill thought through, insensitive and environmentally disastrous proposal.

There is no evidence presented now or previously of any reasonable effort having been put into identifying an alternative site anywhere else in the Vale of Glamorgan. It cannot be countenanced that if Llangan is considered suitable, other parts of the Vale are not.

The community are aware of an historic legal obligation on the council to undertake to clear the site. In these circumstances Llangan cannot be considered as a suitable site.

FMAC 35 Ref No 7.4

For the above reasons, Llangan should not be further expanded and in fact the existing unauthorised site should be closed and returned to agricultural use.

*Please use additional sheets if required.
Please state how many additional sheets have been used*

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X

I want to speak at a hearing session.

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Signed:

Edward Hunt

Dated:

30.03.17

If this form represents a petition please indicate how many people it represents.

2

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| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details (if relevant) |
|-------------------------|--------------------------------------|-------------------------------|
| Name | R Williams | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| Email Address | | |
| I.D.No.* (if relevant) | | |

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| FMAC 35 | <input type="checkbox"/> | X <input type="checkbox"/> | X <input type="checkbox"/> | X <input type="checkbox"/> | X <input type="checkbox"/> |
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The Tests of Soundness

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| Test 1 | Does the plan fit? (i.e. is it clear that the LDP is consistent with other plans?) |
| Test 2 | Is the plan appropriate? (i.e. is the plan appropriate for the area in the light of the evidence?) |
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2b. Please set out your comments in the space below using additional sheets if required. If you consider that the proposed Further Matters Arising Changes will not make the Plan sound, please clearly set out your reasons why and state what further changes you think are required. Please indicate in the space provided if you are submitting additional material to support your comments. If you are commenting on more than one FMAC, please ensure you clearly state which FMAC your comments relate to.

FMAC 11 HS25/AP3 Policy MD18

By removing the "local need for accommodation" then there is an unfair preference to site future sites at existing sites at Llangan, without consideration of the local need both for Travellers and existing residents. Surely any such development needs to be as there is an identifiable local need. Llangan is a completely unsuitable site as demonstrated by safety concerns (fire brigade are unable to access the site, and thus enlargement of the site puts future residents at risk), increased cost of sewage removal, limited local amenities, an oversubscribed village school and the impact of the small community. It has also been established through our own enquiries that neither the current proposed travellers wish to be placed here, as own their own land and seeking planning permission for development of their land. Hence there is no local need, and this alteration clearly recognises this and identifies the council's agenda is merely to identify Llangan as their preferred site for Traveller accommodation despite local concerns.

FMAC 35, HS26b/AP1

Whilst the council maintains there is a short-term need to provide traveller accommodation and hence 2 sites; neither of the proposed 2 traveller families wish to be placed (the existing Llangan Traveller resident has land in St Mary Hill, with planning permission requested) and the family in Wenvoe also have brought their land at their existing site and again are attempting to gain planning permission. Hence there is currently no need for 2 sites; and this is the council's agenda of setting out Llangan as a preferred site for all future Traveller accommodation demand- despite its inappropriateness as a large site. To my knowledge the Wenvoe family have not been afforded engagement in discussions about their accommodation needs or the plan to move them to a site with an unknown family already in residence.

We are also aware of an existing Undertaking agreed by the council following a High Court Judicial review, which is still valid; whose basis is the council's responsibility to resettle the existing Traveller family, not to place any further sites in Llangan and to return the site to agricultural use. The Council are aware of this legal undertaking and their blatant disregard of it is clear by their continued drive to identify the small village of Llangan as their preferred site for future Gypsy and Traveller accommodation.

Part 3: What Happens Next?

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3a. Do you want your comments to be considered by 'written representations' or do you want to speak at any additional hearing sessions? (If requested by the Inspector) (Please tick one of the following)

| | |
|--|-------------------------------------|
| I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector. | <input checked="" type="checkbox"/> |
| I want to speak at a hearing session. | <input type="checkbox"/> |

3b. If you wish to speak, please confirm which part of your representation you wish to speak to the Inspector about and why you consider it to be necessary to speak at the Hearing Session.

| | | | |
|----------------|------------|---------------|----------|
| Signed: | R Williams | Dated: | 22/03/17 |
|----------------|------------|---------------|----------|

If this form represents a petition please indicate how many people it represents.

THANK YOU FOR YOUR COMMENTS ON THE FURTHER MATTERS ARISING CHANGES SCHEDULE

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**REPRESENTATION FORMS MUST BE RETURNED BY
Midnight on Friday 31st March 2017**

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ldp@valeofglamorgan.gov.uk



For Office use only

Representor No.

Date
Received.....

Vale of Glamorgan Local Development Plan 2011-2026 Further Matters Arising Changes Consultation Representation Form

Data Protection

How your representation and the information that you give us will be used.

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**This document is available in other formats upon request
Mae'r ddogfen hon ar gael mewn fformatiau eraill drwy holi**

| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details (if relevant) |
|-------------------------|--------------------------------------|-------------------------------|
| Name | Mr. William Carroll | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| Email Address | | |
| I.D.No.* (if relevant) | | |

*You will have an ID Number if you have made representations at previous stages of the LDP process or if you have requested to be included on the Council's LDP database. The ID number will be clearly indicated on previous

correspondence from the Council. PLEASE QUOTE THIS NUMBER TO ASSIST THE COUNCIL IN IDENTIFYING YOU. ID: 7408

Guidance Notes

This form should only be used to make comments on the FMAC Schedule. A separate form is available if you wish to comment on the addendum to the SA / HRA. You should include all of your comments on this form. If additional sheets as required please clearly number each additional sheet and securely attach them to this form.

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Part 2: Your Comments on the Further Matters Arising Changes Schedule.

2a. Which Further Matters Arising Change(s) are you commenting on? (Please refer to FMAC Schedule)

| Further Matters Arising Change reference number (e.g. FMAC1) | Support | Object | If you are objecting to an FMAC, please state which Test of Soundness you think that it fails. | | |
|--|--------------------------|--------------------------|--|--------------------------|--------------------------|
| | | | Test 1 | Test 2 | Test 3 |
| FMAC 11 | <input type="checkbox"/> | X | X | X | X |
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The Tests of Soundness

| | |
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| Test 1 | Does the plan fit? (i.e. is it clear that the LDP is consistent with other plans?) |
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1/ FMAC11 , Policy MD18

Delete criterion 1 (IT IS DEMONSTRATED THAT THERE IS A LOCAL NEED FOR THE ACCOMMODATION) from Policy MD18 GYPSY AND TRAVELLER ACCOMMODATION

As the current occupant of the Llangan site I would like to object to the above change. I have been living on the site for over 20 years and have many local contacts and friends in the area. My children attended the local school and we have lived peacefully in the area and become part of the community.

Removing the above "local need" statement from the LDP is totally unfair to me and my family and if the expansion goes ahead we could forced to live with people we dont know and have no connection to area. In this case I would have to move to my own land nr by St Mary Hill, that I have already applied for planning permission on a number of occasions and been refused.

To be honest I feel cheated and disappointed that after the council originally promised me a complete land swap 22 years ago, so that I could live quietly on my own with my family, they are now planning to expand the site and devastate my life. The last few years have been full of uncertainty and very concerning for use all, people should not be made to live this way.

2/ FMAC11 , THERE WILL BE A PREFERENCE FOR ACCOMMODATION NEEDS TO BE MET ON ANY OF THE FOLLOWING:

ALLOCATED GYPSY AND TRAVELLER SITES;

EXISTING GYPSY AND TRAVELLER SITES OR ON APPROPRIATE EXTENSIONS TO THOSE

SITES; OR SITES WITHIN EXISTING SETTLEMENTS.

I totally disagree with the above proposal. The new statement would mean that families from different backgrounds would be offered pitches on the Llangan site first, as opposed to individual family sites that are more suitable and possibly closer to their local area. This would be unacceptable and against the Gypsy communities wishes and other supporting documents.

3/ The proposal does not meet the soundness of test 1 2 and 3 above.

Please use additional sheets if required.

Please state how many additional sheets have been used

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I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector.

I want to speak at a hearing session.

X

3b. If you wish to speak, please confirm which part of your representation you wish to speak to the Inspector about and why you consider it to be necessary to speak at the Hearing Session.

FMAC 11 Changes of the wording "(IT IS DEMONSTRATED THAT THERE IS A LOCAL NEED FOR THE ACCOMMODATION"

My objection to the following - "THERE WILL BE A PREFERENCE FOR ACCOMMODATION NEEDS TO BE MET ON ANY OF THE FOLLOWING":

Signed

Dated:

31.03.17

If this form represents a petition please indicate how many people it represents.

1

THANK YOU FOR YOUR COMMENTS ON THE FURTHER MATTERS ARISING CHANGES SCHEDULE

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For Office use only

Representor No.

Date Received.....

Date of Acknowledgement

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Mae'r ddogfen hon ar gael mewn fformatiau eraill drwy holi**

| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details (if relevant) |
|-------------------------|--------------------------------------|-------------------------------|
| Name | Philip John | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| Email Address | | |
| I.D.No.* (if relevant) | | |

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| Further Matters Arising Change reference number (e.g. FMAC1) | Support | Object | If you are objecting to an FMAC, please state which Test of Soundness you think that it fails. | | |
|--|--------------------------|--------------------------|--|--------------------------|--------------------------|
| | | | Test 1 | Test 2 | Test 3 |
| FMAC 11 | <input type="checkbox"/> | X | <input type="checkbox"/> | X | X |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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The FMAC refers to:

THERE WILL BE A **PREFERENCE** FOR ACCOMMODATION NEEDS TO BE MET ON ANY OF THE FOLLOWING:

ALLOCATED GYPSY AND TRAVELLER SITES;

EXISTING GYPSY AND TRAVELLER SITES OR ON APPROPRIATE EXTENSIONS TO THOSE SITES;
OR

SITES WITHIN EXISTING SETTLEMENTS.

At the recent public examination there was a significant discussion over merit (or otherwise) of the allocation of the ONLY site in Llangan.

The Council stated within their response (re the legal undertaking) that they believed that they had complied with the terms of the undertaking. It was argued by Llangan Action that this was not the case.

The application of the Undertaking raises significant questions re the deliverability of the site, in that if it is evidenced that the Undertaking stands, the Council remain legally obligated to clear the site and prevent further occupation.

Llangan Action has now received Counsels opinion over the validity of the Undertaking which has concluded that the Council remains bound by its obligations.

The existing occupant has not made an application for his own land (which is likely to be successful), therefore the Council could return the site back to its former agricultural status.

Taking into account the enclosed advice the proposal fails test 2 and 3.

Whist it was discussed at the examination – the status of the words “preference” in the context of priority setting, it remains our view that this will be used as a mechanism for the Council to force applicants to live on a site that (as conveyed by the travelling community themselves at the examination) they do not want.

We reiterate, that the ONLY ALLOCATED GYPSY AND TRAVELLERS SITE in the LDP is located in Llangan (which further contradicts the remaining statements within FMAC 11 being “THERE IS REASONABLE ACCESS FROM THE SITE TO DAY TO DAY SERVICES, FACILITIES AND EMPLOYMENT, INCLUDING SCHOOLS, MEDICAL FACILITIES, SHOPS AND COMMUNITY FACILITIES - In addition, the sustainability of the site in terms of access to essential services and facilities will also be an important factor in determining the suitability of the proposal”

With regards to the allocated land that has been selected for the settlement of the Gypsies, I wish to lodge my concerns as a Local Business and Home owner. We are the owners of West Winds Business Park and we have spoken to each of the businesses that rent our premises. They have all stated that they would leave the business park if Gypsies were to move to Llangan. This would mean our business would find it difficult to then re-let any of the units in the future due and would cause us to go into liquidation as we no longer would have a viable business. As most local residents we have mortgages like ourselves this will then lead to bankruptcy and lead to us losing our home, business and livelihood.

- *We also need to raise concerns on how the Gypsies would impact on our local primary school. This already is full to capacity, both with children and parking facilities. This will have an impact on the children and on their safety within the school. The capacity the school can hold according to The Vale of Glamorgan Website is 111 pupils. At the moment the school is over capacity. Any more entering the village will have a great impact on local children who live in the area and should be foremost at the front of the list for their spaces within the school.*
- *more traffic on smaller country lanes, I can guarantee there is going to be more wear on the roads and more safety issues within the lanes.*
- *As a small community we have no local village shops selling basic amenities or a local post office. This is of course will become an issue with more residents residing in the area. This should be taken into account when having to rehouse the Gypsies. The nearest local amenities are within Pencoed or Cowbridge, over 2 miles away- not able to be accessed safely by walking nor no local transport.*
- *As I'm sure you can appreciate having Gypsies move in to such close proximity to all of our properties will have an effect on house prices. From living in the Vale of Glamorgan we pay a premium to live within such a Postcode, and having Gypsies move so close the prices of our properties are going to decrease dramatically. This was evident when a family in Shirenewton, Cardiff had more than 55 travellers move into their local village and they were unable to sell their property.*

I believe that the council has not taken into account many of the negative factors that housing a Gypsies camp in the area would have. The majority of residents are long standing, hardworking, middle class families who have over the years contributed a great deal to both the council, the village and their properties. We live in a peaceful, well looked after area. With all properties in keeping with the local countryside. The allocation of the travellers would in no way be in keeping to the local environment. From various research in other traveller sites we have notes they have large caravans, and vehicles which would again not be in keeping in our Country environment. Major road changes would need to be made which structurally would not be possible. I can defiantly say moving these large caravans, and vehicles would have major impact on our local fields, hedges and wildlife, something which I am sure the council will want to avoid.

As residents of the village the overall impact that moving the Gypsies to the area will be greatly detrimental and will lead us to lose our lively hoods, and the lively hoods of our children in the future. These matters do not just concern ourselves but impact the small, tightknit community that we have built and that we are a part of.

Part 3: What Happens Next?

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| | |
|--|-------------------------------------|
| I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector. | <input checked="" type="checkbox"/> |
| I want to speak at a hearing session. | |

3b. If you wish to speak, please confirm which part of your representation you wish to speak to the Inspector about and why you consider it to be necessary to speak at the Hearing Session.

FMAC 11 to review the content of the additional information from Counsel.

| | | | |
|----------------|--|---------------|----------|
| Signed: | | Dated: | 31.03.17 |
|----------------|--|---------------|----------|

If this form represents a petition please indicate how many people it represents. 60 +

THANK YOU FOR YOUR COMMENTS ON THE FURTHER MATTERS ARISING CHANGES SCHEDULE

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| <i>For Office use only</i> | |
| Representor No. | |
| Date Received..... | |
| Date of Acknowledgement | |

Vale of Glamorgan Local Development Plan 2011-2026

Matters Arising Changes Consultation Representation Form

Data Protection

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The consultation on the MAC schedule, MAC SA and MAC HRA commences on Friday 16th September 2016 and ends at midnight on Friday 28th October 2016. It is important to note that all comments made in previous LDP consultations have already been considered by the Inspector as part of the Examination. Comments at this stage **must therefore only relate to the MACs** and this is not an opportunity to add to or make new comments to the Deposit LDP.

This document is available in other formats upon request
Mae'r ddogfen hon ar gael mewn fformatiau eraill drwy holi

| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details <i>(if relevant)</i> |
|-------------------------|--------------------------------------|--------------------------------------|
| Name | Michael & Joanne Jenkins | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| Email Address | | |

The Tests of Soundness

ID: 7436

| | |
|---------------|--|
| Test 1 | Does the plan fit? (i.e. is it clear that the LDP is consistent with other plans?) |
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1/ FMAC11 , Policy MD18

1 (IT IS DEMONSTRATED THAT THERE IS A LOCAL NEED FOR THE ACCOMMODATION) from Policy MD18 GYPSY AND TRAVELLER ACCOMMODATION

We believe this is unfair on the current Llangan site resident who would be the only family in the area who would meet the criteria and secure a single family site. The family from Wenvoe would not meet this.

3/ FMAC11 , THERE WILL BE A PREFERENCE FOR ACCOMMODATION NEEDS TO BE MET ON ANY OF THE FOLLOWING:

ALLOCATED GYPSY AND TRAVELLER SITES;
EXISTING GYPSY AND TRAVELLER SITES OR ON APPROPRIATE EXTENSIONS TO THOSE SITES; OR SITES WITHIN EXISTING SETTLEMENTS.

The above would mean that the Llangan would be the only site that should be considered, when there are actually many more suitable sites available. This does take into account the individual family needs and local connections. Also gypsy traveller families of all types will be offered pitches on the same site, which is against councils own policy.

The local community has also been informed that there is a legal obligation on the council to clear the site at Llangan due to a historical legal undertaking. This brings into question the deliverability of the proposed Llangan site expansion.

Given the above issues the LDP proposal fails tests 1, 2 and 3.

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I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector.

X

I want to speak at a hearing session.

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Signed:

Dated: 31.03.17

If this form represents a petition please indicate how many people it represents.

THANK YOU FOR YOUR COMMENTS ON THE MATTERS ARISING CHANGES SCHEDULE

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Representor No.

Date Received.....

Date of Acknowledgement

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Mae'r ddogfen hon ar gael mewn fformatiau eraill drwy holi**

| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details (if relevant) |
|-------------------------|--------------------------------------|-------------------------------|
| Name | Mr D READE | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| Email Address | | |
| I.D.No.* (if relevant) | 7461 | |

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|--|--------------------------|--------------------------|--|--------------------------|--------------------------|
| | | | Test 1 | Test 2 | Test 3 |
| FMAC 6 Affordable housing contribution. | <input type="checkbox"/> | X | X | X | X |
| FMAC 10 | <input type="checkbox"/> | X | X | X | X |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The Tests of Soundness

| | |
|---------------|--|
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FMAC6

A net gain of 5 or more dwellings should be consistent across the whole of the Vale of Glamorgan

Eg. 5 or more in Barry, Llantwit Major, Rhose and St Athan then you propose 1 or more in the rest of the Vale of Glamorgan...this is unacceptable and unjust.

FMAC10

Small scale (no more than 5 dwellings) should continue to be considered where the site lies either within of adjacent to the current village boundaries. Small organic growth to rural villages must be considered for future developments and sustainability

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| | |
|--|-------------------------------------|
| I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector. | <input checked="" type="checkbox"/> |
| I want to speak at a hearing session. | <input type="checkbox"/> |

3b. If you wish to speak, please confirm which part of your representation you wish to speak to the Inspector about and why you consider it to be necessary to speak at the Hearing Session.

| | |
|----------------|---|
| Signed: | Dated: 29 th March 2017 |
|----------------|---|

| | |
|--|--|
| If this form represents a petition please indicate how many people it represents. | |
|--|--|

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the form please contact the LDP team on 01446 705663 or email**

ldp@valeofglamorgan.gov.uk

From: [Goi Ashmore](#)
To: [LDP](#)
Subject: FMA Vale Local Development plan
Date: 24 March 2017 09:20:37

Dear Sir/Madam,
re FMAC Changes Schedule, I see no reason for the proposed changes to the wording around Gypsy/Traveller sites, and believe that a strong justification would be needed as to why they would be changed. The proposed wording seems like a charter to shift problems around and dilute local accountability.

Yours faithfully,

C.G.Ashmore

For Office use only

Representor No.

Date Received.....

Date of Acknowledgement

Vale of Glamorgan Local Development Plan 2011-2026 Further Matters Arising Changes Consultation Representation Form

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Mae'r ddogfen hon ar gael mewn fformatiau eraill drwy holi**

| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details (if relevant) |
|-------------------------|--------------------------------------|-------------------------------|
| Name | Matthew Reed | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| Email Address | | |
| I.D.No.* (if relevant) | | |

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|--|--------------------------|--------------------------|--|--------------------------|--------------------------|
| | | | Test 1 | Test 2 | Test 3 |
| FMAC 11 | <input type="checkbox"/> | X | X | X | X |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| | |
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TEST 1

Does the plan fit? (i.e. is it clear that the LDP is consistent with other plans?)

Educational needs can't be met as the local school is at capacity. Transport links are very poor as there is no bus service to the local towns of Cowbridge or Bridgend. There is also no local amenities ie shops, doctors or community facilities within walking distance. This is contrary to statements in FMAC11.

Why are the council considering a greenfield site?? Development of a brownfield site should be given a higher priority.

TEST 2

Is the plan appropriate? (i.e. is the plan appropriate for the area in the light of the evidence?)

There is an prior undertaking for the council to clear the site and prevent further occupation, this has not been acted upon by the council. The current occupant would like to move to his own piece of land, therefore the council should be facilitating this and then returning the site back to agricultural status rather than trying to develop it further.

TEST 3

Will the plan deliver? (i.e. is it likely to be effective?)

Regarding the site there are a number of issues with vehicular access as the road is only single track, this will make it impossible to get fire engine or refuse lorry access. The road is basically a track and would not be suitable to a higher volume of traffic. The road and field are also regularly flooded. This would mean a massive financial cost to develop the site as well as massively detrimental impact to the greenbelt/wildlife.

The unsuitability of the site and location coupled with the prior undertaking make Llangan not a viable option.

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| | |
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| | |
|----------------------|-----------------------|
| Signed: _____ | Dated: 30/3/17 |
|----------------------|-----------------------|

| | |
|--|-------|
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|--|-------|

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| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details <i>(if relevant)</i> |
|-------------------------------|--------------------------------------|--------------------------------------|
| Name | Mrs C ROACH | |
| Address | | |
| Postcode | | |
| Telephone No. | | |
| Email Address | | |
| I.D.No.* <i>(if relevant)</i> | | |

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| | |
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| Signed: | Dated: 31st March 2017 |
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BY EMAIL – To: ldp@valeofglamorgan.gov.uk OR

BY POST – To: The LDP Team, Vale of Glamorgan Council, Dock Office, Barry Docks, Barry, CF63 4RT.

**REPRESENTATION FORMS MUST BE RETURNED BY
Midnight on Friday 31st March 2017**

**ANY REPRESENTATIONS RECEIVED AFTER THIS TIME WILL NOT BE CONSIDERED
TO BE DULY MADE**

**The Council will acknowledge of all representations and make them available to the
Inspector as a part of the Examination process.**

**If you have any queries regarding the consultation or require assistance completing
the form please contact the LDP team on 01446 705663 or email**

ldp@valeofglamorgan.gov.uk

For Office use only

Representor No.

Date Received.....

Date of Acknowledgement

Vale of Glamorgan Local Development Plan 2011-2026 Further Matters Arising Changes Consultation Representation Form

Data Protection

How your representation and the information that you give us will be used.

All information submitted will be seen in full by the Vale of Glamorgan Council staff dealing with the Local Development Plan (LDP). Your name and comments as set out in your representation form will be published in due course. This helps to show that the consultation was carried out properly. Please note that this form and any supporting information will be forwarded to the Inspector for consideration.

As part of the Examination into the Vale of Glamorgan LDP, a number of Further Matters Arising Changes have been proposed to the written statement and proposals map. These changes are set out in the **Further Matters Arising Changes (FMAC) Schedule (2017)**. The Council has prepared an addendum to the Sustainability Appraisal (SA) (incorporating Strategic Environmental Assessment) and Habitats Regulations Assessment (HRA) (Appropriate Assessment Report) in relation to the proposed changes. All of the FMAC consultation documents can be viewed on the Council's website www.valeofglamorgan.gov.uk/ldp, at the Council's Dock and Civic offices in Barry and Alps Depot Wenvoe and at all local libraries during normal opening hours.

The consultation on the FMAC schedule and the addendum to the SA and HRA commences on Friday 17th February 2017 and ends at midnight on Friday 31st March 2017. It is important to note that all comments made in previous LDP consultations have already been considered by the Inspector as part of the Examination. Comments at this stage **must therefore only relate to the FMACs** and this is not an opportunity to add to or make new comments to the Deposit LDP.

**This document is available in other formats upon request
Mae'r ddogfen hon ar gael mewn fformatiau eraill drwy holi**

| Part 1: Contact Details | Your Details / Your Client's Details | Agent's Details (if relevant) |
|-------------------------|--------------------------------------|-------------------------------|
| Name | Llandow Caravan Park Ltd | Paul Vining |
| Address | c/o agent | |
| Postcode | | |
| Telephone No. | c/o agent | |
| Email Address | c/o agent | |
| I.D.No.* (if relevant) | | |

*You will have an ID Number if you have made representations at previous stages of the LDP process or if you have requested to be included on the Council's LDP database. **The ID number will be clearly indicated on previous correspondence from the Council. PLEASE QUOTE THIS NUMBER TO ASSIST THE COUNCIL IN IDENTIFYING YOU.**

Guidance Notes

This form should only be used to make comments on the FMAC Schedule. A separate form is available if you wish to comment on the addendum to the SA / HRA. You should include all of your comments on this form. If additional sheets as required please clearly number each additional sheet and securely attach them to this form.

Additional representation forms can be downloaded from the Council's website at www.valeofglamorgan.gov.uk/ldp or obtained from the LDP Team on 01446 704663. You may also photocopy this form if you wish.

Where a group shares a common view on an FMAC, the Council will accept a signed petition. In submitting a representation form on behalf of a group, the representation form should include the contact details of the lead individual in Part 1 and the comments should be clearly set out on the representation form. The signed petition should clearly state how many people are being represented and how the representation has been authorised. Signing a petition does not prevent the submission of individual forms.

Part 2: Your Comments on the Further Matters Arising Changes Schedule.

2a. Which Further Matters Arising Change(s) are you commenting on? (Please refer to FMAC Schedule)

| Further Matters Arising Change reference number (e.g. FMAC1) | Support | Object | If you are objecting to an FMAC, please state which Test of Soundness you think that it fails. | | |
|--|--------------------------|-------------------------------------|--|-------------------------------------|--------------------------|
| | | | Test 1 | Test 2 | Test 3 |
| FMAC5 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The Tests of Soundness

| | |
|---------------|--|
| Test 1 | Does the plan fit? (i.e. is it clear that the LDP is consistent with other plans?) |
| Test 2 | Is the plan appropriate? (i.e. is the plan appropriate for the area in the light of the evidence?) |
| Test 3 | Will the plan deliver? (i.e. is it likely to be effective?) |

2b. Please set out your comments in the space below using additional sheets if required. If you consider that the proposed Further Matters Arising Changes will not make the Plan sound, please clearly set out your reasons why and state what further changes you think are required. Please indicate in the space provided if you are submitting additional material to support your comments. If you are commenting on more than one FMAC, please ensure you clearly state which FMAC your comments relate to.

FMAC 5: The change refers to identified locations at Barry and Llandow. The location at Llandow is understood to be that subject of Map MAC30, which is Hangars A & B at Llandow. The text states that this is a location that either accommodates an existing waste management facility or has an extant planning permission for such facilities.

It should be noted that the existing SiteServ waste management operation at Hangars A & B does not have planning permission and that the use is unauthorised. The use is the subject of current enforcement action by the Vale of Glamorgan Council (enforcement notice dated 10 June 2016 – copy attached), which the Council is defending on appeal. The enforcement notice requires, inter alia, that the use of the site for the receipt, sorting, storage and export of waste be discontinued within one month. This is evidence that the Council considers the use to be inappropriate in this location.

In light of these circumstances, the inference to be drawn from the FMAC – that is, that the existing operation is authorised and acceptable in this location – is highly misleading and contrary to the Council's stated intention, as expressed in the enforcement notice, that the existing waste processing use should not be allowed.

Part 3: What Happens Next?

At this stage of the LDP process, you can only make comments in writing (these are called 'written representations'). However, the Inspector may decide that further Hearing Sessions are necessary as a result of the Further Matters Arising Changes consultation to more fully consider any issues raised. In the event that additional Hearing Sessions are arranged you should indicate on the form whether you would like to participate and speak at any future Hearing Session(s). You should bear in mind that your written comments on this form will be given the same weight by the Inspector as those made verbally at any future Hearing Session(s).

All representations received by the closing date will be forwarded directly to the Inspector for consideration. Please note that the Council will not be responding to duly made representations.

3a. Do you want your comments to be considered by 'written representations' or do you want to speak at any additional hearing sessions? (If requested by the Inspector) (Please tick one of the following)

I do not want to speak at a hearing session and am happy for my written comments to be considered by the Inspector.

I want to speak at a hearing session.

3b. If you wish to speak, please confirm which part of your representation you wish to speak to the Inspector about and why you consider it to be necessary to speak at the Hearing Session.

If FMAC5 relates to Hangars A & B at Llandow, the Council's evidence for considering it to be an appropriate location for waste management (despite a current enforcement notice) should be tested.

Signed:

Dated:

20 February 2017

If this form represents a petition please indicate how many people it represents.

THANK YOU FOR YOUR COMMENTS ON THE FURTHER MATTERS ARISING CHANGES SCHEDULE

Please do not forget to enclose any additional relevant documentation with this form.

Completed representation forms should be returned to the LDP Team either:

BY EMAIL – To: ldp@valeofglamorgan.gov.uk OR

BY POST – To: The LDP Team, Vale of Glamorgan Council, Dock Office, Barry Docks, Barry, CF63 4RT.

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ldp@valeofglamorgan.gov.uk

**IMPORTANT - THIS COMMUNICATION
AFFECTS YOUR PROPERTY**

MATERIAL CHANGE OF USE

ENFORCEMENT NOTICE

The Town and Country Planning Act 1990
(as amended) – Section 172



**ISSUED BY THE VALE OF GLAMORGAN COUNCIL
COUNCIL REFERENCE ENF/2015/0201/PC**

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control under Section 171A(1)(a) of the Town and Country Planning Act 1990 at the land described below. They consider that it is expedient to issue this Notice having regard to the provisions of the development plan and all other material planning considerations. The Annex at the end of the notice contains important and additional information.

2. **THE LAND TO WHICH THIS NOTICE RELATES**

Land and buildings known as Hangars A and B, Llantwit Major Road, Llandow in the Vale of Glamorgan ("the Land"), shown edged red on the plan appended hereto ("the Plan").

3. **BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, the material change of use of the Land to a waste transfer station for the receipt, sorting, storage and export of waste material.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last **ten** years.

The continued use of the Land for the receipt, sorting, storage and export of waste material is considered to have an unacceptable effect on residential amenity of adjoining occupiers and is considered to have an unacceptable impact on the adjacent areas and on the use of land adjoining the site by virtue of noise, disturbance, dust, odour and pests. Accordingly, the unauthorised use of the Land is not considered to accord with policies ENV 27 - Design of New Developments, EMP 2 - New Business and Industrial Development, EMP 3 - General Industry, and WAST 2 - Criteria for Assessing Waste Management Facilities of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 as well as guidance provided Planning Policy Wales (Edition 8, 2016), Technical Advice Note 11 – Noise (1997) and Technical Advice Note 21 - Waste (2014).

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the use of the Land for the receipt, sorting, storage and export of waste material.
- (ii) Cease the use of the Land for the storage and export of all material that results from the sorting of waste material.
- (iii) Remove from the Land all waste material and all material that results from the sorting of waste material.
- (iv) Remove from the Land all machinery used for the purposes of sorting waste material.
- (v) Remove from the Land the generators.
- (vi) Remove from the Land all skips.
- (vii) Remove from the Land the weigh bridge.
- (viii) Remove from the Land all oil, petrol and diesel containers and tanks.

6. TIME FOR COMPLIANCE

One month beginning with the day on which this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on the 15th July, 2016, unless an appeal is made against it before that date.

Dated: 10th June 2016

Signed.....Debbie Marles.....
 Head of Legal Services
Head of Legal Services
The Council's Authorised Officer

On behalf of: Vale of Glamorgan Council
 Civic Offices
 Holton Road
 Barry
 Vale of Glamorgan.
 CF63 4RU

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this Notice, but any appeal must be received, or posted in time to be received, by the Welsh Government before the specified date which is the 15th July, 2016. The Enclosed booklet, "Making Your Enforcement Appeal" sets out your rights and further advice is available on line at www.planning-inspectorate.gov.uk or by contacting The Planning Inspectorate on 029 2082 3866. Please read it carefully along with the relevant appeal form. If you decide to appeal you should send a copy of the appeal form together with a copy of the Enforcement Notice to both the Welsh Government and the Council.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on the specified effective date which is the 15th July, 2016, and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the Notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

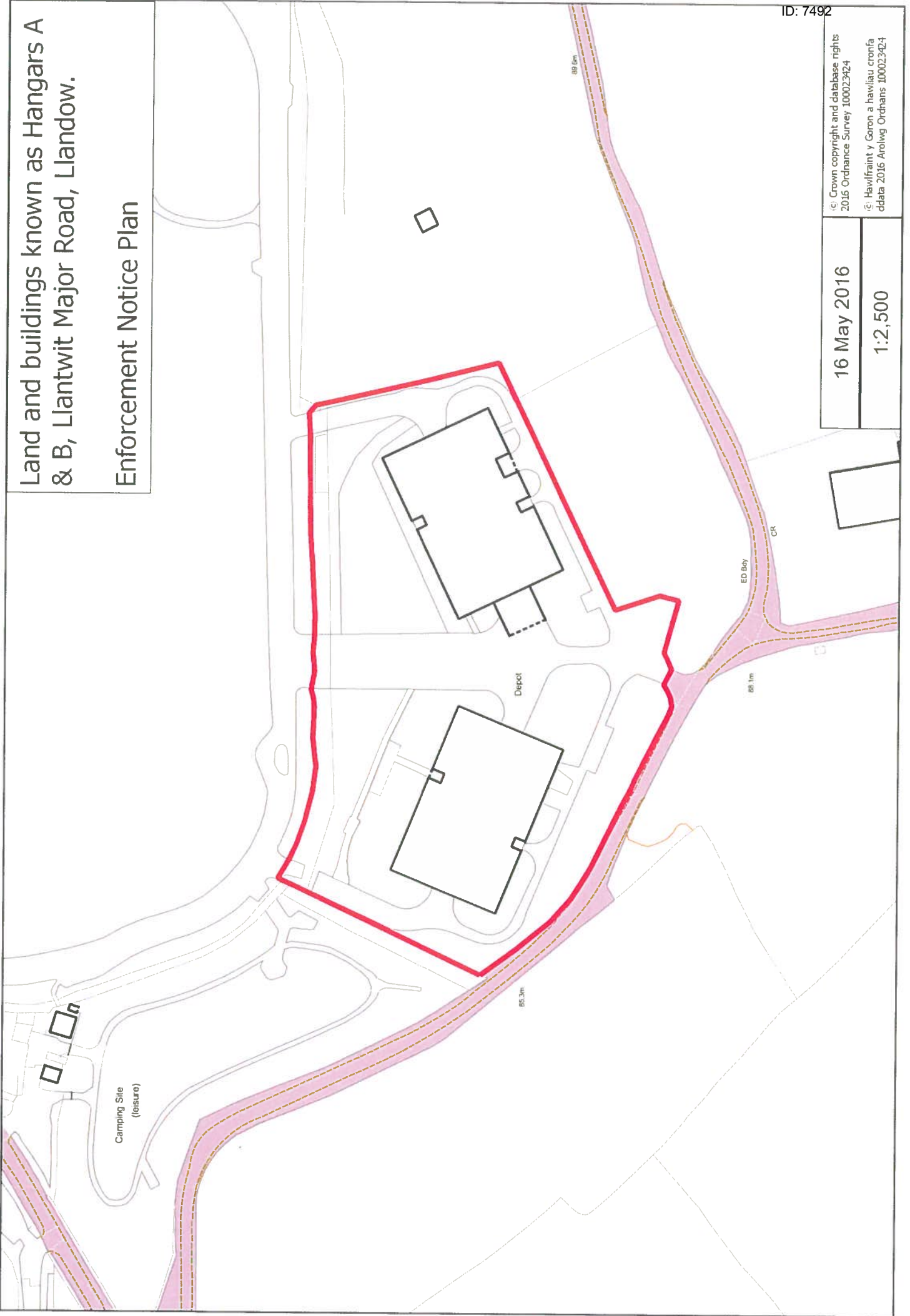
PLEASE NOTE

If you are any doubt as to what this Notice requires you to do you should immediately contact Mrs. Justina M. Moss, Planning Enforcement Office, who is based in Development Services of the Vale of Glamorgan Council at the Dock Offices, Subway Road, Barry, Vale of Glamorgan CF63 4RT, and whose telephone number is

If you need any independent advice about this Notice you are advised to contact a lawyer, planning consultant or other professional adviser specialising in planning matters.

Land and buildings known as Hangars A & B, Llantwit Major Road, Llandow.

Enforcement Notice Plan



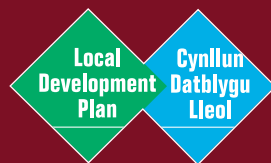
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16 May 2016

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The Vale of Glamorgan Council
Directorate of Development Services

Dock Office
Barry Docks
Barry CF63 4RT

LDP@valeofglamorgan.gov.uk
www.valeofglamorgan.gov.uk