

Department for Natural Resources
Yr Adran Cyfoeth Naturiol



Llywodraeth Cymru
Welsh Government

Ms JM Crofts
Principal Planner
Planning and Transport Services
Vale of Glamorgan Council

By Email JMCrofts@valeofglamorgan.gov.uk

Ein Cyf/Our ref: qA1213393
Eich Cyf/Your ref: 2014/01505/OUT
Dyddiad/Date: 14 January 2016

Dear Ms Crofts,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77 CALL IN REQUEST
APPLICATION FOR FULL PLANNING PERMISSION FOR THE CONSTRUCTION OF A LINK
ROAD CONNECTING THE COWBRIDGE BYPASS (A48) WITH THE LLANTWIT MAJOR
ROAD(B4270) INCLUDING FOOTPATHS/CYCLEWAYS, LANDSCAPING AND ASSOCIATED
ENGINEERING WORKS.**

**APPLICATION FOR OUTLINE PERMISSION WITH ALL MATTERS RESERVED (OTHER THAN
ACCESS) FOR A MIXED USE RESIDENTIAL-LED DEVELOPMENT
INCLUDING:PREPARATORY WORKS INCLUDING DEMOLITION AS NECESSARY(I.E. THE
DELAPADATED FARM BUILDING);APROXIMATELY 475 RESIDENTIAL UNITS (USE CLASS
C3, INCLUDING AFFORDABLE HOMES);PROVISION OF A RESERVED SITE FOR A NEW
PRIMARY SCHOOL WITH PLAYING FIELDS(USE CLASS D1);PROVISION OF OPEN SPACE
INCLUDING PARKS,NATURAL AND SEMI NATURAL GREEN SPACE, AMENITY GREEN
SPACES AND FACILITIES FOR CHILDREN AND YOUNG PEOPLE;PROVISION OF
ASSOCIATED INFRASTRUCTURE INCLUDING FOOTPATHS/CYCLEWAYS;AND PROVISION
OF ASSOCIATED ENGINEERING AND LANDSCAPING WORKS(INCLUDING SUDS AND
PUMPING STATION)**

APPLICATION NO. 2014/01505/OUT

1. I am writing to inform you that the Welsh Ministers have been asked to call in the application referred to in the heading to this letter for their own determination.
2. I am authorised, by the Minister for Natural Resources, to consider whether the application should be called in for determination by the Welsh Ministers.
3. The Welsh Government's policy on calling in planning applications is set out in Planning Policy Wales (Edition 8, January 2016). The Welsh Government considers that local planning authorities, as elected bodies, should be left to make decisions about development

proposals wherever possible. The Welsh Ministers do not, in practice, call in many planning applications and will only do so where the proposal raises issues of more than local importance.

4. To assist me in the consideration of whether the application raises issues of more than local importance I consulted with colleagues and their responses are as follows:

- Welsh Government Planning Policy Branch with responsibility for Residential matters

“With reference to your minute of 8 January 2016 concerning the above, the relevant housing issues raised by this planning application are as follows:

This is an outline application for 475 dwellings as part of a mixed use residential-led development. The application site is Greenfield land adjoining the settlement of Cowbridge and is currently in agricultural use.

According to the Officer’s Report, the proposal does not comply with the housing policies in the Vale of Glamorgan’s adopted UDP; however the site is allocated for housing in the emerging LDP, but is not a ‘strategic’ site. It is proposed that 40% of the dwellings will be affordable housing. There is a demonstrated need for affordable housing in the Vale of Glamorgan (based on the Council’s Local Housing Market Assessment) and specifically in Cowbridge. In addition, the Council’s current estimate of housing land supply (prepared for the LDP) indicates that the Vale of Glamorgan has less than the required 5 years supply.

Under national policy, local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities must also ensure that sufficient land is available or will become available to provide a 5-year supply of land for housing (*Planning Policy Wales*, paragraphs 9.1.2 and 9.2.3).

The Officer’s Report assesses the above issues and recommends that the application be approved as although it is contrary to the adopted UDP, it is considered that this is outweighed by material considerations, i.e. the information that has led to the site being allocated for housing in the emerging LDP and the need to maintain a 5-year supply of land for housing.

Based on the information available, the proposed development does not appear to be contrary to national policy on housing development and therefore **call-in is not recommended**”.

- Welsh Government Planning Policy Branch with responsibility for Minerals and land Contamination

“Paragraph 14.2.1 of Planning Policy Wales is designed to protect potential sources of hard rock or sand and gravel from development which would restrict their future accessibility. The potential for extraction of mineral resources prior to undertaking other forms of development must be considered. On 14 November 2012 a Chief Planning Officers letter was issued drawing attention to the publication of the Aggregates Safeguarding Map of Wales, which provides an all Wales picture of important aggregate resources.

The application site is primarily within a limestone area which is designated as a category 2 resource, although it touches on a small extent of category 1 limestone. A category 2 resource is of importance in the region but its importance relative to other development activity is primarily for the LPA to consider. For this reason, it is not considered that issues of more than local importance in relation to the safeguarding of minerals resources are raised by this application. Non-intervention is recommended from the minerals safeguarding perspective”.

- Welsh Government Planning Policy Branch with responsibility for Airfield Safeguarding Zones

"Thank you for your minute requesting advice in respect of safeguarding issues in regard to the above application.

The application site falls within the ambit of the St. Athan aerodrome and technical site safeguarding map. The consultation height for the proposed site is 45.7 metres above ground level. It is also covered by the Cardiff Wales Airport (Rhoose) safeguarding map, with a consultation height specified at 91.4m.

The application states that outline planning permission is sought for approximately 390 dwellings and associated infrastructure work. Although the exact heights of each dwelling are not stipulated, the applicant outlines that the dwellings will not exceed 3 storeys (maximum of 12m – 15m), therefore, the consultation criteria of 45.7m and 91.4m will not be met.

In view of the above, there does not appear to be any safeguarding issues that would warrant this application being called-in".

- Welsh Government Planning Policy Branch with responsibility for Flooding Risks

"I refer to your minute of 8 January regarding the above named application. I have considered the issues relating to flooding and offer the following comments.

The application site is a greenfield area to the west of Cowbridge, adjoining the A48 to the north and the B4270 to the south. The Development Advice Map which is used in conjunction with Planning Policy Wales and Technical Advice Note 15: *Development and Flood Risk* indicates that this site is in Zone A, where there is a very low risk of tidal or fluvial flooding. The application therefore is not contentious in terms of flood risk, and it is my view that the Local Planning Authority is best placed to determine the application. I recommend that the application **should not be called in**"

- Welsh Government Planning Policy Branch with responsibility for Listed Buildings and Historic Landscapes

"Thank you for your minute of 8 January 2016 asking for Cadw's view on whether the above named planning application should be called-in for determination by the Welsh Ministers. You have consulted due to the proximity of the proposed development to the following designated historic assets:

Scheduled Ancient Monuments:

Caer Dynnaf Hillfort (GM100) The Welsh Government's policies for the protection of designated historic assets are set out in Planning Policy Wales (PPW) and accompanying circular guidance concerned with the historic environment - 61/96, 60/96 and 1/98 and this request has been considered in the context of those documents and the overarching legislation governing the protection of such assets.

Having considered the documentation submitted with your request and the criteria for call-in we consider that the local planning authority has properly identified and addressed the relevant issues in accordance with national planning policy and guidance concerned with the historic environment.

We do not consider that the application raises any issues of more than local importance nor does it, in our opinion, trigger any of the issues set out in your consultation that may persuade the Minister to call-in a planning application. Cadw would not therefore recommend call-in".

- **Natural Resources Wales with responsibility for Protected Species and the Environment**

“Thank you for your letter dated 8 January 2016 requesting Natural Resources Wales (NRW) views on whether the above planning application should be called-in by the Welsh Ministers for determination. Our response to each of your questions is set out below:

(i) What are the issues raised by the application?

We responded to a planning application consultation for the above site from Vale of Glamorgan Council on 30 April 2015 (our reference SE/2014/118644) and subsequent re-consultation on the 10 November 2015 (our reference CAS-11083-Q1W3) where we identified the following environmental interests within our remit:

European Protected Species

The submitted documents identify several trees on site which are considered to have potential to support roosting bats and accordingly have been classified as Category 1 trees according to the guidance in the Bat Conservation Trust's Bat Surveys: Good Practice Guidelines (L, Hundt, 2012). These include trees sited along the western boundary of the application site where full permission is sought for the construction of a link road, and elsewhere on the site where outline permission is sought for residential development.

The proposal appears to retain these trees as far as possible, except to facilitate access and subject to any health and safety considerations.

In the event that any of these trees need to be pruned/managed in the future, further climbing inspections supported by dawn/dusk surveys as appropriate are advised in accordance with the published guidance to inform the proposed works, in particular to ascertain whether or not they support roosting bats and therefore whether a European Protected Species license is required.

Impacts on the Water Environment

There are number of watercourses, wetlands and ponds within and bordering the application site. Buffer zones will be provided along the east link road, the existing A48 and along the central watercourse.

There is potential for pollution to the environment during construction. Given the scale of the proposal a Construction Environmental Management Plan (CEMP) will be prepared.

The site lies on a principal aquifer. Principal aquifers have strategic significance for water resources, supporting large abstractions for public supply. It is proposed that the foul drainage connection will be to the existing Dwr Cymru / Welsh water (DCWW) connection.

Flood Risk and Surface Water

The site lies within Zone A of the Development Advice Maps (DAM) contained within Technical Advice Note 15 Development and Flood Risk (July 2004).

TAN15 advises that for development located in Zone A the justification test is not applicable and surface water requirements apply. The acceptability criteria is for no increase in flooding elsewhere to occur as a result of the development. Given the location of development in Zone A, surface water requirements should be assessed and we note that this aspect has been included in the amended Environmental Statement.

ii) Has the local planning authority identified those issues in its consideration of the application?

We note that the Vale of Glamorgan Council's committee report for Planning Committee date 14 January 2016 refers to our response on the above likely environment effects on pages 89 – 90. This includes our request for conditions for a Construction and Environmental Management Plan, buffer zone management and light pollution control.

Subsequent reference to Natural Resources Wales has been made (pages 119 – 120) regarding drainage and flood risk where it is noted we raise no objection in terms of flood risk and ecology as a consequence of the updated nesting bird surveys.

We note the following conditions have been included within the committee report which addresses likely environmental effect contained in our consultation response:

- Condition 23 – Construction Environmental Management Plan
- Condition 24 – Landscape and Ecology Environmental Management Plan
- Condition 26 – Scheme for comprehensive drainage

The committee report refers to all likely environmental effects identified in our response.

(iii) Has the local planning authority identified the national planning policies and legislation/directives relevant to those issues?

We note that the local planning authority has identified the relevant national planning policies and legislation / directives relevant to the above issues.

(iv) Has the local planning authority assessed those issues in an appropriate manner? Here the concern is with whether the local planning authority's assessment has been made in a reasonably robust way, using up-to-date technology and knowledge. The Welsh Ministers cannot take into account whether or not they agree with the conclusions of the local planning authority on the merits of the issue – that is not something they can take into consideration when considering whether a planning application should be called in for their determination.

We note that the local planning authority has addressed the above issues in an appropriate manner.

(v) Does the consideration of these issues lead to the conclusion that it would be more appropriate for the planning application to be determined by the Welsh Ministers rather than by the local planning authority?

We have considered the development proposal, and having regard to examples provided by WG of where issues of more than local importance might be raised, we do not consider that the proposal raises planning issues of more than local importance on matters within our remit.

We therefore consider that the application would be more appropriately dealt with by the local planning authority, and that the application should not be called in by Welsh Ministers for determination".

5. Having considered the issues associated with the application in the light of the Welsh Government's policy on call-in and the advice provided by the consultees, I consider that those issues are not of more than local importance. In view of this, I do not consider that the application should be called in for determination by the Welsh Ministers and it is now for your Council to determine the application as it sees fit.

6. In reaching my decision I did not consider the planning merits of the proposed development and my decision not to call in the application should not in any way be taken as a reflection on the planning merits of the proposal.

7. Your Council has jurisdiction for deciding whether environmental impact assessment is required for this proposal and the Welsh Ministers have not considered the matter. Any screening opinion will need to be made available for public inspection.

8. It would assist us if a copy of any planning decision which your Council issues could be sent to my colleague, Nicola Middleton (E-mail Nicola.Middleton@Wales.gsi.gov)

Yours faithfully



Clare Dicks

Decisions Manager
Department for Natural Resources

Signed under authority of the Minister for Natural Resources,
one of the Welsh Ministers