

**ITEMS RECEIVED AFTER THE PRODUCTION OF THE REPORT**  
**FOR THE PLANNING COMMITTEE**  
**TO BE HELD ON JANUARY 15, 2026**

Page	Application	Location	Item No.	Description
	2024/00959/FUL	Berth 31	1.	Representations received from Mr P Fletcher, Mr L Mack, Mr M Wallis, Mr D Clarke Ms A Pearce & comments from Heneb.
	2021/00209/FUL	Land at Sigingstone	2.	Comments from the occupiers of Cross Farm, Golden Field, Ruthin Lodge, Pump House and from Ms Catherine Jewel, Ms Sarah Lewis and Mr Wright
	2023/00815/FUL	BSW Holdings Ltd, Units 60-62 Dyffryn Business Park, Llandow	3.	Response from James Scarborough (Planning Agent)

## MATTERS ARISING FOR COMMITTEE

**COMMITTEE DATE: 15 January 2026**

<b>Application No.:</b> 2024/00959/FUL	<b>Case Officer:</b> Mr. Ceiri Rowlands
<b>Location:</b> Berth 31, Port of Barry , Wimborne Road, Barry	
<b>Proposal:</b> A change of use to a wood processing facility.	

### From:

Representations have been received from: -

Mr P Fletcher

Mr L Mack

Mr M Wallis

Mr D Clarke

Ms A Pearce

and comments from:

Heneb (archaeological advisors)

### Summary of Comments:

Mr P Fletcher – objected citing recurrent wood dust pollution and concerns about the related amenity and health impacts to residents in surrounding areas, noting that the location so close to existing and proposed housing was unsuitable for open-air wood processing site such as this.

Mr L Mack – objected, citing reports from four local residents of problem wood dust landing on their cars and properties (up to 1km distance) ever since South West Wood began its operation at the site.

Mr M Wallis – wrote about concerns relating to incomplete documentation, water requirements, and a lack of or incomplete consideration of impacts relating to major accidents, ecological interests, biodiversity net gain, dust impacts from waste wood, procedural irregularities, and unanswered requests to see documents.

Second letter from Wallis received raising further queries with regard to impact of dust on health and ecosystems, including impact on Cadoxton Ponds Nature Reserve and comments with regard to consultation.

Mr D Clake - wrote about concerns relating to the period allowed and procedural irregularities with the public consultation, inaccuracies within the planning application documents, over the authority to submit additional information, criminal justice implications, a lack of expert evidence, inadequate environmental impact assessment,

including upon the population and human health, cumulative effects, alternative sites, ecological impacts (inc. on Cadoxton Wetlands), site capacity (overflow of waste wood), dust impacts (with particular emphasis on related health impacts), the transport assessment, climate change, fire prevention and mitigation, availability of water, and the presence of technical terminology in the non-technical summary.

Ms A Pearce – objected citing recurrent wood dust pollution, noting that the location was unsuitable for open-air wood processing site such as this, and concerns about the noise impact on neighbouring amenity.

Heneb commented on the application and, in summary, concluded that there is unlikely to be an archaeological restraint and that they had no objections.

**Officer Response:**

Given the size of submissions and complexity of some of the issues raised, Officers would recommend Members defer the application, in order that the representations can receive thorough attention.

**Action required:**

Recommend deferral of the application

**From:** Robinson, Ian  
**Sent:** 09 January 2026 10:57  
**To:** Lankshear, Robert; Jones, Liam D; Rowlands, Ceiri  
**Subject:** FW: Planning Cttee documents for Berth 31, 2024/00959/FUL, 15 January Cttee

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Alongside the previous email

Ian Robinson  
Head of Sustainable Development / Prif Gynllunydd Ceisiadau  
Directorate of Place / Adfywio a Chynllunio  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 704777  
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Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

---

**From:** [REDACTED]  
**Sent:** 06 January 2026 19:24  
**To:** Robinson, Ian <[IRobinson@valeofglamorgan.gov.uk](mailto:IRobinson@valeofglamorgan.gov.uk)>  
**Cc:** [REDACTED]  
**Subject:** Planning Cttee documents for Berth 31, 2024/00959/FUL, 15 January Cttee

Ian Robinson  
Head of development Control

**EIA further information re. Berth 31, application 2024/00959/FUL, 15 January Planning Cttee**

We see from the officers report for 15th January that the LPA already reached Reg. 25(1) conclusions on the environmental effects, without clarifying if these depend on mitigation measures yet to be agreed.

Could you confirm these Reg.25 conclusions are based on the documents in the public file? If other information has been used, including communications with the applicant, could you please ensure these are posted on the public file as soon as possible?

There appears to be nothing called *Planning & Access report* on file, nor the required *Pre-application consultation report*, which is a common mistake of English planning consultants. Could you confirm no such documents were submitted?

**From:** [REDACTED]  
**Sent:** 08 January 2026 20:12  
**To:** Robinson, Ian <[Robinson@valeofglamorgan.gov.uk](mailto:Robinson@valeofglamorgan.gov.uk)>  
**Subject:** Berth 31 Representations

**1b**

Ian

The Notice in the Star does not give any other contact for representations, there is no email address. Hence my use of your address.

Please find attached representations on behalf of myself and others.

Please acknowledge safe receipt of the representations.

The Notice talks about the proposal being submitted on the 21<sup>st</sup> November. Does that mean the application for PP was made on the 21<sup>st</sup> November? The only planning application form I found on the register relates to over 12 months earlier.

If there is an error can we look at what should have been said. Firstly can we assume that it is accepted that the previous attempt at an ES failed and this is the ES that the application relies on? If that is the case should regulation 19 of the EIA Wales Regs 2017 bite?

I wondered whether the assertion (as it appears to be) that the planning application was made contemporaneously with the service on the LPA of the ES leads to a mistake that tended to avoid the regulation 19 requirements?

Your guidance is, as always, greatly appreciated.

Dennis

**Representations in connection with the**

**Planning Application reference: 2024/00959/FUL**

**Situate at:**

**Berth 31, Port of Barry, Wimborne Road, Barry**

**Applicant: South West Wood Products Limited**

**For: A change of use to a wood processing facility.**

**Representations by:**

 **(and obo others)**

**c/o The Court**

**4 Mount Pleasant**

**BARRY**

**CF63 2HE**

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# Introduction

The behaviour of the LPA in rushing this matter, in ensuring the arrangements for the ES papers were unavailable for many members of the public during the period allowed for the consultation, for drafting the recommendations for Committee during or prior to the consultation period, created problems for those people who were content to take part in the process.

I have added this introduction as I am not permitted sufficient time to deal with it all in the sort of detail that this matter deserves and the sort of detail the LPA has studiously avoided.

I apologise for the brevity of some of the issues and perhaps the untidy sequence of the points. This had to be rushed to avoid the argument that it failed to be lodged within the consultation period. See my later notes on the inadequacy of that particular timeline.

In particular I have not had time to consider most of the Chapters and have had to limit myself to headline points without any deep dive into the claims.

The following points in this introduction are made briefly but are considered to be important and illustrative of the failures that abound in this matter.

1. In the first report to the 11 September 2025 committee it is noted the officer asserted:
  - a. *In accordance with Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Local Planning Authority took into account all environmental information submitted with this application.*
  - b. This assertion as well as the balance of the report was specifically incorporated into the report for the meeting on the 15 January 2026.
  - c. The first issue that arises is the reference to the 1999 Regulations. I note that a specific sub paragraph is referred to. That sub paragraph does not appear in the 2017 Regulations which tends to support the view that this was not a mere typing error where 2017 was transposed to 1999. It must have gone through multiple officers before being presented to (on two occasions) which tends to suggest the misunderstanding is endemic. The misunderstanding does not appear to have been explained in the latest report.
  - d. The point is that the 1999 Regulations do not exist as they were replaced by the 2017 EIA Regulations.
  - e. The paragraph wrongly asserts the test required under the 2017 Regulations. The paragraph claims that the officers have merely taken into account the material supplied by the applicant.



- f. The 2017 Regulations at Reg 4(4) requires “*The relevant planning authority ... must ensure that they have, or have access as necessary to, sufficient expertise to examine the environmental statement*”.(my emphasis)
  - g. An examination of the environmental statement is significantly different from the Officer(s)’ methodology as regulation 4(4) demands a critical look at the material, mere acceptance of what is in the ES does not comply with the 2017 Regulations.
  - h. Regulation 25 of the 2017 Regulations supports my view on this and perusal of that regulation might add additional weight to the point.
  - i. The paragraph sets out the very significant failure on the part of the officers and explains why there is a world of difference between their report and the more critical analyses from others.
  - j. Compliance with the 2017 EIA regulations is mandatory not merely advisable and the LPA must comply with Regulation 4(4) of the 2017 EIA Regs. Failure to comply with 4(4) is an infringement of the EIA Regs.
2. A brief reminder that *anybody* who infringes the EIA Regs could be subject to a criminal investigation. Not something we have invented. It is advice from the Welsh Government.
  3. Nowhere in the ES (from my rushed reading) are we advised that wood dust has potential to cause serious harm to receptors. In particular note that HSE states that wood dust can cause *asthma, dermatitis and irritation to the eyes, nose and throat. The HSE also points out that hardwood dust can also cause a rare type of nasal cancer.* This is a serious omission especially as the applicant and its experts will be well aware of this advice from HSE and no doubt others. This is a default on the part of the applicant.
  4. For Welsh Law the Government has advised a particular form of declaration to be included in an expert’s report intended for an ES, to demonstrate that the author of the report is aware of their responsibilities and has written the report to comply with either the Welsh Government recommended declaration or a similar version as recommended by the expert’s regulatory body. The need is well known to any expert who is properly qualified to produce such a report. The absence of any relevant declaration is very telling and should disqualify any such reports from being a part of the ES. In this case the authors have either failed to give any declaration or the declaration given is precisely what is disallowed namely acknowledging a responsibility only to the paying client. No report survives this simple test.
  5. One lesson we all learned from the Incinerator debacle was that when the applicant says, for example, 75,000 tonnes, they really mean 75,000 dry tonnes. This may be explained by the comment that the ‘wood’ weights 75k tonnes - the rest is water. In that previous matter it was accepted that the actual amount permitted was a larger figure than what was requested to take account of the

additional weight added by water content. The officers were on top of this, any ambiguity was sorted. In this case we note that no similar questions have been raised to find out if the same situation arises. If it does then the number of HGV trips increases to a point where it makes a difference to the calculations for the traffic report. Failure to make enquiry should be addressed before the report can be accepted as accurate on the number of journeys.

6. Occasionally officers make a point that something is relevant for NRW to oversee but that is often not correct. NRW does not usually take account of the EIA process and this makes it clear that their 'interest' is not strictly for public health but is rather concerned with the air quality limits. These relate to when pollution has become so bad that firm action must be taken. It does not have the same focus that an ES has to look, namely the impacts on human health of whatever level of pollution is created or may be created by a project. There is a chasm of difference between the roles and nothing can be assumed to NRW if it is strictly caught by the EIA Regs. It is also noted that NRW is in the process of considering whether a permit can be granted for an increase in waste from 75,000 tonnes to 250,000 tonnes.
7. Similarly to the above, it is not possible to leave to conditions the decision making that is caught by the EIA Regs. Conditions must be informed by the results of the proper deliberation on the ES.
8. Before any decisions can be taken on planning matters, the EIA process needs to be completed. Regulation 3 of the 2017 Regulations makes it clear that:
  - a. *A relevant planning authority ... must not grant planning permission or subsequent consent for EIA development unless an environmental impact assessment has been carried out in respect of that development.*
9. The 2017 EIA Regulations set out process that must be followed before it can be claimed that the environmental impact assessment has been carried out. Regulation 4(4) makes it very clear that this is not a checkbox exercise.
10. At no time does the officer or the applicant deal with policy MG21 and the potential impact of the proposal on Cadoxton Ponds. The applicant, on a number of occasions, dismisses the area as a mere Angling Business (which it is not). The whole of the applicant's site has the benefit of a planning permission and the plant used is all mobile. It cannot be assumed that there will be no processing close to Wimbourne Road. The road appears to be about 11m wide which is the distance between the two sites. As there has been no attempt to deal with the possible impact the Policy MG21 would appear to require the LPA to dismiss the application.
11. At the present time the applicant appears to have come to the conclusion that it is ok to ignore the planning rules (a bigger criticism than normal as this is an EIA development) and begin using the site for processing waste wood. This is under a permit limiting the amount of waste wood to 75,000 tonnes per annum. A look at

the aerial photograph showing the wood that has been processed as well as the wood awaiting seems to call into question whether the site is large enough to accommodate an increase of waste wood by a factor of x3.3. There is no evidence that this has been considered even though it is clear that the smaller limit has still meant that processed wood is having to be piled to the very edge of the dock water.

12. With the obvious need for more space, this opens up the likelihood that the applicant will want/need to use the area of the site close to Wimbourne Road for storage and processing if allowed to proceed. This will make a difference to their calculations on a number of matters and adds to the arguments that the SINC is well within scope requiring an experts report for the purposes of the ES and also to satisfy Policy MG21.
13. I have not had the time to consider what is missing from the purported ES but the usual very important section that is missing relates to Major Incidents. This is important as it is common knowledge that fires can and do happen on similar sites. A wood fire that can go on for days would create a lot of smoke that might very well overwhelm one of the town's areas of deprivation where we find increased incidence of ill health including lung disease.

## Period allowed for recent Consultation

*The period allowed for public consultation for the amended ES was inadequate.*

*The period and the arrangements chosen by the LPA excluded people in full time employment from access to the hard copy papers.*

*The arrangements organised by the LPA are in default to the extent that the consultation has not yet begun.*

*The LPA made arrangements that they must have known would disenfranchise a large number of residents who would not be able to attend to view the documents due to lack of availability outside weekday office hours.*

On the 26 April 2017 the Welsh Government wrote to all Heads of Planning to provide information on changes to the process of Environmental Impact Assessment (EIA) for town and country planning.

The letter included advice that followed the paragraph about Environmental Statements in the following terms:

### ***Publicity and consultation***

*The consultation requirements have been amended, providing **a minimum public consultation period of 30 days**, online publicity, and making certain information electronically accessible (Regulation 19 and amendments to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012). (my emphasis)*

The Public Notice dated 27 November 2025 appeared in the Glamorgan Star on the 26 November 2025. The Notice advised that, inter alia, the Notice was 'Under Article 12(3)'. However, the EIA Regs require the LPA to give this notice under Regulation 24 of the EIA Regs. I assume the reference to 12(3) is reference to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. The reader of the Notice would need specialist knowledge to understand the reference. A public notice should not expect members of the public (especially in areas of deprivation) to have specialist knowledge.

Although the word 'consultation' is not used, the Notice does purport to invite representations as if a consultation. That is why the letter dated 26 April 2017 is relevant.

For the consultation period to amount to at least 30 days the papers should be available to the public for 30 days and for all reasonable hours on those days. It cannot include days when the papers are unavailable. It also cannot be right to include days when the

papers are not available for a reasonable period. Office hours are not reasonable hours as that is designed to exclude people who work.

The period chosen to satisfy the requirements of the 2017 letter is inadequate. The papers are only available on weekdays and for an inadequate period during those days. Even if the number of hours is ignored the number of days when the papers were available at the Civic Offices is about 23 or 24 days.

It is inadequate. It was wrong to have the papers only at the Civic Offices. The library would have been a slightly better choice but still an inadequate period would have been allowed.

It is also noted that the period was mainly December and just into January. A period when everybody knows families have less time and those families are more focused upon themselves. The author of the notice should have taken all these points into account. Deliberately reducing the period and ignoring the time of year was a gamble too far – a gamble that was totally inappropriate to the extent that it is unlawful.

This might very well be a case of confirmatory bias. Something that might be spotted by the outside observer but which, by its very nature, is difficult for the officers to notice. It matters not if the errors are made as a result of confirmatory bias, the decision is still a deliberate one.

What has developed is a further worrying feature. It now looks as if the officers decided very early on (possibly before issuing the notice to the local paper) to recommend refusal on the next committee meeting with the mistaken belief that they can achieve their aim by adding a condition related to dust control. That would make the whole process of the consultation a sham as evidenced by the fact the officers issued their recommendation for the committee while the consultation period was still running.

The end result is that no lawful consultation has taken place for the 'improved' (?) ES which means that it does not qualify as an ES for this application. The LPA has deliberately chosen an address to host the paper copy that is closed outside of ordinary office hours. The importance of a public consultation for an ES implies that careful attention will have been given to the choice of period and the other arrangements. It follows that it was deliberate to disenfranchise people in employment and to give an inadequate period for the public to consider and respond to the papers. It is apparent that in seeking to push this through as quickly as the LPA could argue the LPA abused the public's role in the EIA process.

An attempt to view the papers on the 24 December was rejected with the suggestion that the case officer is contacted after Xmas. Contact was made as soon as possible after Xmas and it was confirmed that no arrangements to attend the Civic Offices can be made until the 05 January. As the civic offices were not available for attendances at

weekends this limited the accessible period for those not in full time employment to just 23 or perhaps 24 days.

These are not mere technical issues. They must be complied with. On this occasion the LPA has not done so.

This behaviour is all the more deprecated as the officers involved in the decision making found themselves conflicted due to the refusal of the planning committee to follow the recommendation of the LPA officers.

One final point on this relates to the Dust Monitoring Scheme with date 25th November 2025 (v4.0). There is a discrepancy as the date of the report is 4 days later than the date the report is purportedly added to the planning register. That should be explained.

It also looks likely that the register is deficient with a lack of letters of representation and a lack of correspondence to and from the planning department which might be important to explain why, for example, the ecologist does not deal with the SINC that is about 11 metres across the road from the site.

## Issues arising from the Planning Application

*The failure to acknowledge the existence and proximity of the SINC should mean that the LPA should deem the application as invalid.*

*There are points made by the Agent in the planning application that call into question the adequacy of the expertise to be implied.*

These are important as the application was submitted by the Agents, Land & Mineral Management, and the person who completed and submitted the application was Lesley Loane. This person appears as LL in much of the ES. The involvement of LL in parts of the ES are considered to be inappropriate as it tends to show that the applicant is relying on a non-expert to oversee the preparation of reports and cause amendments to be made. This could only happen if the agent is looking at the content from the point of view of advocating the applicant's case. The agent could not have been overseeing the documentation as an expert. If this has occurred then the LPA ought to have considered the possibility that the ES is for that reason rejected as being non-qualifying.

This is important as it means that the Agent whose task it is to promote the planning application is also a person who appears to have finally authored the document Dust and Emission Management plan that is described as “*Incorporating updates for Planning*”. More of that later; we note it is submitted for planning and not for an ES. It does not qualify as a report for the ES and, being fair, it does not claim that status. It cannot be taken into account when considering if the ES is sufficient although it might be relevant if it shows there are matters that need to be a part of a properly submitted ES. It does nothing to support the ES, it has not been tested within the ES. It is not something that should be relied upon to correct the many failures in the ES.

The planning application raises the following issues:

- The proposed development is described as “A change of use to a wood processing facility”. The question asked is “Has the work or change of use already started?” to which the answer given is “No”. Although I do not claim to know precisely what the position was in 2024 when this form was completed, it is apparent that the change has been implemented. This is important as it demonstrates a poor attitude towards planning and environmental law by the person overseeing the application and supply of reports. The applicant has not shown a wish to be a good neighbour which ought to ensure care is taken in checking the paperwork. Although it is not unknown for applicants to ‘jump the gun’ on planning, the decision in this case is deprecated to a greater extent as the lack of formal control relates to an EIA Schedule 2 use.
- The completed application, at the least, implies no build. However, paragraph 1.5 of the air quality chapter states “The existing office and welfare facilities will

be updated with temporary modular accommodation”. The agent will have been aware of this but does not admit to any building.

- The application claims there are **no** trees or hedges on the proposed development site and/or on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character. (the denial allows the agents/applicant to avoid providing a full tree survey). That demonstrates a failure in the ES preparation;
- When asked whether there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site namely Designated sites, important habitats or other biodiversity features the agent says NO – notwithstanding the close proximity of their site to the SINC, Cadoxton Ponds.

Note that the applicant is advised that

***Supporting information requirements***

*Where a development proposal is likely to affect features of biodiversity or geological conservation interest, you will need to submit, with the application, sufficient information and assessments to allow the local planning authority to determine the proposal.*

***Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the local planning authority has been submitted.***(my emphasis)

- In Foul Sewage section the agent/applicant confirms they do not know how the Foul Sewage will be disposed of nor if the site will be connected to the existing drainage system. (relevant to SUDS report) and the well known issues with CSOs and discharges to sea due to lack of capacity.
- The Waste Storage and Collection arrangements are unknown.
- It is unknown whether there is a need to dispose of trade effluent or waste.
- The proposed activity is described as “Wood, both virgin and retrieved from waste streams will be stored, shredded and exported by HGV and ship for use in a variety of end operations”.
- In answer to the question Does the proposal involve the use or storage of Hazardous Substances? The agent/applicant has replied NO. This is not correct. Waste wood includes chemicals that are harmful to health and wood dust is produced that is also harmful to health whether or not it has the chemical additives.

The way in which the application form has been completed with the issues that are created demonstrate an intention on the part of the agent to support the application and does not demonstrate an independence from the applicant.



## Did the Applicant have authority to submit the additional information post the meeting in September 2025

*The attempt by the Applicant to improve its ES was not lawful.*

*The attempt by the Applicant to improve its ES was inadequate and failed to produce an ES that satisfied the requirement of the EIA Regs.*

*The attempt by the Applicant to improve their ES is some evidence that the Applicant admits the original does not satisfy the requirements of the EIA Regs and shows the committee was correct to refuse to follow the officer's recommendation.*

*The Vale of Glamorgan Planning Protocol, A Member, Officer and Stakeholder Guide, 2025 gives advice that is contrary to the Welsh Government Development Management Manual which wrongly might be read to give support to the possibility that the applicant can add to their ES.*

Even if it is possible to add to an ES at this very late stage, the material submitted fails to satisfy any test for an expert's report. The applicant has never given any hint as to the efficacy of what is proposed. As people in the industry they will have been well aware of the difference between mineral dust and wood dust including that wood dust is lighter and will travel further.

There has been no attempt to explain to what extent a spray can control the problems of dust pollution as it depends on the somewhat random process of a small particle of water impacting on a small particle of dust and that the contact is sufficient to ensure the dust particle will absorb the particle of water to an extent that will either cause the dust particle to immediately drop or to drop as if it is mineral dust. There are matters of science that ought to have been dealt with. At the particulate level us mere mortals cannot know how things work.

There must be tests that have been carried out but we are told nothing. A critical examination of what is put before the officers (and now committee) would not be able to accept offers that can make no promises.

A condition cannot be imposed until after the potential impact on human health (and the environment) has shown there are conditions that will ameliorate to a safe level. This is not shown.

The report is not written by a suitably qualified expert in any event; perhaps that was for a reason?

The EIA Regs allow for additional information to be requested by the LPA but does not authorise the Applicant to attempt to fix problems with its ES just because it wants to. This must be particularly the case after the committee has made an important decision

on the basis of the papers submitted by the applicant. This makes sense as a concept as otherwise an Applicant can cause delay, expense, frustration to the LPA, the public, statutory consultees and others by tweaking aspects of its ES to deal with representations that ought to have been covered adequately in the first place.

If the applicant lodged extra papers following a request or advice from officers then this detail should be on the Register.

Such tweaking of papers simply indicates a lack of expertise in the original drafting so why would they expect a redraft might increase the level of assumed expertise

The rushed additional/replacement reports demonstrate an admission on the part of the applicant that the ES originally submitted was inadequate for the purposes of the EIA Regs which prevents the grant of planning permission per Reg 3. This is overlooked by the officer in the recommendation for valid reasons to reject the application.

This additional paperwork seems to have been assumed as permitted by the LPA due to a very small error in its Planning Protocol. At paragraph 17.6 of the protocol it states:-

*17.6 Paragraph 9.6.17 of the Welsh Government Development Management manual states that where necessary, planning committees should defer applications by using a 'cooling off period' to the next committee meeting when minded to determine an application contrary to an officer recommendation. This is in order to allow time **to fully consider**, manage the risk associated with this action, and ensure officers can provide additional reports and draft robust reasons for refusal or necessary conditions for approval. This is particularly important in cases where the Planning Committee report is the only submission that would be put forward in any subsequent appeal (e.g. all Householder cases).*  
(my emphasis)

In fact the paragraph seeks to quote paragraph 9.6.20 of the Welsh Government Development Management manual which states:

*9.6.20 Where necessary, planning committees should defer applications by using a 'cooling off period' to the next committee meeting when minded to determine an application contrary to an officer recommendation. This is in order to allow time **to reconsider**, manage the risk associated with this action, and ensure officers can provide additional reports and draft robust reasons for refusal or necessary conditions for approval.* (my emphasis)

The difference is small but it is important.

The proper quote appears to acknowledge the pre-eminence of the democratic decision of the Councillors. It is a direction to the officers to carry out their duty of supporting the councillors by reconsidering their advice to (in this case) see if they can draft robust reasons for refusal. Somehow, an objective assessment may need to be made to see if

the officers can truly be asked to manage this task which is made difficult due to the rejection of the argued for position of the officer.

The reference to “*additional reports*” is linked to the “*officers*” and is not an invitation to the applicant to produce fresh material to bolster a different and opposite decision. This is emphasised by the description ‘*draft robust reasons for refusal*’.

Careful consideration should be given to whether it is possible or fair to leave this to officers who have committed themselves to decisions and omissions as well as relying on the wrong Regulations. To believe they can so undermine their earlier report and properly reconsider earlier decisions and not be conflicted is clearly fanciful.

Looking towards a possible appeal, the public might be concerned that these officers or a close colleague on the Council might be the ones to give evidence and be subjected to rather obvious, damaging questioning. The purpose of the deferment is made clear, it is to see if they can draft robust reasons for refusal. It is not to persuade the councillors to follow the original recommendation made by the officer(s). If the officers come to the logical conclusion that they are conflicted then the Protocol ought to have been applied and independent advice arranged for the councillors.

## Criminal Justice System

When the Minister introduced the Environmental Impact Assessment Regulations (EIA Regs) in 2017 she also explained that the regulations did not need to include any penalties for infringements as these were covered by the criminal justice system. In particular she mentioned the Fraud Act.

The Directive that led to the Air Quality Standards (Wales) Regulations 2010 contained a similar requirement thereby inviting the CJS to look at infringements of these regulations.

As it is possible to infringe the regulations in multiple ways, the officers should advise councillors of potential criminal responsibility and penalties, and what the officers are doing to protect the counsellors including ensuring councillors make lawful decisions.

Councillors should be required to take a robust stance with officers and make sure they are happy to accept advice that might not be obviously correct.

Regulations can be infringed by officers and others but also by those making the decisions. A decision maker cannot simply say that they followed what the officers advised. Once made aware of issues the councillors are obliged, in all probability to raise appropriate questions and come to a reasoned conclusion for themselves.

Decisions taken on EIA matters that appear to be taken on party political lines would be susceptible to an investigation.

Reliance upon the officer's advice on the Environmental Statement (ES) might be an infringement of the EIA Regs if wrong advice was given. If the councillors were aware of the possible weakness in the advice on offer, or perhaps should have been, then independent decisions must be reached. It is not necessarily a defence to an allegation of an infringement to say one merely followed the officers advice/orders.

Councillors do have the option of following the Council's Protocol in cases where an officer's advice is not followed. Notwithstanding the obvious conflict, it does look (at present) as if the officers involved have not invoked the Protocol and allowed an independent expert to assist Councillors without the officers being involved in the drafting of the instructions to an independent expert. Perhaps reasons for not invoking the protocol should be examined? Objectively this might be seen as a decision taken to protect what might be seen as officers' credibility.

The decision of the majority of Councillors at the previous meeting of the Planning Committee might imply that those Councillors are unhappy with the Vale Council's compliance with Reg 4(4), which may be a failure of the Council to procure sufficient training for officers or failed to employ appropriately qualified officers. This provision in the EIA Regs is very simply:

*(4) The relevant planning authority ... must ensure that they have, or have access as necessary to, sufficient expertise to examine the environmental statement.*

This deficiency will be explored as we progress through the representations. However, if it is a natural assumption that the councillors were concerned about the level of expertise then that seems like another reason to follow protocol and not simply follow orders.

## What is expert evidence

*Reports included within the ES are not expert evidence as demanded by the EIA Regs.*

*The reports, in failing to have any reliable declaration of independence from their paymaster, are not reports prepared as part of an ES.*

*Some reports make reference to material that has affected their report but have failed/refused to append copies thereby denying the LPA the opportunity to consider the report in full.*

This is important as it goes to the very core of what an ES is meant to achieve.

Advice on the PEDW website on [expert evidence](#) includes the recommended endorsement on an expert's report in the following, or similar, terms:

*1.1. Expert evidence is evidence that is given by a person who is qualified, by training and experience in a particular subject or subjects, to express an opinion.*

*It is the duty of an expert to help an Inspector on matters within his or her expertise. This duty overrides any obligation to the person from whom the expert has received instructions or by whom he or she is paid.*

*1.2. The evidence should be accurate, concise and complete as to relevant fact(s) within the expert's knowledge and should represent his or her honest and objective opinion. If a professional body has adopted a code of practice on professional conduct dealing with the giving of evidence, then a member of that body will be expected to comply with the provisions of the code in the preparation and presentation (written or in person) of the expert evidence.*

*"The evidence which I have prepared and provide for this appeal reference APF/xxx (in this Written Statement of evidence, written statement or report) is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions".*

*Giving expert evidence does not prevent an expert from acting as an advocate so long as it is made clear through the endorsement or otherwise what is given as expert evidence and what is not.*

This makes it clear that an expert can wear one of two hats at any time but has to make it clear which hat is being worn. It should be clear that this is to ensure that parties do not make the error of assuming that what is said by an expert when acting as expert is not inadvertently assumed to be independent expert evidence.

## Expert Advocacy for the Applicant

*It appears that experts purporting to act as independent for the purposes of the EIA Regs are more accurately considered to be supplying expert advocacy for the Applicant.*

It is possible for an expert who has produced a report for the ES to be an advocate for the Applicant but:

1. They have to make it clear if they are advocating for the applicant, their client, the person paying them for their evidence;
2. They have to be able to make it clear when they are advocating for their client as that will not be evidence within the ES and all participants need to understand when this is happening.
3. It is a confusing and probably confused scenario if an expert decides to go down this particular path of mixing their roles. It is best avoided especially at LPA level.

Where the expert includes a declaration that confirms their only responsibility is towards their paymaster then they are declaring a lack of responsibility to anybody else.

## Advocating within the ES

The importance is that it is only when they are acting in accordance with the recommended or similar endorsement that they are asserting they are genuinely contributing to an Environmental Statement. This advice is meant to encourage clarity. Readers of ESs are required to check what endorsement an expert has added to their report in order to assess the expert's role.

It may be trite to say this but an expert would take their endorsement seriously, they will know what the Welsh Government requires as well as what their regulatory body recommends, they would only omit the endorsement for a reason. The absence without explanation should be examined before accepting the report for ES purposes. Where, as in this case, each endorsement suggests the report is solely for the applicant's purposes there ought to be no question but that the report is unacceptable for ES purposes.

It follows that just because a person is an expert in the relevant field it does not automatically follow that they have provided an ES quality report.

## Lack of clarity of the expert's role?

In this case the sort of endorsement to be found is in terms of the following or similar to the following, which is the way in which the firm Isopleth Ltd introduces its report for chapter 4 - Air Quality:

### **Notice**

*This document was compiled by Isopleth Ltd for South West Wood Products Ltd for the specific purpose of providing an Environmental Statement to develop a Wood Processing Facility.*

*This document may not be used by any person other than South West Wood Products Ltd without express permission. In any event, Isopleth Ltd accepts no liability for any costs, liabilities or losses arising as a result of the use of or reliance upon the contents of this report by any person other than by South West Wood Products Ltd.*

This is strange because it purports to be “for the specific purpose of providing an Environmental Statement to develop a Wood Processing Facility”.

The wording is strange. The expression ‘for the specific purpose of providing...’ seems like an attempt to avoid liability under the EIA Regs but causing confusion by referencing Environmental Statement. But if the report was for the ES the would have had a clear and more appropriate endorsement.

Note that the major part of its 'Notice' talks about limiting its responsibility for losses to South West Wood Products Ltd. A report that is meant to be part of an ES is a report that the Inspector and others, the LPA and the general public, is meant to rely upon.

This is unacceptable as the Welsh Government clearly states that the duty of an expert to help an Inspector (the LPA here) on matters within his or her expertise and this duty overrides any obligation to the person from whom the expert has received instructions or by whom he or she is paid. The declaration seems to override the Welsh Government's advice.

It is not the only pointer towards this report's failure to be qualified for ES purposes. It is however a significant pointer towards an issue as the advice from Welsh Government is so simple and so easy to follow so as to offer all the protection from being sued that the expert should or may be entitled to.

The correct declaration would have made it clear that the expert did not owe the applicant a duty. Hence no responsibility to the applicant.

Another example of an unacceptable endorsement is at Appendix 8.1 that purports to deal with Flood Consequences Assessment. This one says:

*This report has been prepared by Amber Planning within the terms of the contract with The Client and taking account of the resources devoted to it by agreement with the client.*

*We disclaim any responsibility to The Client and others in respect of any matters outside of the scope agreed.*

*This report is confidential to The Client and we accept no responsibility of whatsoever nature to third parties to whom this report, or any part thereof, is made known. Any such party relies on the report at their own risk.*

Let's deal with each of the three paragraphs in turn to highlight the issues that are found here.

1. The expression 'within the terms of the contract with the client' is bizarre if the author was merely instructed to prepare this report as one to be included in an ES. The terms of the contract should have been disclosed as they are part of the report. The expression 'taking account of the resources devoted to it by agreement with the client' is also inappropriate for a report for an ES. The implication is that the report is constrained by the agreement with the client. The expression is an important part of the report but not explained.
2. The disclaimer refers to 'matters outside the scope agreed' but yet again we have no idea what the scope is save that there is no suggestion here that the report is unrestrained to ensure the Inspector and others (LPA) are properly assisted.



3. This paragraph makes clear that the only responsibility the author has is to their client. This is in direct contradiction to the role of an expert for an ES and as explained by the paragraph recommended by the Welsh Government and included by us above in the section headed “What is Expert Evidence”.

The endorsement makes it clear that this cannot be treated as a report satisfying the requirements of Regulation 17(4)(a) which we set out below:

*(4) An environmental statement must—*

*(a) be prepared by persons who in the opinion of the relevant planning authority or the Welsh Ministers, as appropriate, have sufficient expertise **to ensure the completeness and quality of the statement**; (my emphasis)*

This, coupled with the recommendation of the Welsh Government demonstrates the need for independent thinking on the part of the expert.

Other examples of this issue include:-

and perhaps even more critical is found in the Transport Assessment Chapter:

*This report is provided for the benefit of the Client. We do not accept responsibility in the event that the report contents are used in whole or in part by a third party and we exercise no duty of care to any such third party.*

I feel further comment would be otiose?

24 Acoustics Ltd 2024 follows a similar line for its noise report with specific reference to the instructions from the client but fails to include those instructions.

Richard Green Ecology has prepared a report in accordance with the instructions of their client, the Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines for Ecological Report Writing and CIEEM Code of Professional Conduct. It is for the client’s sole and specific use. Any other persons who use any information contained herein do so at their own risk.

Amazingly the author refers to the requirements of the Institute but avoids the recommendation for any alternative declaration as recommended by the Welsh Government. This must surely have been a deliberate decision that the declaration could not be given.

At Chapter 2 of the ES – site location and surroundings the report claims it is produced by Land & Mineral Management for South West Wood Products Ltd as part of the Environmental Statement for a wood processing facility at Berth 31, Port of Barry. This report may not be used by any person other South West Wood Products Ltd without express permission. In any event, Land & Mineral Management accepts no liability for



any costs, liabilities or losses arising as a result of the use of or reliance upon the contents of this report by any person other than South West Wood Products Ltd.

Further confusion comes about due to the planning application being submitted by Land & Mineral Management as agents for South West Wood Products Ltd. Acting as the agents seems inconsistent with the task of drawing up a report for the ES. There is at least an assumption that the agents would be acting as an advocate for the owners of the business.

The non-technical summary has a exclusion clause in similar terms, the document having been prepared by an employee of Land & Mineral Management.

Failure to make the appropriate declaration could not be an accident, it is for a purpose but it is difficult to see a purpose beyond seeking to avoid CJS responsibility on the part of the author.

## Regulation 4 of the EIA Regs

### Reg 4(2)(a)

We begin with Regulation 4(2)(a) of the EIA Regs where we see the following requirement that the ES should deal with:

*(2) The environmental impact assessment must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of proposed development on the following—*

*(a) population and human health;..*

It seems trite to say this as everybody must know it is a primary consideration. Without compliance with Regulation 4 (2)(a) there cannot be an acceptable ES. The purported ES fails to satisfy the basic test.

The trick that is used, but is not lawful, is where the ‘expert’ includes a paragraph such as the following that appears in Chapter 4 – Air Quality:

*2.2 For each nominated pollutant, the UK AQS set clear, measurable, outdoor air quality standards and target dates by which these must be achieved; the combined standard and target date was referred to as the Air Quality Objective (AQO) or Air Quality Limit Value (AQLV) for that pollutant. These were maximum ambient pollutant concentrations that are not to be exceeded either without exception or with a permitted number of exceedances over a specified timescale.*

The report has now set off to record a significant amount of technical, often irrelevant, boilerplate verbiage. The expert is talking here about air quality limits that have little if

any relevance to the issue of human health. These are limits which, if reached, force authorities to act because they are so unacceptable. For health impacts the Welsh Government prefers the World Health Organisation (WHO) limits that are much lower and are well argued by the WHO.

The paragraph included above (2.2) is accurate but is misleading and not relevant. The limits discussed are an attempt to find levels to encourage all of Europe to reach but in the knowledge it will be more difficult for some countries. They are compromise limits to allow those countries with higher pollution to arrange to drop their levels to something achievable by them.

Whether the pollution added by this application will cause a breach of these limits first of all is otiose but secondly sets the alarm bells ringing. The only reason to use these inappropriate limits is if a proper ES analysis would cause a problem for the Applicant with the planning process due to the need to satisfy the EIA Regs.

The report deceives the uninformed reader as to the true potential impact on human receptors by referring to a limit that is excessive in terms of human health instead of the WHO recommended limits as suggested by the Welsh Government and EU Directives.

The Air Quality Standards (Wales) Regulations 2010 were passed into law as a requirement to transpose the relevant Directive and, as always, it is worth checking to see the purpose behind the Directive as that tells you what the Regulations are expected to achieve.

In this case the Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe includes at paragraphs 2, 9 and 11 of the preamble:

*(2) In order to protect human health and the environment as a whole, it is particularly important to combat emissions of pollutants at source and to identify and implement the most effective emission reduction measures at local, national and Community level. Therefore, emissions of harmful air pollutants should be avoided, prevented or reduced and appropriate objectives set for ambient air quality taking into account relevant World Health Organisation standards, guidelines and programmes.*

*(9) Air quality status should be maintained where it is already good, or improved. Where the objectives for ambient air quality laid down in this Directive are not met, Member States should take action in order to comply with the limit values and critical levels, and where possible, to attain the target values and long-term objectives.*

*(11) Fine particulate matter (PM<sub>2.5</sub>) is responsible for significant negative impacts on human health. Further, there is as yet no identifiable threshold below*

*which PM<sub>2,5</sub> would not pose a risk. As such, this pollutant should not be regulated in the same way as other air pollutants. The approach should aim at a general reduction of concentrations in the urban background to ensure that large sections of the population benefit from improved air quality. However, to ensure a minimum degree of health protection everywhere, that approach should be combined with a limit value, which is to be preceded in a first stage by a target value.*

The Directive is complex but I hope this brief look into the intention of the Directive and therefore the Air Quality Regulations is helpful. Bear in mind what is reported by the Directive when looking at the way the ES material seeks to rely on limits instead of health recommendations.

## Cumulative Effects

Schedule 4 of the EIA Regs makes it clear that 'The description of the likely significant effects on the factors specified in regulation 4(2) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development.'

That is quite a mouthful but it seems, amongst other requirements, that the ES should record the level of relevant pollution in the areas where this project might add to pollution. You have to look at the expected level of pollution that will then exist and not just the amount of pollution brought about by the project.

I do not believe this happens in this purported ES. This will become more clear as we progress through the representations.

## Failure to use the correct limits for Human health

*The Applicant's ES fails to comply appropriately or adequately with Regulation 4(2)(a) and Schedule 4 paragraphs 4 and 5(c) when advising on human health impacts*

This relates to the obligation to deal with the effects upon human health as required by the regulations.

The ES compares chalk and cheese.

The relevant levels of pollution for NRW appears to be the Air Quality Limits. These relate to the limits where the pollution is so bad that official steps must be taken to reduce the pollution. These are not the safe limits, these are when it is so bad it must not be allowed to continue.

The limits for the EIA process are the WHO recommendations. Neither the applicant nor the LPA appear to have applied WHO recommendations especially when considering

cumulative impacts. This would be a part of the LPA's obligations to look at the ES critically. It is relevant for the wood dust, the particulate matter produced on site and blown around and the NOx and particulates added to the air by transport which for human health rather than traffic flow reasons is not ignored due to an assumption/claim that less than 100 traffic flows per diem is negligible. The readings for NOx along Cardiff Road have been high for a long time and steps should be taken to reduce them instead of claiming the limits have not yet been reached to enforce an AQA along there. In fact note should be taken of the Welsh Government's stated intention to work with WHO recommendations and to reduce targets for particulate matter.

## Cadoxton wetlands/ponds

*The failure to take notice that the distance between the site and the Cadoxton Wetlands is approximately 20m and that no assessment has been made on the impact the proposal will have on the SINC means the ES is inadequate and Regulation 3 of the EIA Regs is not satisfied.*

The LDP has a section dealing with MG21. I have copied this into the response as, so far as I can tell there have been no, or no sufficient, notice taken of the policy – anywhere in this matter:-

***POLICY MG21 – SITES OF IMPORTANCE FOR NATURE CONSERVATION, REGIONALLY IMPORTANT GEOLOGICAL AND GEOMORPHOLOGICAL SITES AND PRIORITY HABITATS AND SPECIES***

*Development proposals likely to have an adverse impact on sites of importance for nature conservation or priority habitats and species will only be permitted where it can be demonstrated that:*

- 1. The need for the development clearly outweighs the nature conservation value of the site;*
- 2. Adverse impacts on nature conservation and geological features can be avoided;*
- 3. Appropriate and proportionate mitigation and compensation measures can be provided; and*
- 4. The development conserves and where possible enhances biodiversity interests.*

*6.131 Sites of Importance for Nature Conservation (SINC) are identified to protect areas of high wildlife value at a local level. Regionally Important Geological and Geomorphological Sites are locally designated sites of local, national and regional importance for geodiversity (geology and geomorphology).*

*6.132 Priority Habitats and Species for Conservation are identified in the Environment (Wales) Act 2016 Section 7. Species or habitats are important*

*wildlife features, are rare or declining and are not protected by primary legislation.*

*6.133 Development which is likely to have an adverse impact on SINC, RIGS or Priority Habitats and Species will be required to demonstrate that every effort has been made to avoid and mitigate any adverse impacts and that the need for the development outweighs the nature conservation or geological value. Where on site mitigation is not possible or sufficient to prevent any adverse Managing Growth in the Vale of Glamorgan 88 Vale of Glamorgan Local Development Plan 2011 - 2026 : Written Statement Contents impact then off-site compensation will be required. Off-site compensation will be secured through planning conditions or Section 106 agreements as appropriate.*

*6.134 The Council will produce Supplementary Planning Guidance on 'Biodiversity and Development' to support these policies and provide advice for developers on the Council's approach to biodiversity issues*

This area is defined as a Site of Importance for Nature Conservation (SINC).

Although this is a non-statutory designation, it is the type of site that is formally recognised by the LPA and carries meaningful weight in planning and land-use decisions.

The first point I need to raise is that the agents have decided to include in the ES the misleading statistic that the ponds are 130m from the site. (see paragraph 3.7 of the NTS). Certain assumptions arise from this including:

1. The agents are acting as advocates for the applicant and not limiting their input to reports that are properly part of an ES;
2. The more accurate fact that the distance between the site and the SINC is the width of Wimbourne Road is seen as a disadvantage for the applicant and needs to be disguised for the application to succeed;
3. The additional demands for an ES is seen as so adverse to the planning application that the distance needs to be significantly misrepresented by the agents;
4. The adverse impact of the more than 100 extra vehicle (HVG) movements along Wimbourne Road are more easily overlooked if it is assumed there is no need to consider an impact on the SINC;
5. The plant used to process the waste wood is mobile and no claim can be made that the processing area is limited to one part of the site.

Although there is no specific distance from a SINC where development is not permitted the likely direct and indirect impacts are a part of the planning process and should/must be covered in the ES. Proposals outside a SINC can be refused if they adversely affect the SINC. The type of distances from a SINC, informally adopted by LPAs, include:

1. Immediately adjacent to a SINC: Very high scrutiny; development commonly resisted unless clearly benign. (this might very well include the increased traffic especially with the prospect of increased dust, noise and NOx. This is all the more important as the closest part of the site is where lorries will be slowing, manoeuvring, turning...):
2. Within 10-20m would often be treated as likely to have direct edge effects (Wimbourne Road is approximately 11m wide);
3. Within 50m an ecological impact assessment would be required usually.

These distances may be guidance conventions and not policy thresholds but they exist for a reason. They explain why the ES needed a lot more in order that the decisions taken will fully consider the issues that should be dealt with. The failure of the papers to consider this fully or sufficiently is bizarre but the failure of the ES to deal with the issues means the ES is incompatible with the requirements to satisfy the EIA Regs.

There seems to be an assumption on the part of the agents and the applicant that a distance in excess of 100m means that no impact assessment is required for the SINC. This would explain the use of a distance of 130m. It does not work and the ES is deficient.

Although the geography of the area is well known, I attach a Google Earth plan of the area to demonstrate the relative positions of the site and Cadoxton Wetlands/Ponds. The correct measurement is obviously the width of the road separating the two and the lorry use is right up to the boundary of the SINC.

### **Issues apparent on the Site and not covered in the ES**

*The issues with the methods of storage as shown on Google Earth are not included in the purported ES which makes the ES unacceptable and noncompliant with Regulation 3 of the EIA Regs.*

*There is no evidence that the site can cope with the suggested turnover of waste wood without producing pollution at an unacceptable level.*

For this section I produce a second aerial view of the site. This appears to show:-

- The amount of waste wood on site overflows the Xs that are meant to keep piles separated for safety/fire precautions. This might show a lack of awareness and concern by the owners of the business who, it is reported, will have suffered significant fires on previous waste wood sites.
- The site is not big enough to process the amount of waste wood that it is asking for as shown by the inability to store within the Xs, to keep piles to the correct height, avoid storage too close to the dock side;
- The processing of the wood waste involves moving it from an X to the machine which creates dust;

- The wood that is ground down seems to be moved again so that it is at the dock side creating more dust;
- The wood at the dockside is close to the edge creating a plausible issue with contamination of the dock water;
- The wood at the dockside is uncovered and liable to being blown around in the wind;
- There is no system in place to separate out the large amounts of wood dust that arrives with the lorry loads and produced on site;
- There is no provision for the storage of dust which, it appears, is delivered with waste wood and produced on site.

This tends to show potential pollution sources that are either not included in the ES material or are not sufficiently included.

## Alternative sites

*There is insufficient evidence of any attempt to find an alternative site or sites which is a reason for refusing permission*

Accepting that it is convenient for the applicant to seek a dockside site to process waste wood and minimise expense to the applicant we have noted that none of the other sites occupied by the applicant for processing waste wood were anywhere near an urban settlement. This is a significant move by the applicant to be close to a town. It might be convenient to talk about 'dock side' and 'industrial area' but the reality is that the site occupies an area that, within relatively short distances, is almost surrounded by housing and other businesses as well as the Cadoxton Ponds (SINC).

This significant change in their business model means they are having to consider issues that were not previously relevant to them. This might explain why the applicant has made the questionable decision to move this business to this inappropriate site.

There may be a use that is permissible for dockside business but this does not stretch to processing the wood.

What is not dealt with in the paperwork is any or any sufficient attempt to look at alternative sites to process the wood. This is a basic failure on the part of the applicant.

The applicant was running a similar business out of docks in Newport which tends to show there is at least that site that might be available. The applicant can at least explain why the process is proposed to move to Barry where the site is inappropriate for reasons set out in this document and elsewhere.

If the applicant relies on convenience then that is not sufficient to overcome the issues. It is not essential to carry out the processing with the storage for export.

## Dust Management Scheme

*If there is not sufficient scheme for controlling dust set out in the ES material then this is a defect in the ES that means there is no ES to qualify for Regulation 3.*

*There is no scheme to collect the dust imported with the waste wood and produced on site with a view to having in place custom systems to safely store the dust and thereby reducing the likely quantities that will otherwise be blown about.*

In the NTS at paragraph 4.5 it is suggested that a DMMS will be finalised prior to commencement of the Berth 31 development.

This is not a permissible process. The regime set up by the EIA Regs means that conditions dealing with environmental matters cannot be used to circumvent the need to fully consider such matters at the time the ES is considered ie before considering any possible planning application and conditions. The EIA process must first determine that it is appropriate to rely on proposed systems to control the pollution.

## Dust Monitoring

*The NTS offers dust monitoring that will be in place prior to operation but this offer is not sufficient to move the need to consider the extent of monitoring out of the ES and into conditions.*

It is at paragraph 4.26 of the NTS that we see the promise that a Dust Management and Mitigation Scheme (DMMS) will be in place at the proposed Berth 31 development prior to operation of the wood processing, subject to agreement with relevant consultees. In effect this contains the reason why it is not acceptable. It is merely a device to circumvent the need to be satisfied that there are sufficient safeguards that might be or can be built in. It is not a task that can be moved away from the ES process without infringing the Regs.

Paragraph 4.27 merely asserts monitoring will be consistent with the approach described in IAQM Guidance which states that this can range from visual inspections, dust deposition/flux monitoring, to real-time PM<sub>10</sub> continuous monitoring locations, if necessary. The monitoring approach should be tailored to the risk of impact (and effect) at receptor locations.

All well and good but we are not concerned with just disamenity factors. We are more concerned with the health risks that are not dealt with adequately (if at all) in the ES.



## Distance from site to consider dust pollution

*Evidence has shown that the disamenity issues with dust pollution affects the town well beyond the 200m advocated by the applicant which is a serious failure of the ES and makes it inadequate for the purposes of Regulation 3.*

*The evidence is clear that the distance we can expect particulate matter to travel away from the site is significantly greater than 200m advocated for by the applicant which makes this part of the ES inadequate for the purposes of Regulation 3.*

As a mere layperson I was concerned that there is an assumption in this documentation that wood dust can be compared to mineral dust for the purposes of transmission distance. The way this aspect has been approached should be looked at as a possible amateur attempt to support the application for planning permission. It is such a poor attempt that perhaps an assumption could be quite properly made that this part of the application is influenced by non-expert intervention.

I am careful to approach the question from the standpoint that the author of an environmental statement will have significantly more knowledge and know when to question an assumption. I am being too kind.

An advocate for the applicant might wish to put forward an assumption on the basis that it will be for others to question it. This is an illustration of the reason why, at the least, an expert must include the Welsh Government advice for a declaration of independence in their report so as to make clear when the expert is advocating for the applicant as opposed to advising for the ES.

I felt that in this case the assumption promoted by the expert was questionable and I have made very few checks to come up with support for my position.

I saw nothing in the ES to question the assumption that was made even though the assumption is so obviously questionable. I've seen nothing on behalf of the LPA to demonstrate any thought having gone into this important matter, not even as a result of the reports of pollution from members of the public.

If the following suggestions are attractive (I believe them to be precisely that) then the whole of the report should be rejected. In fact if it is accepted that there is no explanation for ignoring the obvious then the whole of the claimed ES might be looked at afresh. (Which would simply be compliance with Regulation 4(4) of the EIA Regulations.)

### **Nature of the Dust: Fundamental Differences between wood and mineral dust**

The two dust types differ materially in **particle size distribution, density, and aerodynamic behaviour.**

## A. Building / Demolition Dust

This is typically generated from Concrete, Brick, Mortar, Plaster, Stone, Soils.

Its composition is predominantly mineral.

## B. Waste Wood Processing Dust

This is generated from at least Chipping, Shredding, Screening, Handling of dry wood,

Its composition is Organic, fibrous, low-density material.

What seems clear is that even for particles of a similar size, the wood dust particle weighs much less than the mineral particle. The following is an attempt at demonstrating this principle:

### Particle Size and Weight Comparison

Dust is usually classified by **aerodynamic diameter**, which determines how it behaves in air.

Dust type	Typical particle size	Approx. particle density	Relative particle weight
Demolition / construction dust	30–500 $\mu\text{m}$ (coarse-dominated)	$\sim 2,400\text{--}2,700\text{ kg/m}^3$	High
Fine construction dust (PM10 fraction)	$<10\text{ }\mu\text{m}$	$\sim 2,500\text{ kg/m}^3$	Moderate
Waste wood dust (chips/fines)	50–1,000 $\mu\text{m}$ (but fibrous)	$\sim 400\text{--}700\text{ kg/m}^3$	Low
Fine wood dust (PM10 / PM2.5)	$<10\text{ }\mu\text{m}$	$\sim 400\text{--}600\text{ kg/m}^3$	Very low

Dealing with the unexplained assumption in the Report perhaps the issue is already apparent but...

### Settling Velocity (Why Weight Matters)

Settling velocity governs how quickly a particle falls out of the air.

- **Mineral dust** (brick/concrete):
  - High density
  - High settling velocity
  - Falls out of suspension relatively quickly
- **Wood dust:**

- Low density
- Irregular, plate- or fibre-like shapes
- Low settling velocity
- Remains airborne for significantly longer

**In practical terms this tells us:**

A wood dust particle of the same nominal size as a mineral particle may stay airborne **several times longer**.

Surely it is clear that an expert's report that depends on the unexplained assumption that wood dust will behave the same as mineral dust cannot be a report for an ES. It very much looks like some advocacy for the applicant for planning permission. Even then, the very poor terms of the report would probably have the impact of undermining the applicant's overall position by confirming amateur attempts at deception.

A final comparison that might take the issue slightly further

**Bottom Line Comparison**

<b>Aspect</b>	<b>Building / demolition dust</b>	<b>Waste wood processing dust</b>
Density	High	Low
Settling rate	Fast	Slow
Wind transport	Limited	Significant
Ecological sensitivity	Moderate	High
Control difficulty	Relatively easy	More challenging

At paragraph 5.5 of the NTS we see the inadequate reasoning for choosing 200m for screening for site emissions. The paragraph does contain the admission that there is dust from both processing and storage.

The applicant is said to have significant experience in the relevant industry in which event it will also know how far the dust can be blown by the sort of winds we experience at the coast. 200m was always going to be a convenient number in view of the likely receptors within that circle. There is no or no adequate reason given for choosing 200m and it might therefore be assumed that the number was chosen so as to cut out receptors.

In any event the ES does not deal with the PM<sub>10</sub> and PM<sub>2.5</sub> particles that will be blown further than the visible dust and be dangerous for receptors especially the young, the

elderly and those with lung disease. The ES does not seek to deal with this very obvious point and must therefore fail to be sufficient for the purposes of Regulation 3.

In any event, there is no obvious reason for taking distances from construction and demolition sites (assuming such advice does exist) as they tend to be relatively short term works whereas for Berth 31 we are discussing potential multi-generational impacts.

Somebody needs to look closely at Guidance on the assessment of dust from demolition and construction<sup>1</sup> bearing in mind the reliance given:

Chapter 6 includes the panel:

*Box 1: Screening criteria*

*An assessment will normally be required where there is:*

- *a ‘human receptor’ within: -*
  - 250 m of the boundary of the site; and/or –*
  - 50 m of the route(s) used by construction vehicles on the public highway, up to 250 m from the site entrance(s).*
- *an ‘ecological receptor’ within: -*
  - 50 m of the boundary of the site; and/or –*
  - 50 m of the route(s) used by construction vehicles on the public highway, up to 250 m from the site entrance(s).*

*For specific (high risk) schemes the planning authority may require dust assessment despite the proposed site falling outside the distances above.*

We believe that under IAQM guidance, dust impacts are assessed by considering sensitive receptors within following distances of the site boundary.

Human receptors; Up to 350 metres from the site boundary.

Ecological receptors: Open to 50 metres from the site boundary or beyond 50 metres if the ecological receptor is particularly sensitive for example a SINC or if prevailing wind direction or topography indicates potential impact (as very much demonstrated in this matter by looking at the alleged wind rose material).

However a highly dust sensitive location such as a hospital care home school or a SINC has to be considered regardless of distance if there is a plausible dust pathway.

If it was feasible that regard should be had to the advice from IAQM dealing with construction then the ES should fully define the study area for dust explicitly, should identify all sensitive receptors within the relevant distances, assess the risk based on

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<sup>1</sup> <https://iaqm.co.uk/wp-content/uploads/2013/02/Construction-Dust-Guidance-Jan-2024.pdf>

the scale and duration of the works, the proximity of the receptors, the site size and activities and the meteorology.

What the IAQM would insist is that the ES justifies the distances used particularly if the ES is trying to use a shorter distance than IAQM guidance or if there is a sensitive ecological site nearby.

I believe that a failure to assess receptors within these more conventional distances is frequently criticised as a scoping flaw.

Again, on IAQM guidance, if a SINC or other designated ecological site is present then the dust effects are normally assessed for the entire SINC if within 50 metres and any part of the SINC beyond 50 metres where dust deposition could reasonably occur. And ignoring the nearby SINC on the basis that it lies outside the site is generally considered inadequate. If the habitats are sensitive to dust deposition for example lichens bryophytes calcareous grassland then assessment may extend well beyond 50 metres with justification.

Relying on IAQM without supplying the full document, using minimum parts that seem to support a false case, wrongly extrapolating data from mineral to wood dust are very questionable steps and might give rise to infringements of the EIA Regs.

### **Assessment of Effects and Significance – Vehicle Emissions**

We have already demonstrated the reasons for rejecting this paper. The following will also be important as another extract from IAQM relied upon without real analysis and sounding over optimistic in use by the applicant.

6.6 IAQM / EPUK Land-Use Planning & Development Control: Planning for Air Quality (January 2017) Table 6.2: Indicative criteria for requiring an air quality assessment states that, where HDV flows are less than 100 AADT, no further assessment is required.

This paragraph relies upon what is referred to as “**Indicative** criteria for requiring an air quality assessment”(our emphasis). We touch on this later.

## **Chapter 4: Air quality**

This report appears to be initiated by Isopleth, by their employee with initials MS.

However, the report was produced by MS (Matthew STOALING?) on 30/05/2024 but altogether there were 4 versions with three of them being checked by LL who is presumably the author of the planning application, the agent of the Applicant. This tends to suggest that either the MS instructed to produce the report was not up to the task and/or there was editing of the report on behalf of the applicant, requested by a non-expert, which means it is not the independent report that is required for an ES.

The report begins with this:

*Notice*

*This document was compiled by Isopleth Ltd for South West Wood Products Ltd for the specific purpose of providing an Environmental Statement to develop a Wood Processing Facility.*

*This document may not be used by any person other than South West Wood Products Ltd without express permission. In any event, Isopleth Ltd accepts no liability for any costs, liabilities or losses arising as a result of the use of or reliance upon the contents of this report by any person other than by South West Wood Products Ltd.*

It is a far cry from the declaration that is recommended by the Welsh Government. It disqualifies it (I say) from being anything other than advocacy on behalf of the applicant and not a report for ES purposes.

In chapter 2 we come across the usual assault on air quality based on a completely false analysis of The Air Quality Standards (Wales) Regulations 2010.

These regulations are the transposition of the Directive [2008/50/EC](#) of the European Parliament and of the Council. The aim of the Directive and therefore the Air Quality Standards are neatly set out in the first two paragraphs of the explanatory text with some following paragraphs to better set out the true aims:

*(1)The Sixth Community Environment Action Programme adopted by Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002(4) establishes the need to reduce pollution to levels which minimise harmful effects on human health, paying particular attention to sensitive populations, and the environment as a whole, to improve the monitoring and assessment of air quality including the deposition of pollutants and to provide information to the public.*

*(2)In order to protect human health and the environment as a whole, it is particularly important to combat emissions of pollutants at source and to identify and implement the most effective emission reduction measures at local, national and Community level. Therefore, emissions of harmful air pollutants should be avoided, prevented or reduced and appropriate objectives set for ambient air quality **taking into account relevant World Health Organisation standards, guidelines and programmes.**(my emphasis)*

*(9)Air quality status should be maintained where it is already good, or improved. Where the objectives for ambient air quality laid down in this Directive are not met, Member States should take action in order to comply with the limit values*

*and critical levels, and where possible, to attain the target values and long-term objectives.*

*(11) Fine particulate matter (PM<sub>2.5</sub>) is responsible for significant negative impacts on human health. Further, there is as yet no identifiable threshold below which PM<sub>2.5</sub> would not pose a risk. As such, this pollutant should not be regulated in the same way as other air pollutants. The approach should aim at a general reduction of concentrations in the urban background to ensure that large sections of the population benefit from improved air quality. However, to ensure a minimum degree of health protection everywhere, that approach should be combined with a limit value, which is to be preceded in a first stage by a target value.*

Advice from the Health and Safety Executive does not appear to have been considered by the Applicant nor by the Vale of Glamorgan officers and other statutory consultees. Although the executive is concerned with health and Safety at Work, they do produce material that can be of much wider interest and benefit. See the link<sup>2</sup> to a copy of their latest advice in relation to wood dust. Although we've included the full advice this is only to demonstrate openness on our part. The importance is made clear on the very first page and we include relevant extracts immediately below.

### ***Types of wood dust***

*In addition to the tiny particles of wood produced during processing, wood dust can also contain bacteria and fungal and moss spores. The quantity and type of wood dust will depend on the wood being processed and the machine you are using, for example:*

- *whether the timber is green or seasoned;*
- *whether it is a hardwood, softwood or composite board (eg chipboard, fibre boards etc); and*
- *whether you are cutting, shaping or sanding wood (eg how aggressive the machine cutter or blade profile is, the speed of the sander etc).*

*The biggest risk is from fine dust, as you can breathe this deep into your lungs where it will do the most damage. Fine dust will also spread further from the process so it is important to clean ledges and other workroom surfaces regularly to prevent dust accumulating.*

So far as we can tell from the information supplied by and on behalf of the applicant, the wood will be both green and seasoned, it will be hard wood, softwood and composite board, it will be subject to aggressive machine cutting. CHEMICALS will have

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<sup>2</sup> <https://www.hse.gov.uk/pubns/wis23.pdf>

been added to some of the material. (there seems to be no consideration given to the risk from such chemical additives in terms of their potential impact on receptors).

The waste wood will be kept out of doors and therefore should be, at least, damp which invites bacteria as well as fungal and Moss spores. Presumably these can be distributed to the local environment and affect local inhabitants especially the young, the elderly, those with lung issues. This is not been addressed notwithstanding it must be relevant to an environmental statement that needs to cover possible significant impacts on health. The applicant will be aware of any tendency to produce these matters.

When it comes to considering the work place recommendations from H&SE it needs to be born in mind that the workers will tend to be adults of working age who would self excuse themselves from such areas if they have any form of lung disease. The effect on the young, elderly and infirm should be considered separately as very obviously relevant to our areas of deprivation.

It is a requirement in the Directive 2008/50/EC that:

*(26) Member States should lay down rules on penalties applicable to infringements of the provisions of this Directive and ensure that they are implemented. The penalties should be effective, proportionate and dissuasive.*

We have already seen that the Welsh Government takes the view that infringements of Regulations are dealt with by the criminal justice system. It is possible that infringements of these regulations take place regularly but it is about time criminal investigations were at least considered.

## Chapter 4 - The appendix

The methodology talks about an annual mean objective level of PM<sub>10</sub>.

This has nothing to do with public health which any expert or person trying to deal with this should be well aware of. For health limits, it is the WHO advice that needs to be considered. We have included, above, extracts from the relevant legislation to demonstrate that this is a clumsy attempt to support a bad application for planning permission.

The formal material we have highlighted will confirm there are no safe limits for PM<sub>10</sub>. Although the advice seems somewhat complex, it is quite clear that within this there are references that ought to be checked dealing with the potential impact and effects locally from the additional concentrations added to the atmosphere. This is never done in this ES notwithstanding this is the sort of investigation that is designed to check the essential health impacts.



I need to repeat the fact that demolition/building works are time limited whereas we are talking about something that goes across a number of generations if planning permission is granted. Yet we see no compliance with the Wellbeing Act.

Also the dust at this facility is going to be produced over a much longer day time period than a construction or demolition site. They propose processing for a period of 16 hours on a typical day but if the ship is in for loading overnight it is 24 hours dust production machine.

As an aside, I do not recall any help with what dust might be created when loading on to the ship. We can see the processed wood at the dockside which suggests dust will be an issue as it is being handled in the open.

One thing that is included in this section is that dust impact risk arises with delivery of materials, materials handling, on-site transportation, material processing (screening and sorting), stock piles and other exposed surfaces and offsite transportation. No mention of loading on to ships or even lorries.

With regard to the dust and emission management plan, note that it is completed by LL (the agent) but I'm not aware that she claims relevant expertise in this area. In any event she is the agent for the applicant with a keen interest in succeeding on the planning application which is very different from the independence required of an expert for an ES. Note that the usual endorsement appears namely liability only to their client.

Note that she previously ok'ed the report that went into the reported ES so she must have been content at that stage with the arrangements. The fact that she has changed those arrangements might be an indication of her lack of expertise and is simply responding to events to support the planning application rather than independently adding to the ES.

At 1.9 Contains an admission that the density of the dust particle i.e. its weight, can influence the distance travelled. This was omitted by the expert with initials MS. Perhaps checking what changes were brought about in the MS drafts will tell us more about the role of LL and therefore the reliability of the final report published.

At 1.10 there's some talk about 500 metre radius but it's unclear where that comes from. We know, however, that the author is relying on measurements taken from the site centre which is not the way that measurements such as these are normally described. It's from the site, not a random point within the site that may or may not be of particular relevance. All the plant is mobile and not limited to one part of the site.

At 1.11 the author has played down the importance of Cadoxton Ponds. It's now just an angling business it appears. Another clumsy attempt to avoid a problem for the applicant.

At 1.14 notwithstanding the admission that meteorological conditions are determined by *local location, macro climate and site specific micro climate*, they rely on readings from some distance away for a bit of land raised higher and flat and therefore avoiding the potential swirling effects of the Dock area with rising ground immediately to its north.

At 2.9, at table 1 it lists the processing plant and equipment that is Mobile. Note that the shredding et cetera machinery looks to be mobile and therefore not restricted to one particular area of the site. It can be assumed from the behaviour elsewhere in the ES that the plant has been placed in an area considered to be optimum for the purposes of the planning application.

At 3.3 he deals with the control of dust but doesn't claim that the dust can be completely controlled. Far from it, the word "reduced" is used. It doesn't seem to be any attempt at dealing with the efficiency of control. This should've been an important aspect of this report. Was it omitted at the insistence of the Agent? Reduced is such a weak word. It fails to address efficacy of control measures.

At 3.4 it's suggested that waste acceptance procedures will avoid accepting dusty loads or loads with higher amounts of fines/dust. It's not clear how on earth that can be assessed but if we take their 10% figure, does that mean that they would accept a load containing quite a weight of dust? This does appear to follow.

It does seem to imply that every load received is going to contain a significant amount of dust. This will be disturbed on unloading. That dust is part of the delivery and presumably remains available to be windblown assuming it is still on site and not already blown away on unloading.

Over the course of a year, does this imply that they will be content to receive 25,000 tons of dust. It doesn't look as if there's anything in their business plan for them to dispose of the dust in any helpful way. It can't be any use for the Incinerator that they send fuel to and it's doubtful that it would be of any help for the re-processing customers. It must go somewhere! Rhetorically I ask, why is it this is not explained? Too difficult to face up to?

Dust is then also added to that large figure by the processing plant and other operations on site but there doesn't seem to be any attempt to tell us just how much additional dust is expected by the various operations bearing in mind that that dust doesn't have many places to go - save to the atmosphere on the basis of the disclosure made. The applicant presumably needs to avoid sending too much of it to its customers.

In view of the likely very high tonnage of dust that will be brought to and/or produced on site it's surprising that there isn't any satisfactory explanation as to what happens to that dust.

It sounds like all dust is an expense for the applicant. A nuisance.

The applicant may therefore prefer that it was blown away from the site because everything that remains may have to be removed and delivered elsewhere-that's expensive. How they go about collecting the dust in order to transfer it elsewhere might also be very relevant because of the possibility of creating a dust cloud while that's happening. The method of transporting dust might need to be different from the method used for waste wood?

At 3.13 the report seems to accept that there is likely to be occasions when dust is problematic. If it was problematic such as last summer than their suggestion that they wait for better climatic conditions to ameliorate the situation will mean that they're not doing anything for a month or two! That can't possibly be permitted by them. It sounds like a nonsense. Something to add to the list of similar arguments arrayed to assist the applicant.

The monitoring scheme is of interest because it doesn't have any endorsement and it doesn't even tell us who the expert or experts happen to be. It cannot be anything to do with the ES and is a [REDACTED] There is nothing in the ES sufficient to support the idea that there can be a suitable monitoring scheme. The Applicant had to produce material in the ES to prove this. The applicant would have produced such an expert report if it was feasible. The LPA must not fall into the trap of assuming it should fill in any gap. It is not for the LPA to do so. That would be an obvious infringement of the Regulations.

Section 2 of this report is interesting as it appears to suggest that there are no other dust generating activities identified.

That would tend to support the public view that any wood dust found in the town is from this site.

Yet again they failed to deal with the Cadoxton Ponds SINC properly (if at all) as they only mention it as an angling business. It's wrongly termed a business as we understand it is a club that is allowed on the SINC. It is just a part of the SINC. A part that is of help in maintaining it. Another clumsy attempt to help the applicant.

Paragraph 5.2 is very worrying.

A PM<sub>10</sub> concentration of 190 µg/m<sup>3</sup> is massive. WHO tells us that there is no safe limit. The limits for the purposes of having to take action because they are much too high locally are much lower. This seems to suggest that provided the levels average out at say 180 µg/ m<sup>3</sup> they can carry on producing that level of PM<sub>10</sub>. That is, I would suggest, an outrageous suggestion and the ambition the applicant demonstrates in stating this adds to concern over their business/pollution plan.

I also noticed that at 5.3 that they will make records available to the council on request. That's not exactly taking things seriously when it comes to very significant pollution. Those particulates will be blown somewhere and too often it will be into the town. The applicant should have accepted the need to report the high levels which might not have been so apparent to others. Their suggestion is beyond outrageous and officers should have added material to demonstrate their research into levels for human health.

The six page document added in handwriting, although it has in the header 24Acoustics, doesn't have a sign off by any expert and doesn't have any form of the declaration that is important. There appears to be no excuse for its appearance as part of an ES. Why it is permitted by officers is unexplained.

## Chapter 5 - The Transport and Access.

The *necessary* endorsement is the standard notice used by Southwest Woods and/or their agent. It disqualifies the report from the ES.

At paragraph 1.7 we see that the author relied on the figure of 250,000 tonnes to conclude 124 daily HGV movements. If that 250,000 tons is a reference to dry tonnes, then his calculations will be out by an important factor. The possible issue has never been resolved.

Paragraph 1.10 doesn't exactly help with explaining the route that these lorries are going to take. The temptation for the applicant will be to use the most cost-effective (for the applicant) route. That makes a difference to the houses etc along the likely route – Cardiff Road?

At 3.7 it's all very well to claim that the increase in traffic is insignificant because it's less than 10% increase but there comes a point in time when you add together all the insignificant changes and find that the traffic is regularly at a standstill and the pollution is too high. There are no figures supplied with no regard to the ambition to reduce particulates.

There's also no attempt to describe the potential increase in wear and tear on the roads by using so many additional HGVs.

The suggested route B would be laughable if it wasn't so stupid. Imagining what the chaos would be especially during the summer months in fine weather. It would create much chaos.

This report gives us two routes that the vehicles may follow which the author calls A and B. B seems to be a crazy route to allow increased HGVs and I say no more about that one. A seems like it must go along Cardiff Road turning left from Millennium Way into Wimborne Road. If that's the case, why hasn't it said so. We know from previous cases that the NOx along Cardiff Road can be very high. The suggestions that the traffic will be

shared around the town must be ridiculous. They're obviously going to focus on the shortest/easiest route out of the town avoiding the hills. Giving alternative routes without having regard to the sense of the suggestions is typical of this application. It is an inadequate device to avoid dealing the ES in a practical fashion which is no doubt seen as being not in the interests of the applicant.

The bigger transport assessment report by Clark Bond is quite interesting to the extent that its endorsed declaration is the briefest of any of them. It says "*this report is provided for the benefit of the client. We do not accept responsibility in the event that the report contents are used in whole part by a third-party and we exercise no duty of care to any such third-party*" it cannot possibly be accepted as an ES report. It has emphasised its failure to be a report on which the LPA (and others) can rely.

## Chapter 8

The water environment-flooding and surface water chapter is another one of these documents where LL has checked it and as a consequence a final draft is produced even though she doesn't claim to have particular expertise in the area. You cannot allow a report that appears to be finally prepared by a non-expert as a report that qualifies for inclusion in an ES.

It is another example of what appears to be an expert's report being edited by a person whose focus is on succeeding with the planning application and whose involvement in this way probably leads to reasons why the expert does not have the required form of declaration.

That is a subsequent document by Amber to deal with planning, the flood risk and hydrology.

On the very first page Amber has its declaration in which they state:

*This report has been prepared by Amber Planning within the terms of the contract with The Client and taking account of the resources devoted to it by agreement with the client.*

*We disclaim any responsibility to The Client and others in respect of any matters outside of the scope agreed.*

*This report is confidential to The Client and we accept no responsibility of whatsoever nature to third parties to whom this report, or any part thereof, is made known. Any such party relies on the report at their own risk.*

This is fascinating. The reference to 'the terms of the contract with The Client' makes that document or documents (the terms of the contract) a part of the report as without sight of those documents it is impossible to understand what limits were imposed on

the author. Obviously the author felt sufficiently concerned to raise the point. There is also the strong hint that the client restricted the resources which again is a bizarre thing to add unless the author was concerned about the lack of resource/preparation?

Finally as no third party must accept it *at the third party's risk* – the author has no responsibility to the third party – there should be no way that it appears in the ES. For the present we should assume that the endorsement avoids liability to third parties because the author is concerned by the lack of resources and the terms of the contract.

Amongst other things this means there is no report on SUDS that can be relied upon. Another hole in the proposed ES.

## Chapter 9 – Population and human health

What immediately hits you about this report is that it is written by the Agent who does not profess to have the necessary expertise. The report on this very important subject is only 4 pages max.

The endorsement includes, as the relevant part, the following:

*This report may not be used by any person other South West Wood Products Ltd without express permission. In any event, Land & Mineral Management accepts no liability for any costs, liabilities or losses arising as a result of the use of or reliance upon the contents of this report by any person other than South West Wood Products Ltd.*

It cannot be clearer, we rely on it at our risk. The LPA cannot accept the report for ES purposes.

There is no expertise shown, it relies on results from others and this person's interpretation. The four pages have to be removed as irrelevant, non-complying from the perspective of an ES. This is cost cutting in an extreme way. This pointer towards cost cutting might help to explain why the other experts are not able to give the declarations required by Welsh Government.

## Chapter 10 - Alternatives considered by the Operator

See the comments immediately above as this brief report is a part of the same document.

The author (the agent for promoting the planning application) misunderstands the requirement in relation to reasonable alternatives. The assumption is made that this does not apply when the applicant has not considered alternatives. In fact the provision is there to encourage alternative sites be considered so that, at the least, the decision makers have comparables.



In this case the applicant has other sites that are available to it and comparisons will have shown the other sites probably have no impact on urban areas as there are no urban areas close to the sites. There is nothing about Newport site which is remote from housing stock and is situated on the dock side.

The report avoids the factor relating to the very important aspect of '*processing the wood*'. There is no argument made out that says the processing needs to be dock side. This is clearly only something that might impact profits or costs. This might explain why the non-expert author has carefully avoided dealing with the real issues.

The applicant might want to have the processing with the storage for its own convenience but if planning permission was based on a polluters convenience what a state we would be in. It is obvious that the applicant wants to have processing with storage and boat loading but the test is not 'what does the applicant want' but rather what is the proper arrangement after considering the impacts.

The failure to make enquiries to split the business is a deficit in the process and should be a reason to reject the ES.

It is again something that should not be in the ES and therefore creates a hole in the ES that cannot be fixed.

## Chapter 11 – Climate Change

See our comments for Chapter 9 above for reasons to disqualify this report from the ES as well as relevant comments in Chapter 10.

It is a non-expert report and therefore disqualified from an ES.

The final paragraph of the report demonstrates this as the planning application agent ends up with:

*In this development the recycling activities are co-located with the dock, meaning reducing handling and transportation of the wood. Bulk transport by ship is a lower CO<sub>2</sub> transport option than HGV, therefore a better option for climate change. This transport option, reasonably only available for operations on a dock location has a positive rather than negative influence on climate change.*

The first sentence is a non sequitur. If the processing was carried out closer to the destination eg Margam or closer to the source of waste wood then this might very well have reduced emissions. This claim arises out of the author's imagination, it is not supported by expert evidence, the claim is not obvious.

So far as the claim that shipping will be a lower CO<sub>2</sub> type of transport, this is another non sequitur and arises in a way similar to what we say immediately above.

The author relies on a note from a shipping web site to make the claim, but does the claim make sense?

The applicant has access to a number of sites at dock sides and there can be no doubt that where the applicant is currently using shipping, the applicant will continue to use shipping. The applicant would have no alternatives.

Where the applicant currently has to use lorries, it will continue to use those lorries ie to Margam to incinerate, to collect and distribute the waste wood and (perhaps) to dispose of the possible massive amounts of wood dust.

What the author avoids is the possible impact of climate change on other important aspects including, as we recently saw, prolonged periods of very fine weather where the problems of dust increase. Prolonged periods of rainfall which might add to the fungal growth (a subject avoided by the ES but you only have to go on side and smell the fungi) which might cause health issues – the type and extent has not been discussed.

It might be that experts did add some comment for climate change in their reports but had this edited out. We would need to see drafts to know about this.

## Fire Prevention and Mitigation Plan

The usual endorsement is included in this document and it is noted that LL (the agent) seems to have had the most input into the document. Both of those matters should be sufficient to disqualify the document as an expert's report for the ES.

The author claimed that the FPMP also takes account of SWWP's experience from its other wood recycling operations which already have fire plans developed working collaboratively with various agencies. What was omitted from their experience was the report in a BBC news item that:

*A woodchip fire broke out in Alexandra Docks, Newport, on 15 December 2015, and three months later there was another in Maesteg, Bridgend county.*

*South Wales Wood Recycling admitted three environmental charges at Cwmbran Magistrates' Court on Thursday.*

*The firm was ordered to pay £29,120 in fines, legal and investigation costs.*

*The court heard the fire at Newport burned for six weeks after a pile of wood chips exceeding 8,000 tonnes caught fire.*

Other wood fires take place and the time it takes for these fires to be brought under control is an important feature now that the applicant has moved operations to a town site.

What we take away from this as being of most importance is that a wood chip fire in a pile size not dissimilar to the current intentions at Berth 31 burned for six weeks. This is



*(b) the expected effects deriving from the vulnerability of the proposed development to risks of major accidents and disasters that are relevant to that development.*

This is not a subject that can be left out. If not dealt with then you do not have an Environmental Statement. We cannot ignore the public knowledge about fires at waste wood stations.

We should be concerned with such matters as:

- On site wood pile files with clear expert evidence dealing with the potential impact on the towns folk, the SINC, the overflow of fire water into the dock and in to the SINC as well as any other relevant matters that might not be obvious to the lay person;
- There is little room to manoeuvre on the site when dealing with a turnover of 75,000 tonnes of waste wood and with the x3.3 increase in turnover the room to manoeuvre must be significantly reduced giving rise to potential accidents involving lorries and/or mobile plant and/or people;
- The permit tells us that lorries should be tested for hot spots on receipt at the site which raises the possibility of a fire on a lorry either at the site or when transiting;
- Officers should have more knowledge of the dangers of incidents/accidents but I have not noted anything indicating the lack of such a report so perhaps this has been overlooked?

## Non Technical Summary

This document has the usual LL's disclaimer without the Welsh Government requirement for a relevant endorsement to qualify for ES status.

The author is LL (the applicant's agent) and it seems unlikely she has the necessary expertise.





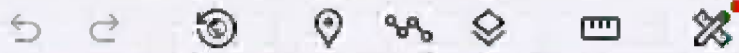






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## Dust and Water representations

DIAG does not claim to have any particular expertise when dealing with environmental impact assessments but would still expect to have sight of the analysis made by the Vale of Glamorgan officers who do claim to have, or have access as necessary to, sufficient expertise to examine the environmental statement. The examination carried out by the Vale officers or on their behalf should be on the register to comply with the regulations. Also, those who are statutory consultees and upon whom the Vale officers rely, should set out their examination of the documentation so that the public can consider and comment up the process followed. This would also be necessary for the officers to satisfy themselves that the statutory consultees have addressed the issues with the necessary expertise.

There is no or insufficient material on the register to allow the public to comment which might tend to show a failure to have any lawful process in place.

The failure by the officers has an adverse impact upon the public's ability to have effective input into the environmental impact process. We invite the officers to add immediately to the register on their website the material demonstrating the expertise brought to bear on the examination of the environmental statement as only then will we be able to have had the input that by law we are entitled to.

In the mean time we will have a go at raising at least some of the questions that arise on the material that the officers rely upon to demonstrate that the proposal for control of the wood dust is acceptable. Without knowing how the officers reached their conclusion it is our view that no acceptable examinations have been made.

In the main we rely upon common sense but we hope that does not mean that our observations can be dismissed out of hand. A lawful process requires the officers to examine our representations and to give reasoned responses to them.

We will attempt to divide up our representations to cover specific matters. We deal with them in no particular order and we certainly don't claim that our representations deal with all possible concerns that should be considered.

We note that the proposals made rely significantly upon water cannons to control dust. This is the sort of suggestion that is, we assume, meant to appeal to the layperson as it might appear to be the obvious way forward.

However, even with minimum thought and discussion, we are concerned that the suggestions are mere window dressing designed to give the false impression that this is a good resolution for this issue.

It is noticeable that there is no report that has been supplied that could, on any level, be called an expert report. All that is put forward is reliance upon A very shallow view of the problem with no analysis whatsoever.

We begin with a very simple illustration of the failure to produce any system that resolves the problem.

We know that there are many HGV movements connected to the site every day. The proposal seems to involve creating water spray that it is hoped will include wood dust.

There is insufficient material supplied to demonstrate any level of efficacy.

There will also be free wood dust on the site especially with the lorries unloading their cargo which, it seems to be asserted, includes waste wood and waste wood dust. With the damp atmosphere that seems to be recommended by the applicant it is obvious that these lorries will collect some wet dust all around its exterior. If this dust is not removed then, as it leaves the site and travels through the town, the water binding any dust will evaporate and the dust will be released.

At no point do we see any or any sufficient proposal that will avoid this issue.

Let us assume that the applicant will suggest the obvious namely that they will wash the lorries before they leave site. Some of the issues that arise with such a suggestion include:-

- If this washing is to take place close to the processing of the waste wood or the unloading from the lorry then the washing will be in danger of picking up more of the dust and blowing it at and adhering to the lorry;
- Wet wood dust adheres strongly to tyres, wheel arches, undercarriage and tailgates. It is especially troublesome when moving;
- As vehicles exit, the water evaporates dust re-aerosolises off-site creating secondary fugitive emissions, likely to be beyond the applicant's boundary of control;
- As this dust will be released along haul routes it is both uncontrolled and unmonitored;
- From the point of view of safety, we note that the possible effect of wet, fine dust on braking is not considered;
- The large number of deliveries and collections involving HGV's may imply that there is little time to deal adequately with washing of lorries as areas need to be cleared for the next lorry;
- An obvious suggestion is that the area close to Wimborne Rd may be used for lorry washing. This raises other matters that have never been addressed including:-

- The area is limited in size and may originally have been considered for parking up where HGVs need to wait to access the rest of the site for unloading or loading. This is likely because it cannot be guaranteed that lorries will not be affected by local traffic such that they do not arrive conveniently with sufficient time between arrivals to allow efficient processing;
- while a lorry is being washed, other lorries are likely to be unloading and therefore dust is being added to the wet lorry at the same time as it is meant to be washed. It is a bit like the Forth Bridge example that by the time you get to the end of the task it's necessary to start again with the same lorry;
- the area being used is likely to be waterlogged and even more likely to be covered in waste-wood slurry which will be picked up by the wheels as the lorry tries to leave the site and this might create a bigger problem for the lorries carrying dust off site;
- We assume that the washing process will require high power due to the size and height of the lorries. There should therefore be every expectation that this will create a polluted shower that is likely to be continuous throughout the day and will settle on Wimborne Rd. This is in effect transferring a wood slurry from the site onto a busy road and it seems obvious that this creates a potential sliding hazard for traffic - including these lorries - both going and arriving;
- Immediately to the other side of Wimborne Rd (a matter of about 11 metres from this part of the site) we have Cadoxton Wetlands which is a Site of Importance for Nature Conservation (SINC). There is no attempt whatsoever to assess the impact on Cadoxton Wetlands of lorry washing in this space – or elsewhere on site.
- There is nothing in the proposals that deals with the collection and safe storage of this slurry. As it dries the dust is released. During the period – overnight - when the washing activity is not taking place the areas will slowly dry and the dust blown around.
- A wet dust slurry covering the area will be a hazard. Not only will it be so slippery that lorry movement may not be easily controlled but employees engaged in the washing of the lorries may be expected to work in slippery and therefore dangerous conditions.
- Bearing in mind that the lorries will have been subjected to a damp atmosphere, direct water, and travelled across wood slurry when crossing the site, the task of adequately washing the lorries is likely to be time consuming. The additional time that lorries need to spend on site does not seem to have been factored in anywhere. This may be important due to the real potential that the site is not

large enough to accommodate the amount of processing required even if making use for processing/storage of wood in the area close to Wimborne Rd.

- Protocol MG21 has to be complied with else the application should be rejected. There has been no attempt at any stage to comply with MG21. The result of that failure is very clear.

Next, we question the efficacy of the proposal which seems to be the cheapest and easiest suggestion as well as possibly the least efficacious method of suppression of wood dust.

We begin with particulates in the dust that has been imported and/or created on site.

We wondered how a particulate – let's assume  $PM_{10}$  although smaller ones are more dangerous to health - is expected to penetrate through the surface tension and enter a water droplet. Even if 'entering into' is considered to be more than is required, the point exists as somehow the water droplet needs to interact with the particulate.

As expected there seems to be scientific research on this issue but there is not a single expert report in the ES to deal with this.

This is not surprising as expert evidence, we understand, demonstrates the method proposed is of inadequate benefit and as indicated might produce more problems than it can allegedly solve.

Beginning from first principles, water spray systems suppress airborne dust by binding dust particles to water droplets. When a dust particle contacts a water droplet, the resulting agglomerate is heavier and falls out of the air, reducing airborne concentration.

That seems to be the theory.

Droplet size matters: Apparently the most effective droplets are comparable in size to or moderately larger than the target dust particles. Too small droplets may not capture the dust; too large droplets can act as barriers and prevent contact with dust particles. The smaller the dust particles the less effective this system is. Water spraying is not therefore considered sufficient on its own. Put another way, the system has limited effectiveness on health critical exposure levels.

Assuming some combining of particulates with water takes place, how is the resulting particle expected to act. What is its weight, size and aerodynamic shape? As we are talking about extremely small amounts of water combining with a small particle, if this process is taking place in hot weather what are the chances that the small amount of water evaporates before the particle hits the hot ground? If the spray consists of sufficiently small particles does the combination survive on the ground in hot weather or does it revert to dust? A proper report would tell us.



Thinking about the concern that the dust issue is greatest in hot weather, the fine droplets that are necessary to combine with the dust particles will tend to evaporate quickly in summer months. Water vapour then results but can that combine? The conundrum seems to be that the use of water cannons needs to ensure the droplets of water in any spray but the droplets will evaporate quickly and make the process even less useful.

The science tends to deal with confined work spaces but in the open air there are additional effectiveness constraints including wind and atmospheric turbulence that will dominate the movement of the dust and particulates. This will reduce the contact opportunities between water droplets and dust thus reducing the potential suppression that might be found in a confined workplace where the same methods being used.

The science suggests that the water suppression systems suggested will never be sufficient to avoid the issues of dust but that the next best spray the more useful it could be. This generates other issues that we will get to but the Catch 22 scenario should be dealt with.

What seems to be clear is that the wind, the type of wind as well as direction and speed is important.

If an area is eg susceptible to temperature inversions this will affect the winds experienced in the area.

One aspect of the *Incinerator* dispute that is relevant here is that the prospect of temperature inversions is relevant. Those of us who noted such things recall how the smoke from the attempt at startup of the incinerator in 2017 tended to rise very little before bending and moving horizontally into the town.

Unfortunately the applicant here decided to use data about wind movements taken from the wind rose at Rhooose. That tells you next to nothing about how the wind behaves next to the coast in Barry where the geography is very different. This is a defect in the ES that should have been corrected as it disguises the impacts we are presently discussing. The winds in Barry tend to swirl, be affected by the local geography and by the proximity of the coastal and dock water, and buildings.

The applicant ought to have considered this issue in its ES but decided to use false data instead.

The attempt to convince the Vale officers and the public that the issue is overcome with more water cannons on site is a cynical ploy. It does not work or certainly does not work sufficiently. In passing we mention that the applicant at no time produces any scientific evidence to support the assumptions that the applicant wants us to make. Every time we make an assumption, this demonstrates a failure of the ES.

The next issue that arises is based in part on the applicant's ES.

We know that the intention is to reuse the water that is used to suppress the dust.

The calculations of what water is needed was based on the original plan of little water spray being used (but what we now talk about should have been covered by that earlier proposed but insufficient use of water).

Increasing the number of cannons to 5 increases significantly the amount of water being used throughout each day. The applicant needed to revisit its numbers on the availability of water to take account of this increased use. At present there is no clue as to whether there is enough to allow reuse to be a viable prospect.

Let's look at the proposal.

The science tells us that if you are going to suppress the dust you need to have a spray that has droplets similar to the size of particles that need to be controlled. As mentioned about the worst particles are the particulates  $PM_{10}$  and  $PM_{2.5}$  the nozzles being used to create a suitable spray, that might match the particles from the wood, must be very narrow.

Imagine the amount of water being used each day to deal with the dust using 5 cannons. Processing the wood might be continuous, loading ships might be through the night, lorries might be unloaded continuously, movement of stock might be continuous... As the original plan was a much lower use of water to control the dust the applicant should have reworked the figures. We have no idea how much water needs to be available in its water tank to supply the water but at the same time have reserves sufficient in case there is a fire. The applicant might have expected dust on its site an obvious point?

Assuming the 5 cannons can be deployed the site should be relatively damp, a lot of water is being added to the site. Not all the water sent by the cannons will end up on site as the droplets are so small that a fair amount will be blown around the site – on to the dock water, in the SINC, on Wimbourne Road, carried away on the lorries (if washed), evaporated...

From the point of view of SUDS is this something that needed to be dealt with in detail? Where is the additional water needed regularly to top up the storage going to come from? We are expected to guess or assume.

We have to assume that the system proposed by the applicant to collect and reprocess the surface water will be sufficient. If it was then why didn't the applicant bother to produce that information? There are other issues.

The water collected needs to be filtered before it can be reused. If, as we correctly suggest above, the water spread about the site needs to be a fine spray then the nozzles have a very small diameter. If you are going to reuse the water that contains wood dust of many different sizes then this needs to be filtered to a very significant extent.

There is nothing in the ES to set out the arrangements and that they are sufficient. Unless the filtering is excellent, the nozzles will block. In fact, we wonder to what extent any filtration system or this type of system will allow regular continued use or any level of dust suppression. We should know all this from the ES. We do not.

Reusing water without adequate treatment may rapidly cause nozzle clogging, system corrosion, and reduced spray performance due to particulates and organic matter buildup in supply lines and orifices. Every failure will add to problems. Failures in the ability to deliver a fine spray will mean lack of water spray and losing the insufficient suppression for periods of time. Unfortunately the processes of loading and unloading are such that the work cannot stop as the expense, confusion, congestion will be too great.

The next point is that the filtering system should produce a great deal of wood slurry. This needs to be disposed of safely. There is no system in place to deal with this (sufficiently or at all). It is a waste product that the applicant would prefer did not exist.

Failure to deal with the waste safely would add to the problems for the town.

The build up of the waste in the filtration system might make the system very inefficient both from the point of view of the speed with which it can cope with the task as well as filtering out all of the different particles. If slowed down, will it fail or will it overflow because the water/slurry is not processed quick enough. We have to hope or assume it can cope notwithstanding the significant increase in throughput from the original plan.

And finally on this narrow but important point, the slurry produced by the filtration system needs to be collected and dealt with safely. This must surely involve storage under secure cover to avoid any prospect of drying and spreading of the dust collected. This also implies that the slurry contains a significant amount of the water that is then lost to the system, is not reusable and adds to the loss in what we might otherwise have been led to assume was a closed system.

A brief look at the working environment suggests safety issues not covered.

Wet surfaces from this attempt at dust suppression can become slip hazards, especially around high-traffic zones and near machinery. Wet wood dust mixed with water forms a slippery residue that can accumulate on walkways and the routes followed by lorries as well as around equipment.

Without appropriate site drainage and surface grading it may not be possible to prevent standing water.

Excess moisture on the moving parts of plant including electrical components, belt drives can cause premature wear, corrosion, and operational failure if not adequately managed and we will find no explanation in the ES or elsewhere where this might give rise to safety concerns for people working on site.

An issue with the need for water droplets to be very small is that they will then have a tendency/ability to travel long distances with even light winds as well as evaporate. There is no analysis as to what might be dissolved in the water droplets although it is well known that waste wood will contain chemical compounds can be dangerous to health. It ought to be dealt with rather than leave people to assume the droplets are pure water. In our experience HGVs can be responsible for other forms of pollution that will be collected with the water but...

There are businesses where people could be affected by a mist blown across them, people are using Wimbourne Road regularly, the SINC has an angling club where people can sit patiently for long periods of time... The potential pollution within the water spray has been avoided.

We have seen some calculations involving Stokes Law (this is likely to mean something to a person with the right amount of expertise) that claimed that a  $\mu\text{m}$  particle of weight  $20\mu\text{m}$  would travel something in the order of 1250m if the wind speed was 3m/s. We do not know if the figure is valid but it certainly raises questions especially bearing in mind the evidence from some residents demonstrating the distance that much large wood dust is travelling.

We were able to find advice on the likelihood of deposition on this site such that the level would be well above typical slip-risk thresholds used in industrial flooring assessments which at the least should have been dealt with in a report if authored by an expert in this process.

We are not at all sure that the applicant has properly dealt with the control of run-off in the reports. If the system for collecting run off was calculated on the basis of eg 1 source of water then it is likely to be insufficient if there is an increase of the order x5. Not only has the quantity of water increased but there is a much greater amount of wood dust/pulp available to clog up an unsuitable system.

In summary, the somewhat amateurish way in which the applicant has chosen to try to convince people that dust management will be sufficient in the way proposed, we find that the additional issues this raises just goes to show that the applicant cannot be trusted to produce a qualifying ES nor to put forward recommendations that achieve the status of resolution of an issue rather than create other apparently insolvable problems that are harmful to human health and the environment.

There is another matter that becomes more important with the significant increase in the use of water.

As the waste wood becomes (constantly?) dampened, this increases the liability to fungal and mould growth. Spores from whatever type of fungal growth is possible should be considered as this is distributed by the local swirling winds. It will mainly

impact on areas of deprivation where illness, especially lung disease, is found in excessive numbers.

Mould growth is something that we have heard about in news items that can be very dangerous to health especially for young, elderly people and those with lung disorders.

A brief look at this possible issue confirms that if waste wood is kept damp for more than a few days at a temperature above 10°C, widespread mould growth should be assumed.

Preventing mould requires keeping the wood dry.

However, this raises the dilemma for the applicant and for residents.

As the applicant has told us it needs to keep the wood damp for the dust issue it is highly likely that some water will percolate into the pile. It is common knowledge that reactions take place that generate heat. Any amount of heat generated in the stack will supply the sort of environment that will readily produce mould, and lots of it and probably throughout the piles. Movement and processing of the waste wood piles will surely cause the mould to send out more spores.

It is another example of how the applicant seeks to offer methods to resolve issues but where the resolutions are in direct opposition with each other. They cannot both operate at the same time but they need to in order to be an attempt at resolution.

No wonder the applicant had sites previously that were nowhere near urban developments.

There is nothing in the human health section dealing with this important subject which is yet another serious failure on the part of a bundle of reports purporting to be an ES.

15 January 2026 2024/00959/FUL

LATE REPS to Planning Committee on BERTH 31

### **SWWP proposal for Wood Processing**



The Committee on 11<sup>th</sup> Sept rejected the application, and Officer Recommendation for good reason. Just the handling of waste-wood on Berth 31 had caused an outcry against the wood-dust reaching homes and cars on Barry streets in July. There were complaints of respiratory effects.

It was obvious to Councillors that adding wood-chipping on Berth 31 would worsen matters

Ian Robinson when questioned admitted the dust was very likely wood-dust from Berth 31

Ceiri Rowland's report said "no adverse impact" of SRS; no consultation with health experts.

SRS have no expertise on dust from industry; their advice is a) based on traffic particulate and b) refusal to use the WHO standard adopted in the 2024 *Soundscales etc.(Wales) Act*.

Checks via the internet shows wood-dust is harmful to health (HSE guidance) and toxic to ecosystems. Inhaled into the lungs, enzymes there leach out chemical toxins. Do officers need re-training?

As Ceiri's 11 Sept report was rejected, he had to be replaced as case-officer, not report again. He could not be expected to overcome "*confirmation bias*"; another officer with 'fresh eyes' was needed.

The 11 Sept report said the LPA complied with 1999 EIA regs 3(2). The current report correctly uses the EIA (Wales) Regs. 2017, except that it retains the 11 Sept report without change. Officers expect the Committee to endorse using superseded law, with sect.3(2) is abolished. Reg.25(1) of 2017 requires a "reasoned conclusion" from the environmental information, defined as including public reps. Ceiri has excluded public reps from the vagonline website to exclude them, contrary to law.

*Unlawful Use of Berth 31.* Ceiri's report fails to mention the LPA's failure to issue a Certificate of Lawful Use for non-Port uses of Berth 31 or to explain their lack of enforcement. The change-of-use application in this circumstance appears invalid.

*Impact on the Cadoxton Ponds Nature Reserve.* Ceiri ignored NRW's prompt on priority species being present and ignored the preliminary Ecological report (PEA) finding a bittern and otters. He ignored use by the Glamorgan Angling Club yet the Anglers lease the ponds from Dow Silicones. The LPA notified neither; SWWP notified Dow as adjacent owners/occupiers but omitted the Angling Club which law requires.

It's not just an ordinary SINC, but hosts principle species and contains "priority habitats' defined in the 2016 Environment Act. Ceiri's report dismisses it as "reedbed", despite the hectare-sized ponds that qualify it as a Welsh priority habitat. He failed to ask for the required full ecological survey (not PEA).

Ceiri failed to require an assessment of waste-wood dust blowing onto the Nature reserve in possible effects of chemicals leaching from the dust (wood-preservatives and natural toxins) absorbed into the ecosystem and wildlife food chain. The Vale's biodiversity duty requires a) considering for the Wles List of Priority Habitats and b) screening if a Habitats Regs. Assessment is needed.

The LPA wrongly accepted the SWWP application with no proposal for *biodiversity enhancement*, despite PPW 12 setting this requirement. Proposals are to be comparable to the scale and nature of the development, on-site if possible, off-site if not. The Vale's former Ecology Officer ridiculed trivial proposals from Ceiri, who in his 15 Jan report proposes to let the applicant off, on grounds that "Regulation 122 of the Community Infrastructure Regulations 2010 provides the legal basis for securing planning obligations, and states that an obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

Ceiri concluded – with no mention that this excludes off-site biodiversity enhancements -

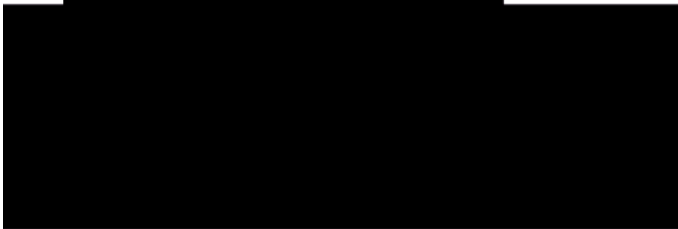
Having regard to the above, it is not considered necessary to secure planning obligations.

This flouts the requirement of PPW12 which is based on the Section-7 biodiversity duty of 2016.

The EIA (Wales) Regs 2017 require the LPA to have access to expertise for assessing the Environmental Statement. With the Council's Ecologist retiring, the LPA failed to obtain alternative ecology expertise.

SRS are non-expert on health impacts of particulates; the LPA must no longer use them as such.

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Our ref: A64929/JD

**ARCHAEOLOGICAL PLANNING**

Head of Planning and Transportation  
The Vale of Glamorgan Council  
Dock Office  
Barry Docks  
BARRY  
CF63 4RT

8<sup>th</sup> January 2026

FAO: Ceiri Rowlands

Dear Sir/Madam,

**Re: A change of use to a wood processing facility.**  
**Berth 31, Port of Barry, Wimborne Road, Barry**  
**Pl.App.No: 2025/00959**

Thank you for notifying us of this application; consequently, we have reviewed the detailed information contained on your website and can confirm that archaeological mitigation is not required. We have reviewed the area against the information in the regional Historic Environment Record (HER) which shows as follows:

A review of the 1<sup>st</sup> Edition (1878) historic Ordnance Survey map shows marsh around the Cadoxton stream banks. By the 2<sup>nd</sup> – 4<sup>th</sup> Edition (1900, 1920, 1943), the port has been constructed. More deeply buried deposits may retain archaeological evidence of activity, and we have carefully considered the impact of the development on the archaeological resource. However, the area has been disturbed by modern industrial use and much of the alterations to the landscape have occurred historically. The proposal includes a change of use and associated works. The works are of small scale, and it is unlikely that significant archaeological remains will be encountered or that existing features will be disturbed. Therefore, the potential impact is considered low.

As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

If you have any questions or require further advice on this matter, please do not hesitate to contact us.

Yours faithfully,

Cadeirydd / Chair: Dr Carol Bell

PSG / CEO: Richard Nicholls

Cwmni Cyfyngedig (1198990) ynghyd ag Elusen Gofrestredig (504616) yw'r Ymddiriedolaeth

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Cadeirydd / Chair: *Dr Carol Bell*

PSG / CEO: Richard Nicholls

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# Comment for planning application 2024/00959/FUL

<b>Application Number</b>	2024/00959/FUL
<b>Location</b>	Berth 31, Port of Barry , Wimborne Road, Barry
<b>Proposal</b>	A change of use to a wood processing facility.
<b>Case Officer</b>	Mr. Ceiri Rowlands
<b>Organisation</b>	
<b>Name</b>	Anne Pearce
<b>Address</b>	16 Wilfred Street, Barry
<b>Type of Comment</b>	Comment
<b>Type</b>	neighbour
<b>Comments</b>	<p>Since South West Wood Products Ltd has been operating in the docks it has been observed that windows have become dirtier; although this cannot be proven to come from the plant I do have concerns. The map shows dust monitoring from 4 locations at the perimeter of the current operational site, would these monitors actually detect very fine dust particles that would be lifted from the wood piles up into the air and away with the wind? ie. are the monitors high enough in the sky to detect such particles. By extending their operations to berth 31 would there be an increase in airborne particulates? I do feel that companies such as these should be conducting their business so as not to harm the environment. That such a business should be conducted under a roofed structure with sides formed of some sort of netting to trap the particles. I also believe such a structure would also reduce the amount of particulates in the air as the netting would reduce the air flowing over the wood pile. At times I have been aware in the evening of the noise from the plant and though I admit it is well below 95 dB currently it is detracting one from wishing to sit outside and even indoors you can still be aware of it. Would further activity increase the noise level? I also feel that the noise should be curbed from 22.00 not 23.00 although this for children would probably still affect their sleep. I work with sharp implements all day long and need to be fully focused to do this and have concerns that the noise from the plant affects sleep. If I had a neighbour making a racket after 10 o'clock I would speak to them and ask them to be more considerate. The plant should be considerate to its neighbours and ensure people are not impaired to execute their jobs due to being disturbed by activity at the plant. Yes I live by a dock and have done for 20 years but other than when a metal crushing firm was on the very same site as this wood plant, the docks have been a very peaceful neighbour. Perhaps the plant would consider erecting a sound barrier around its perimeter.</p>
<b>Received Date</b>	11/01/2026 18:47:44
<b>Attachments</b>	

8 January 2026

**Development Control, VoG Council** 2024/00959/FUL

Representations on the Environmental Statement

Berth 31, SWWP proposal for Wood Processing



### Incomplete Documentation

The LPA has to assess the submitted ES, responses on it by consultees and 'other' information from the public and other bodies Reg25. Since the website lacks documents, it's unclear what information the LPA took into account in say .... Reg.25

It would not have included the environmental information in the missing PAC *Pre-application consultation* report. Pictures of dust deposits in the officers' report are copied from public responses, but not the necessary support in those responses.

The date of the Reg.25 statement is not given, but clearly it preceded the official end-date for public representations (8<sup>th</sup> January). Hence the Reg.25 statement could not be valid on the Committee date (15 January).

We enquired (6 Jan.) of the Head of Development Control and the office e-mail

If other information has been used, including communications with the applicant, could you please ensure these are posted on the public file as soon as possible?

There appears to be nothing called *Planning & Access report* on file, nor the required *Pre-application consultation report*, which is a common mistake of English planning consultants. Could you confirm no such documents were submitted?

However, no response had been received by 8<sup>th</sup> January.

### Water Requirement

The two water tanks (total 1ML =1million litres) are to be filled from spray-water plus rain run-off collected from the bunded area around the wood piles. No water management is specified, but it's said the tank will be kept 75% full, being topped up from freshwater from the Dock. The water in the tanks also has to serve for quenching fires, for which the fire service require fresh water. The problem of water management is well-known from the Biomass Incinerator.

# the Dock contains salt-water, so cannot be used

# the firewater requirement (4-hour fire) for a few 100t stockpile is 0.3-0.5 ML. In SWWP's case, with over 10 000t stockpile, firewater has to far exceed the 1ML available

# during dry summer months, spraying the stockpiles will outweigh any run-off, yet no way to refill the tank is arranged

# during wet winter months, with none used for spraying, the run-off will quickly exceed the tank capacity

# the run-off area (~2.3ha) will collect one ML from 44mm rainfall. SWWP identify no disposal route for the surplus.

# planning as required for 1:100 year storms requires ~2ML capacity (90mm), so floods the bunded area. To retain it will require the moveable gate/barriers to be closed, so blocking vehicle access until the surplus could be pumped to tankers and disposed of to licensed facilities (Welsh Water do not accept surface water run-off).

# a fire in a waste-wood pile that has to collect used firewater within the bund needs to be stored until it can be tinkered away. Pumping into a separate tank for storage appears to be required.

In summary, the facility has both a water source and water disposal problems.

### **EIA requires Major Accidents to be considered**

SWWP had a major fire in a waste wood pile at Newport Dock in 2015 that lasted for days. While limits on pile-sizes were brought in following that disaster, the ES has to address the possible maximum fire on the site. The fumes from the 2015 fire were toxic and affected people 500m away. The effects in the Barry situation have to be specified.

### **Ecology Critique**

A full Ecological Assessment was required, because of the finding in the Preliminary one (PEA) of priority species (Bittern; otter) in the SEWBREC records for the Nature Reserve. They needed to assess whether the SINC (whole or in part) comes under the Section 7 list of *habitats of principal importance* under the Environment (Wales) Act 2016. An AI assistant concluded for us that Cadoxton Ponds exhibits the ecological characteristics associated with Section 7 *Priority Habitat: Ponds*.

The site comprises long-established standing open water, reedbed, and marshy grassland, all of which are recognised as *habitats of principal importance* under the Environment (Wales) Act 2016 List. The presence of semi-natural hydrology, wetland mosaic structure, and habitat continuity strongly indicates that parts of the site meet the UK BAP *Priority Pond* criteria relating to naturalness, habitat quality, and association with other Section 7 habitats. Pending formal confirmation on the Welsh Government Priority Habitat map, the ecological attributes present at Cadoxton Ponds are consistent with those typically mapped as *Priority Ponds or associated wetland priority habitats*."

The Ecology PEA finding SEWBREC records of Schedule 1 species bittern *Botaurus stellaris*, and Section 7 species otters *Lutra lutra* required an independent professional ecologist to a) inform the LPA that the Habitats Regulations come into play and b) advise that a full Ecology assessment was needed. As Richard Green Ecology failed to do that, the LPA could not rely on other findings in the PEA.

The otter protection status alone is a trigger for a Habitats Reg.Assessment. The otter (***Lutra lutra***) is listed as a Section 7 species of principal importance under the Environment (Wales) Act 2016 and is also a European Protected Species (EPS) listed on Annex II of the Habitats Directive. As such, the species receives the highest level of protection in Wales, and the Vale Council as 'competent authority' must take all reasonable steps to maintain and enhance its populations and habitats when exercising their functions.

### **Biodiversity Gain.**

No proposals for biodiversity enhancement were submitted, despite the strong statement in PPW12; the the 'green infrastructure report said none were proposed, so none were  
What of those proposals in the 11 Sept. Planning report as the basis for a Condition? They needed to be assessed in the ES.

SWWP is said to offer reptile refugia, which is nowhere documented. The case officer proposed bird boxes. The ecologist says reptile refugia are pointless amidst the scrubland, and birdboxes are "tricky" on single storey buildings or poles. This is revealed in the emails CR and the Ecologist ~11 June, posted up on 22 Dec. (false date on the file) because we asked.

The 1 Sept. report still said "enhancement measures could include:

- New areas of planting (c.40sq.m would be available following re-location of the perimeter fence at the site access) [ie. Roadside verge as Highways want visibility]
- Installation of bird boxes to the (demountable) site offices.
- Provision of reptile refugia at the site peripheries.

The “new planting is the roadside strip where the fence is to be set-back for visibility reasons. Such ‘planting’ would not be of wildlife-supporting hedging but of a grass verge, perhaps a wildflower mix. The report falsely claims these measures would comply with *PPW12 in respect of biodiversity and green infrastructure*.

PPW12 requires biodiversity enhancement proportional *to the scale and nature* of this major development. There is no attempt in the ES to comply. Moreover, there are hedges on the site that could be strengthened; there is also space to create a wildlife area including trees. Such on-site measures could and should have been assessed. Then if not meeting the PPW requirement, off-site scheme could have been proposed.

## Impacts of dust from waste-wood

The Council relied on SRS to check the ES (Isopleth) studies. Their replies show they have no expertise on waste-wood dust. Worse, SRS did not bother to check their lack of concern via AI, or directly with Environment Agency and HSE guidance. SRS and Isopleth consider only PM10s, yet waste-wood chipping produces a high proportion of non-respirable dust, with up to 60% above the PM10 range and some 1–10% PM2.5 which reaches deep into the alveoli.

People with compromised lungs can inhale larger particles (10–30 µm) that healthy people would normally filter out. It’s wrong to ignore the substantial fraction of these which people with asthma, COPD, or reduced mucociliary clearance can inhale.

Chipping generates fine wood dust, fungal spores, bacteria, and contaminants from treated wood.

Treated/painted wood adds chemical hazards - paints, varnishes, resins; preservatives (e.g., copper, chromium, arsenic in older timbers), adhesives in composite boards can contribute to chemical irritation. There are known links to respiratory disease, asthma, nasal cancer, and irritation of tissues.

Chemicals in fine wastewood dust tend to leach into lung fluid and enter the bloodstream, the PM2.5 fraction, which is therefore a particular health hazard.

A strong evidence base (HSE, EA), supports conditions, refusal, or strong monitoring and mitigation requirements. Yet the proposed DMSM Dust Monitoring Scheme and Management proposes a site action level for PM10 - concentration of 190µg/m<sup>3</sup> averaged over a 1-hour period will be used which will be measured by four automatic sensors located on the perimeter of the site. There are human receptors close to the site perimeter, both in the Nature Reserve and in adjacent businesses (including offices of the HGV Training company). The Planning report says the SRS Environment Team considers the monitoring scheme acceptable which shows SRA are both ignorant and grossly irresponsible.

There is no information to judge how five mobile dust cannons could seriously abate dust clouds being blown over the boundary in moderate winds. Without technical assessment and evidence that it has been successfully deployed on others of SWWP sites (eg. Newport Docks), it looks no more than a gesture. Acceptance by SRS is worthless, in view of their evident lack of expertise.

The proposed conditions linked to PM10 alone, disregarding the chemical hazards and ignoring the more vulnerable people with respiratory conditions, are clearly inadequate. We consider advice from competent health authorities is needed.

## Unanswered requests to see documents with environmental information

1. On-site water tank: have you documents to show the 1 M m<sup>3</sup> water tank could cope
  - a) for storing contaminated run-off from storage areas in winter rainstorms
  - b) for supplying water for dust suppression and spraying of the wood piles through a dry summer

- c) reserving sufficient water for firefighting under the FPMP.
- 2. Water supply, suggested to come from fresh water in the Dock. What checks have you made that the Dock no longer is salt-water from tidal flushing? Have SWWP documented proposed alternative sources of water for fire-fighting and dust suppression ?
- 3. Health concerns re. Wood-dust from the site. Could I view
  - a) The complaints from the public and any compilation and notes you made on them
  - b) Details of the Council's determination of the source or sources of the dust
  - c) Reports on each site visit by SRS and their decision of "no adverse impact"
  - d) Reports of each site visit by planning officers who found "no visual indications of dust"
  - e) Report of visit(s) by HSE, ostensibly seeing no adverse impact
  - f) Any report by NRW covering excessive size of piles and cleanliness of site, relating to the effectiveness of their controls via Environmental Permitting on abating dust generation

Under EIA, it's incumbent on the LPA to respond to questions on environmental matters or pass them to the proposer to answer. The failure to do so, or give reason for refusals (eg. say no report is held) show a failure to comply by the LPA

**Breach of Reg 4(3) (4)** *The relevant planning authority ... must ensure that they have, or have access as necessary to, sufficient to examine the environmental statement.*

# SRS have no expertise on dust from wastewood chipping (see above). The LPA made ignorant statements about the nature reserve, not even describing the reasons for the SINC designation, disregarding NRW's advice to consider priority species there, and ignoring the cross-overs with the Councils Section 7 Biodiversity duty. The Council's *Ecology Officer* could have provided that expertise, but he quit the post and the Council appeared to find no alternative for 'examining' the ES.

**Breach of 2 5.—(1)** *When determining an application or appeal in relation to which an environmental statement has been submitted the relevant planning authority... must—*

*(a) examine the environmental information;*

*(b) reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination referred to in sub-paragraph (a) and, where appropriate, their own supplementary examination;*

We submit the LPA breached this in

# not placing in the public file all the environmental information which it has to assess, including "further" and "other" information submitted, but indeed appears to have considered only the applicant's submitted documents

# not been in a position to "examine" the information technically, as implied by Reg.4.3 (4)

# the LPA has given no reasoned argument for ignoring effects on the Nature Reserve and for ignoring the protected species in the SINC in the Officers report, not even mentioning the SINC status. Their failure to consult the Nature Reserve and the Glamorgan Anglers is part of this.

-----  
Friends of the Earth Barry&Vale

[REDACTED]

# Comment for planning application 2024/00959/FUL

<b>Application Number</b>	2024/00959/FUL
<b>Location</b>	Berth 31, Port of Barry , Wimborne Road, Barry
<b>Proposal</b>	A change of use to a wood processing facility.
<b>Case Officer</b>	Mr. Ceiri Rowlands
<b>Organisation Name</b>	Lynden Mack
<b>Address</b>	Tŷ Rhosyn,6 Harbour Road,Y Barri,Bro Morgannwg
<b>Type of Comment</b>	Objection
<b>Type</b>	neighbour
<b>Comments</b>	<p>This application ought to be rejected for a number of reasons. Other representations to the planning committee will reference these reasons in comprehensive detail. To reiterate my statement to the Barry Town Council planning committee on 16th December 2025, four local residents have notified me of the problem of wood dust landing on their cars and properties ever since South West Wood began its operation at the site. One of these residents lives over 1 km away from the site. Given this nuisance and potential health implications for local residents, I ask the committee to reject this application.</p>
<b>Received Date</b>	08/01/2026 23:58:30
<b>Attachments</b>	

**Jones, Liam D**

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**From:** peter fletcher [REDACTED] >  
**Sent:** 07 January 2026 14:41  
**To:** Planning  
**Subject:** Re: Planning application 2024/00959/FUL Berth 31, Port of Barry , Wimborne Road, Barry

You don't often get email from [REDACTED] [Learn why this is important](#)

Good afternoon,

I submit this response to you in total objection to application 2024/00959/FUL/CR wood processing facility at berth 31 Port of Barry docks.

The reason I submit this objection is based on the continued pollution that I encounter on an almost daily basis with wood dust that I believe emanates in prevalent winds from this site. Very often I wake in the morning to find my car covered in the light brown wood dust that comes DIRECTLY from this wood crushing site.

I have also experienced as has my wife breathing issues we believe is again down to breathing in air from the same site.

I have over the last year reported this wood dust to natural resources Wales and been fobbed off with any meaningful response other than being told they give the site manager regular advise on keeping the dust down with water tank bowsers soaking the wood.

I reside around 1.5 miles from this site and have noted over the last 3 months or so that the crushing operation has increased, there are literally mountains of stinking wood dust and particles not 50 yards from the road thrgh the dock.

I am also concerned that there are new home builds currently under way on millennium road just 150 yards away from this stinking site, yes, I say stinking as the wood they crush is in various stages of decomposition before crushing, so not only is it a dust problem its a biological one. I also have it on extremely good authority that residents in new build opposite the dock offices also suffer with wood dust pollution depending on prevalent winds.

I am also aware that the manager of this site has gone on local press and openly stated that this site presents NO pollution or health issues!

I would ad this person must be totally deluded , a simple google search reveals that wood dust of any description is a KNOWN CARCINOGEN.

In light of the VOGC embarrassing performance with the Biomass disaster not even a quarter of a mile from this disgusting mass of filthy poisonous air born wood dust contamination, one would have thought they would tread rather more carefully... this kind of production SHOULD NOT be carried out in open weather conditions, rather in a warehouse where the dust can be filtered, therefore this site is totally unsuitable for this operation, especially in such close proximity to new housing builds.

I am also aware that almost the entire length of land adjoining this site and parallel to millennium road is earmarked for further housing development, another red flag for wood crushing and cancerous dust...

I would finally inform you that this email will be forward to my MP. Dependent on the only decision that moraly can be made with regard to this business, I will also take it to the press and parliament



along with the Health and Safety executive authority. Hopefully common sense and the health of residents surrounding this abomination will receive due consideration .

I would appreciate any response going forward with this issue thank you.

Yours concerned

PETER FLETCHER

On Thursday, 4 December 2025 at 10:36:00 GMT, Vale of Glamorgan Council Development Services <planning@valeofglamorgan.gov.uk> wrote:

Please find attached letter concerning the above development.

**MATTERS ARISING FOR COMMITTEE****COMMITTEE DATE : 15 January 2026**

<b>Application No.:</b> 2021/00209/FUL	<b>Case Officer:</b> Emma Danahay
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**Location:** Land to the South West of Sigingstone

**Proposal:** Proposed residential development of 10 dwellings and associated infrastructure works

**From:** The occupiers of Cross Farm, Golden Field, Ruthin Lodge, Pump House, from Ms Catherine Jewel and Ms Sarah Lewis

### **Summary of Comments:**

- Greater scrutiny of the recommendation is needed, given the possibility of Welsh Government calling in the application.
- Failure to meet MD10 Criterion 5 – Access to Services:
  - No public transport; nearest bus stop over two miles away via unsafe lanes.
  - No local shop; residents would need to drive for all essentials.
  - Village hall seats only 20 people; inadequate for current and proposed population.
- Proposed development would increase the village population by 54%, which is disproportionate.
- No evidence of village-specific housing need.
- Foul water strategy contradiction: infiltration proposed despite report confirming no vertical permeability.
- Unresolved effluent disposal issue: ~6,500 litres/day cannot infiltrate vertically; likely illegal horizontal flow.
- Conditions incorrectly refer to a “public sewer,” which does not exist in Sigingstone.
- Council’s Drainage Section recommended a Flood Consequences Assessment (TAN 15 compliance), but this was overridden.
- Applicant failed to update drainage layout after major site plan changes.
- Existing properties, including a listed building, already experience flooding from runoff.
- Approval could set a precedent for similar developments in unsewered villages across the Vale.
- Only statutory postal consultation occurred in October 2020; no meaningful engagement over five years, breaching Council guidance.
- Site was previously rejected by a Planning Inspector.
- Concern over removal of mature trees, impacting character and wildlife.
- No documented site search, alternatives assessment, or sustainability appraisal—required by Policy MD10 and Planning Policy Wales.
- Committee report ignores Castle Pond (a designated County Treasure) and its hydrological link to the site.
- Over-reliance on planning conditions and future consents to address fundamental site suitability issues.
- No Section 106 agreement before Committee

### **Officer Response:**

The final report has considered the representations received and addressed each matter within the assessment. The potential for Welsh Government call-in is noted as a procedural matter and does not alter the requirement for the Local Planning Authority to determine the application in accordance with the adopted Local Development Plan and other material

considerations. The recommendation of officers is for approval, but subject to whether the application is called in by Welsh Ministers.

The absence of some local services and public transport within Sigingstone is acknowledged; however, the proposal has been assessed against Policy MD10 in the context of the wider settlement pattern and reasonable access to services in nearby centres. Furthermore, there is an existing transport service (service No. P121) to Cowbridge & Llandow to St David's Church in Wales Primary School and there is an existing transport service (service No. S23) to Llysworney to Cowbridge Comprehensive School. These services are both shown to stop in Sigingstone and are available to view on the Vale of Glamorgan Council Website. The website page states: "Local Education Authorities have a statutory duty to provide free school transport for pupils of statutory school age who reside beyond walking distance to the nearest appropriate school."

The Council also runs Greenlinks Community Transport which is a volunteer transport service available to book through the Council Website Monday to Friday. The Council website states: "To arrange transport, call the freephone number by 12:00pm, one working day before travel (Excluding bank holidays)." These schemes are considered to meet criterion 5, which notes: 5. The development has reasonable access to the availability and proximity of local community services and facilities. The scale of the development has also been considered in planning terms, rather than by reference to population change and is not considered disproportionate. While village-specific housing need evidence is limited, housing requirements are established strategically through the Local Development Plan and the Local Housing Market Assessment, and the proposal is considered to contribute towards meeting those needs.

Matters relating to foul and surface water drainage, including the lack of a public sewer, potential flood risk and drainage layout detail, are considered capable of being satisfactorily addressed through appropriately worded planning conditions, having regard to TAN 15 and relevant consultee's advice. A Flood Consequence Assessment is not required as per the provisions of TAN15 (2004) upon which the application is assessed as per the guidance document released TAN15 (2025), which states that all applications submitted prior to 31 March 2025 are considered in line with the 2004 document. There is no requirement within the 2004 documents for an FCA relating to surface water flooding which is limited in scope within the application site. Dwr Cymru were also consulted and confirmed in 2025 that the development proposes an alternative foul drainage solution rather than mains connection; therefore, the applicant should consult Natural Resources Wales and Building Regulations. NRW comments received regarding foul drainage, note the development is not connected to a public sewer and will discharge to a private sewerage system via a drainage mound. NRW confirmed that in line with Welsh Government Circular 008/2018, this approach has been assessed and agreed with Natural Resources Wales as the most suitable option, given the absence of permanent watercourses and public sewer provision in the area. Noting the above, the LPA are satisfied with the proposed pollution prevention and foul arrangements at the site.

Existing surface water flooding concerns have been noted, but there is insufficient evidence to demonstrate a direct link to the site, and the development would be required to ensure no increase in off-site flood risk and would be subject of a SAB application to ensure a suitable surface water drainage solution exists, albeit no SAB application has been received to date. Furthermore, the impact of the proposal on ecology and biodiversity has been assessed on pages 26-32 of the committee report. It is acknowledged that there are no ponds directly

within the site and subject to the recommended planning conditions and informatives, the development is not considered to result in unacceptable harm to protected species or habitats. In addition, opportunities for biodiversity enhancements have been incorporated into the scheme, including the provision of habitat improvements.

Issues of precedent and community engagement have been considered, with the application assessed on its own merits following statutory consultation. The Planning Department are satisfied that the application has been publicised and consulted upon in accordance with statutory requirements, including neighbour notification, site notices and press notice. Whilst it is acknowledged that representations have expressed concern about the quality of engagement, the Council's consultation obligations have been met and all representations which have been received have been considered within the assessment. The concern regarding alleged over-reliance on planning conditions and future consents is noted. However, principle of development and the site's overall suitability have been assessed against the requirements set out in the local development plan and relevant material considerations. The matters identified as being addressed through conditions do not go to the fundamental acceptability of the site, but rather relate to the detailed design, mitigation and controls that are appropriate to be secured by condition. In terms of S106, subject to an appropriate partner the Council would not seek financial planning contributions for this particular development and in terms of alternatives assessment, this is not required by PPW or Policy MD10, with regard to residential developments.

**Action required:** No further action required.

[REDACTED]  
 Pump House  
 Sigingstone  
 Cowbridge  
 CF71 7LP

8th January 2026

Dear Councillor,

## **Planning Application 2021/00209/FUL - Land to the South West of Sigingstone**

I am writing ahead of the Planning Committee meeting on 15th January 2026 to highlight significant concerns about the officer's recommendation to approve this application. As a resident of Sigingstone whose property is directly affected by the proposed development site, I have submitted detailed objections throughout this application's lengthy history. I respectfully ask that you consider the following points, which I believe demonstrate material deficiencies in the officer's assessment.

### **1. Welsh Government Has Indicated It May Call In This Application**

The officer's report notes that Welsh Government has advised it may wish to call in this application under Article 18 of the Development Management Procedure Order. This is not routine. Welsh Government typically reserves call-in powers for applications raising significant policy concerns. Councillors should ask: why does Welsh Government have concerns serious enough to consider intervention, if this application is as policy-compliant as the officer suggests?

I would respectfully suggest that the possibility of Welsh Government calling in this application should prompt greater scrutiny of the recommendation, not less. The Committee should not approve this application on the assumption that Welsh Government will intervene if there are problems.

### **2. The Site Fails MD10 Criterion 5 - Access to Services**

Policy MD10 is clear: affordable housing outside settlement boundaries will only be permitted 'where it is demonstrated that' all five criteria are satisfied. This is not a balancing exercise where strengths in some areas can offset weaknesses in others.

#### **If any criterion is not met, the application should be refused.**

The officer claims Sigingstone offers 'reasonable connectivity and service provision' because residents would have access to 'a community hall, hotel, and pub.' This is misleading. The 'hotel' and 'pub' are the same establishment - the village pub, which has four letting rooms. Listing them separately makes Sigingstone's facilities appear more substantial than they actually are. The reality for affordable housing residents would be:

**No public transport whatsoever** - the nearest bus stop is over two miles away along narrow country lanes with no pavements and no street lighting. Residents would be entirely car-dependent for work, school, shopping, and healthcare.

**No shop** - residents would need to drive for all basic provisions.

**The village hall seats only 20 people** - it cannot adequately serve the existing community, let alone an additional 41 residents.

Planning Policy Wales paragraph 4.2.35 requires that affordable housing exception sites 'must meet all the other criteria against which a housing development would be judged, such as the national sustainable placemaking outcomes.' The Placemaking Charter Wales requires sustainable locations that 'prioritise walking, cycling and public transport.' This site fails that test entirely. Placing families on limited incomes in a location requiring multiple vehicles for daily life is not sustainable placemaking - it risks trapping residents in transport poverty.

### **3. A 54% Population Increase Is Not Proportionate**

The officer describes a '20% increase in dwellings' as proportionate. This obscures the true impact. The proposal would add approximately 41 people to a village of 76 - a 54% population increase. The development's density (4 people per unit) is nearly three times that of the existing village (1.6 people per dwelling). The officer acknowledges the scheme is 'at the upper end' of what MD10 allows. When proposals push policy boundaries, scrutiny should increase, not decrease.

### **4. No Village-Specific Housing Needs Evidence Exists**

MD10 Criterion 1 requires an 'identified local need which cannot be satisfied within identified settlement boundaries.' The officer relies on ward-level data from the 2023 LHMA and 28 households on the Homes4U waiting list for Llandow Ward. No housing needs survey specific to Sigingstone has been conducted, despite this being standard practice for rural exception sites and recommended in Welsh Government guidance. There is no evidence that households on the ward waiting list actually want to live in Sigingstone specifically, rather than somewhere with better services and transport links.

### **5. The Foul Water Disposal Strategy Contains a Fundamental Contradiction**

This is the most technically problematic aspect of the application. There is no mains sewerage in Sigingstone. The applicant proposes a package treatment plant discharging via a 'drainage mound' to allow infiltration into the ground. However, the applicant's own Site Investigation Report states there is no vertical permeability at the site. These two positions are incompatible.

If water cannot infiltrate vertically, where does approximately 6,500 litres per day of treated effluent go? It would flow horizontally towards the storm drain on the northern boundary - which is predominantly dry. NRW regulations prohibit discharge to dry watercourses. The applicant cannot simultaneously claim the ground has no vertical permeability (for surface water purposes) while relying on ground infiltration for foul water. This contradiction has not been resolved.

Additionally, several conditions refer to preventing discharge to the 'public sewer' - but there is no public sewer in Sigingstone. This language suggests incomplete understanding of the actual infrastructure situation.

### **6. The Council's Own Drainage Section Requested a Flood Consequences Assessment**

The Council's Drainage Section noted that while the main development is outside the flood zone, the access route to the foul water treatment plant lies within Flood Zones 2 and 3. They advised that a Flood Consequences Assessment should be provided to demonstrate TAN 15 compliance and to confirm that access to the sewerage

infrastructure can be maintained during flood events. The officer has unilaterally decided this is 'not considered necessary,' overriding their own technical advisers.

The applicant has also failed to update the Drainage Layout document despite making significant changes to the site plan.

Existing properties in the village, including my own (a Vale of Glamorgan listed 'County Treasure'), already experience flooding from surface water running off this field. I have extensive photographic evidence of multiple flooding events. I attach some photos below showing the effect on my property.

### **7. Approving This Application Would Set a Concerning Precedent**

The Council has previously approved rural affordable housing developments at The Herberts (7 dwellings) and Pentre Meyrick (11 dwellings). Critically, both settlements are on mains drainage. Neither has the flooding issues present at this site.

If the Committee approves this application, it would establish that in 2026, the Vale of Glamorgan Council considers it acceptable to build new multi-dwelling affordable housing developments **without mains drainage**, relying instead on package treatment plants with unresolved effluent disposal problems. Future applicants in unsewered villages across the Vale would be able to point to Sigingstone as justification for similar developments. The Committee should consider carefully whether it wishes to set this precedent.

### **8. The Vale's Own Guidance on Community Engagement Has Been Ignored**

The Vale of Glamorgan's Affordable Housing SPG 2018 (section 9.3.1) states: 'The Council will expect that all rural affordable housing proposals to be developed in partnership with the local community.' The only engagement with Sigingstone was a statutory postal consultation in October 2020. Over five years of application development with no meaningful community engagement is a clear breach of the Council's own guidance.

### **9. This Site Was Previously Rejected by a Planning Inspector**

This site was rejected as an Additional Site by the Planning Inspector during the LDP examination, on the basis that the LDP has sufficient capacity elsewhere to meet affordable housing requirements. The officer's report does not explain what has materially changed since the Inspector's decision to now make the site acceptable as an 'exception.'

### **Conclusion**

I support the provision of affordable housing in the Vale of Glamorgan. However, housing should be provided in sustainable locations where residents can access employment, education, healthcare and daily necessities without complete car dependency, and where adequate infrastructure - including mains drainage - exists. The need for affordable housing should not come at the cost of increased flood risk to existing properties and residents. This site fails those fundamental tests. I respectfully urge you to reject this application.

Yours sincerely,







Run-off water from the development site/field alongside my property.



Village stream, which is the responsibility of the Vale of Glamorgan Council, unable to cope with existing run-off from the development site.

**From:** [REDACTED]  
**Sent:** 11 January 2026 19:43  
**To:** Planning  
**Subject:** Fwd: 2021/00209/FUL - Land to the South West of Sigingstone - Proposed residential development of 10 dwellings and associated infrastructure works  
**Attachments:** LRJ objection letter FINAL AUGUST 2025.pdf; LRJ objection letter FINAL MARCH 2022 FOR RESIDENTS.docx; LRJ objection letter FINAL.pdf

You don't often get email from [REDACTED] [in why this is important](#)

Dear Sirs,

I write in respect of the above cited planning application (2021/00209/FUL) and would be grateful if you would kindly ensure that this email is lodged on your planning portal/official record and distributed to all planning committee member in advance of the hearing scheduled for this Thursday (15th January).

As you can see below, I have emailed all Committee members this afternoon but would ask that you kindly ensure all members receive and consider my email.

Yours faithfully,

[REDACTED]

Sent from my iPad

Begin forwarded message:

**From:** [REDACTED]  
**Date:** 11 January 2026 at 19:21:52 GMT  
**To:** ncthomas@valeofglamorgan.gov.uk, MRWilson@valeofglamorgan.gov.uk, javiet@valeofglamorgan.gov.uk, gbruce@valeofglamorgan.gov.uk, ibuckley@valeofglamorgan.gov.uk, cacave@valeofglamorgan.gov.uk, jcharles@valeofglamorgan.gov.uk, mcowpe@valeofglamorgan.gov.uk, PDrake@valeofglamorgan.gov.uk, amernest@valeofglamorgan.gov.uk, wgilligan@valeofglamorgan.gov.uk, npodges@valeofglamorgan.gov.uk, ijohnson@valeofglamorgan.gov.uk, hpayne@valeofglamorgan.gov.uk, ianperry@valeofglamorgan.gov.uk, cstallard@valeofglamorgan.gov.uk, EdWilliams@valeofglamorgan.gov.uk  
**Subject: Re: 2021/00209/FUL - Land to the South West of Sigingstone - Proposed residential development of 10 dwellings and associated infrastructure works**

+ For additional context, please find attached three objection letters prepared and filed by the villagers' planning consultant LRJ Planning since 2021 (I note that only summaries of these are provided by the planning officer in his report):



On 11 Jan 2026, at 16:12, [REDACTED]  
[REDACTED]

**2021/00209/FULLand to the South West of Sigingstone  
Proposed residential development of 10 dwellings and associated  
infrastructure works**

Dear Members,

I am writing to express my concerns over the officer's report recommending the above planning application for approval, due to be heard at committee on the 15th of January, 2026 and which I understand you will be voting on.

Having lived in Sigingstone since 1973, my very serious concern is that these proposals represent inappropriate development in terms of scale, access to public services and particularly flooding and discharge of foul water. If the application is approved in accordance with the current recommendation, it would appear that this would be against current planning policy in numerous instances.

Having taken preliminary advice, I believe there are serious questions regarding the robustness of the application of current planning policy in respect of the officer's recommendation. If the application is approved at committee, it would be disappointing for local residents and also the local authority to have to subsequently meet the costs of any application for judicial review of the decision.

Thank you for taking the time to read my comments and observations. Please do consider these carefully at committee.

**CONCERNS AND GAPS IN COMMITTEE REPORT**

The application proposes residential development on land outside the defined settlement boundary of Sigingstone and relies on Policy MD10 of the adopted Local Development Plan, which permits affordable housing on rural exception sites only where all criteria are fully satisfied. Policy MD10 is not a balancing exercise; failure to comply with any single criterion should result in refusal.

The Welsh Government has indicated that it may consider calling in the proposal. These factors highlight the importance of careful and robust scrutiny by the Planning Committee.

*Principle of Development and Policy MD10*

The application site lies outside the settlement boundary and is therefore contrary to the development plan unless it can be justified as a rural exception site under Policy MD10. This policy requires clear and specific evidence that the development is necessary to meet an

identified local affordable housing need arising from the settlement itself and that such need cannot reasonably be met elsewhere.

No housing needs survey specific to Sigingstone has been submitted. Instead, the committee report relies on ward-level Local Housing Market Assessment data and Homes4U information. While such data may demonstrate a general need for affordable housing within the wider area, it does not provide evidence that the need arises from Sigingstone or that the proposed occupiers would have a demonstrable local connection to the village. This approach risks undermining the purpose of Policy MD10, which is intended to respond to genuinely local rural housing need rather than contribute to broader strategic housing delivery.

Furthermore, the committee report alleges that there are no suitable sites within the settlement boundary but provides no evidence to substantiate this conclusion. There is no documented site search, alternatives assessment, or comparative sustainability appraisal. This is a core requirement of both Policy MD10 and Planning Policy Wales, and its absence represents a significant policy shortcoming.

#### *Scale, Character and Proportionality*

Although Policy MD10 refers to schemes of “10 or fewer dwellings,” this should be regarded as an upper threshold rather than an automatic justification. The proposed development would result in a substantial change to the scale and character of Sigingstone.

In particular:

- the proposal would increase the number of dwellings by approximately 20–23%;
- the population of the village would increase by over 50%;
- the proposed density is nearly three times the existing village average.

Such a level of growth is significant for a small rural settlement and risks fundamentally altering its character. The committee report accepts the scale largely on numerical grounds, without a sufficiently critical assessment of proportionality, cumulative impact, or village form.

#### *Sustainability and Access to Services (MD10 Criterion 5)*

Policy MD10 requires rural exception sites to have reasonable access to services and facilities. The committee report refers to a village hall, hotel, and public house; however, the hotel and public house are the same establishment, and the village hall has very limited capacity, reportedly seating approximately 20 people and already constrained for existing residents.

Sigingstone has no public transport provision. The nearest bus stop is over two miles away, accessible only via narrow, unlit rural lanes without footways. There is no local shop, school, health facility, or

other daily services, and walking routes are unsafe and unsuitable for many users, including children, older residents, and those with mobility impairments.

As a result, future occupiers would be wholly dependent on private cars for day-to-day needs. This raises concerns regarding transport poverty and conflicts with national policy objectives in Planning Policy Wales and Future Wales, which seek to reduce car dependency and promote sustainable travel. Accepting this level of accessibility risks significantly weakening the intent of MD10 Criterion 5.

#### *Drainage and Foul Water Infrastructure*

Sigingstone is not served by mains sewerage, and the proposal relies on a private package treatment plant and drainage mound. The applicant's own Site Investigation Report indicates limited or no vertical permeability, consistent with local ground conditions of heavy silty clay. This raises fundamental questions regarding the feasibility of effluent disposal.

Natural Resources Wales regulations restrict discharge to dry watercourses, yet the application does not clearly demonstrate how treated effluent would be lawfully discharged. Issues relating to long-term maintenance, management responsibility, enforcement, odour risk, and failure scenarios are not adequately addressed and cannot reasonably be resolved through planning conditions alone.

#### *Flood Risk and Surface Water*

Access to the proposed treatment plant lies within Flood Zones 2 and 3. The Council's Drainage Section advised that a Flood Consequences Assessment should be provided; however, the committee report concludes that such an assessment is unnecessary. This is of particular concern given that existing properties in the area already experience flooding from surface water runoff.

The absence of a Flood Consequences Assessment represents a notable evidential gap and is inconsistent with the precautionary approach set out in TAN15 and Planning Policy Wales.

#### *Ecology, Biodiversity and Landscape*

The committee report does not address Castle Pond, a designated County Treasure, nor its spring-fed hydrological connection to the application site, despite this issue being raised in representations. Given the emphasis placed by Planning Policy Wales on ecosystem resilience, this omission is material.

Claims of biodiversity net benefit are accepted without the submission of quantified baseline and post-development metrics. No measurable biodiversity units or calculations are provided, meaning that net gain is asserted rather than demonstrated. Impacts on protected species, including dormice, bats, and great crested newts, are deferred to

planning conditions and licensing processes, introducing further uncertainty regarding deliverability and long-term outcomes.

The loss of protected trees is accepted as unavoidable, yet there is no clear evidence that alternative access arrangements or layouts were fully explored in accordance with the step wise approach to tree retention and landscape protection.

### *Highways and Accessibility*

The lack of public transport and safe pedestrian infrastructure is acknowledged in the committee report but is treated as an inevitable feature of rural locations. This approach risks undermining national policy objectives relating to sustainable movement and active travel.

In addition, the servicing requirements of the private sewage treatment plant have not been adequately assessed. There is no detailed consideration of tanker access frequency, impacts on narrow rural lanes, or potential conflicts with pedestrians and other road users. These matters are directly related to the absence of mains drainage and should be assessed cumulatively.

### *Legal and Delivery Certainty*

At the time of consideration, no completed Section 106 agreement is in place. While the report refers to partnership with a registered social landlord, key matters relating to tenure, eligibility, cascade mechanisms, and long-term affordability are not before Members. Approval would therefore rely heavily on future agreements and conditions, reducing certainty of delivery and policy compliance.

### *Precedent and Planning Risk*

Approval of this application would risk establishing a precedent that mains drainage is not necessary for rural affordable housing and that significant growth in very small settlements can be supported without robust, site-specific evidence. This would be inconsistent with previous decisions at The Herberts and Pentre Meyrick.

### *Conclusion*

In summary, the application raises significant concerns in relation to:

- compliance with Policy MD10, particularly in respect of local housing need and sustainability;
- scale, proportionality, and village character;
- drainage, foul water disposal, and flood risk;
- ecological impact, including effects on Castle Pond;
- legal certainty and deliverability.

The officer recommendation relies heavily on planning conditions and future approvals to address matters that go to the fundamental suitability of the site. Local residents respectfully request that Members give careful consideration to whether all criteria of Policy MD10 have

been fully satisfied before determining this application.

Kind regards,

[REDACTED]

Sent from my iPad

Dear Sirs,

**Re: Planning Application 2021/00209/FUL - Land to the South West of Sigingstone.**

My husband and I are residents of Sigingstone and object to the above development. We have sent in numerous objections over the last five years. Sigingstone is a hamlet with very little amenities. There is no main sewerage or gas in the village. We do not have a bus service, shop or playgroup/school nearby and transport is needed to undertake everyday life. The main road through Sigingstone is very narrow and it can be difficult to walk along here safely. We have a very small village hall in the hamlet but this can only accommodate around 20 people.

We have a cesspit system which is not an ideal method of removing waste especially for young families who use a larger amount of water. The hamlet also floods regularly. We feel that extra homes will add to this issue.

There isn't any local need for housing in Sigingstone as the current residents' adult children have already moved to other areas where there is an abundance of services that suit their families needs. I know from working with children and families in the Vale that people need to be housed in areas that have a wide range of services that will enhance their lives not isolate them. We would never have moved here with young children as it is very remote.

If this development is approved, we understand that Welsh Government may well call in this planning application which whilst allowing for further scrutiny indicates serious policy concerns. The proposed site is also outside the settlement boundary and we understand that this can only be approved under policy MD1 This policy requires all five criteria to be met and this site was rejected previously by a Planning Inspector.

In conclusion we strongly object to this proposal being approved and respectfully ask that you consider these points before making your decision. This proposed site will completely alter the character of the village as mature trees will inevitably have to be felled to make way for the development which will obviously impact on the wildlife.

Yours faithfully,

[Redacted Signature]

Golden Field,  
Sigingstone.

10.01.2026



The Vale of Glamorgan Council  
Development Management Team  
Dock Office  
Barry Docks  
Barry  
CF63 4RT

14 August 2025

Dear Sir/Madam

**Objection Letter – Planning Reference: 2021/00209/FUL (ADDITIONAL DOCUMENTS AND PLANS PROVIDED TO COUNCIL ON 2 JULY 2025)**

**Proposal - Proposed residential development of 10 dwellings and associated infrastructure works**

**Site - Land to the South West of Sigingstone**

LRJ Planning Ltd has again been instructed by a local group of residents who live within Sigingstone to issue a formal response to the above planning application that has been lodged with the Vale of Glamorgan Council.

Following a review of the additional documents provided by the applicant, my clients still have serious concerns with the application proposed and therefore continue to **OBJECT** to the application for reasons that will be detailed below.

This application proposes a disproportionate and unsustainable expansion of Sigingstone, an isolated hamlet with no essential services, no public transport, and unsafe pedestrian

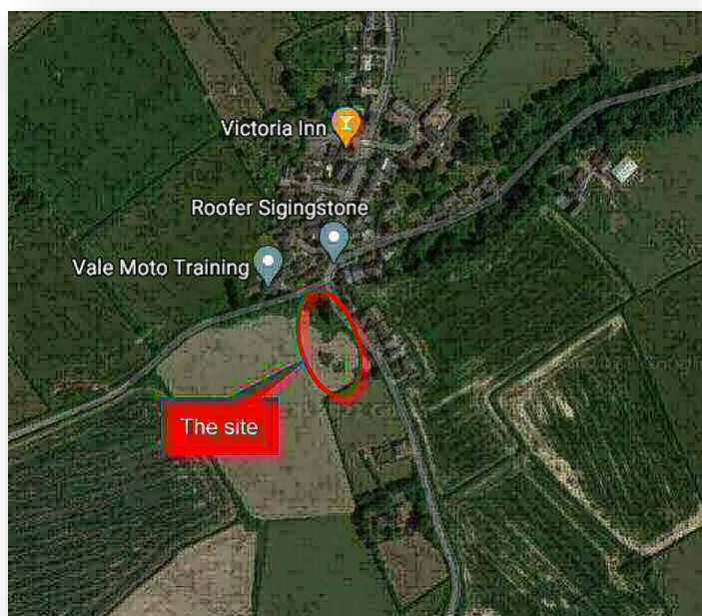


access on a greenfield site outside the defined settlement boundary. It conflicts with Planning Policy Wales, the Local Development Plan, and the Council's Affordable Housing SPG, failing to demonstrate site-specific housing need or compliance with rural exception criteria.

The scheme would cause severe harm to ecology, including risks to Castle Pond and TPO-protected trees, increase flood risk due to inadequate drainage design in a known flood-prone area, and introduce significant highway safety hazards on narrow, substandard roads. The latest submissions do nothing to alleviate these long standing concerns. This is speculative development in an unsuitable location and should be refused in its entirety.

My clients reside within Sigingstone and will be directly affected by this speculative development that even with a reduction in the number of units will significantly increase the size of this hamlet.

### **Aerial View of Site**





## **1.0 BACKGROUND**

My clients have previously issued strong objections to this development proposal in letters dated 25<sup>th</sup> March 2021 and 7<sup>th</sup> March 2022. It is clear that the latest suite of technical information has not addressed the issues previously raised.

## **2.0 DETAILED RESPONSE TO APPLICANT’S SUPPLEMENTARY SUBMISSIONS AND DOCUMENTS**

This section responds to the applicant’s supplementary submissions received by the Council on 2 July 2025, which include updated site layout drawings, landscape and green infrastructure proposals, ecological assessments, and agricultural land classification reports. While these documents are framed as addressing “outstanding matters”, they do not remedy the fundamental conflicts between the proposal and the adopted Vale of Glamorgan Local Development Plan (2011–2026) (“LDP”) or national policy as set out in Planning Policy Wales (Edition 12, February 2021) (“PPW”).

The amendments are largely cosmetic, addressing minor landscaping and presentation issues while leaving untouched the principal policy objections relating to the site’s location outside a defined settlement boundary, its harmful impact on the rural landscape, the unjustified loss of agricultural land of at least borderline Best and Most Versatile (BMV) quality, and insufficient demonstration of a sustainable and policy compliant housing need.

### **2. Landscape and Green Infrastructure**

PPW requires that development proposals “contribute to the protection and enhancement of the landscape and townscape” through a landscape-led approach which embeds Green Infrastructure (GI) from the outset. LDP Policy MD1 similarly requires that proposals “have no unacceptable impact on the countryside” and “protect existing landscape features and



incorporate new planting where appropriate.”

The revised Landscape Proposals Plan (Haire Landscape Architects, May 2025) and GI Statement are noted; however, these documents demonstrate mitigation-led design rather than avoidance of harm. The loss of mature trees T9 and G1, acknowledged contributors to local landscape character, remains, directly conflicting with LDP Policy MD9, which protects existing trees and hedgerows of amenity value. The proposed replacement planting, while numerically greater (30 trees), will not replicate the ecological or visual maturity of those lost for several decades.

The GI Statement asserts adherence to the “step-wise approach” in PPW Section 6.2 but provides no verifiable audit trail demonstrating avoidance as the first principle. The scheme instead accepts the harm and seeks partial compensation, which fails to comply with PPW.

### **3. Ecology**

The submitted Ecological Impact Assessment (Ecological Services, March 2025) does not evidence that avoidance has been meaningfully pursued. It accepts the loss of habitat and proposes enhancement elsewhere on site, rather than retaining habitats in situ where possible.

The submitted ecological assessment has failed to identify several critical environmental assets, most notably Castle Pond, which is formally recognised as a County Treasure. This pond is sustained by natural spring sources that originate within the proposed development site. It provides habitat for a range of protected and notable species, including amphibians (frogs and toads), waterfowl (ducks and herons), and aquatic fauna such as eels. Any disruption to the subterranean hydrology as a result of construction activity poses a significant risk to the integrity of this sensitive ecosystem.

Furthermore, the proposed removal of mature trees directly conflicts with the village’s long-



standing ecological stewardship. Sigingstone was selected as a pilot area for the Tree Preservation Order (TPO) scheme in 2007, highlighting its strategic importance in regional biodiversity planning.

The presence of bat habitat in proximity to the site has not been adequately addressed in the application materials, despite statutory obligations under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017.

Moreover, the absence of a quantified biodiversity net gain calculation undermines the credibility of the claimed ecological enhancements. Without baseline and post-development unit measurements, the assertion of net gain is unsubstantiated.

The applicant's claim that measures have been "agreed" with the Local Planning Authority's ecologist is not supported by published consultee responses. Without documented agreement, this remains a contested matter.

#### **4. Arboriculture**

The amended footpath alignment to avoid T8 is welcomed in isolation, but concerns remain about the impact on the roots post development. Furthermore, the removal of T9 and G1 remains a significant and avoidable harm. These trees contribute to the site's rural gateway character and form part of the wider landscape pattern recognised in the Design in the Landscape SPG. LDP Policy MD9 requires the retention of such features wherever possible.

#### **5. Agricultural Land**

The applicant's reliance on the 2022 and 2024 Kernon Countryside Consultants reports is selective. The March 2024 soil survey admits that the site is classified as Subgrade 3a, albeit "borderline" with Subgrade 3b. PPW para. 3.58 defines Subgrade 3a as Best and Most Versatile (BMV) agricultural land, which should be conserved as a finite national resource.



The applicant's assertion that the site's small size justifies its loss is not supported by policy; PPW recognises that once agricultural land is developed, even for 'soft' uses such as golf courses, its return to agriculture as best and most versatile agricultural land is seldom practicable.

## **6. Housing Need**

The applicant's housing mix justification relies on ward-level need figures provided by the LPA in March 2025. However, LDP Policy MD10, which governs affordable housing development outside settlement boundaries, requires that such schemes demonstrably meet a need that cannot be met within settlements and that they are "of a scale, form and character appropriate to the location."

The proposal fails to demonstrate that the identified need could not be met on more sustainable sites within a defined settlement boundary. Furthermore, no enforceable mechanism, such as a signed Section 106 agreement has been submitted to secure the delivery, tenure, and affordability of the proposed units.

## **7. Policy Conflict and Overall Balance**

In summary, the proposal remains in direct conflict with LDP Policies MD1, MD9, and MD10, as well as the overarching objectives of PPW Edition 12. The scheme would:

- Result in unjustified development outside the settlement boundary;
- Cause harm to the rural landscape through loss of mature trees and erosion of rural character;
- Fail to demonstrate measurable biodiversity net gain; and
- Permanently remove agricultural land of at least borderline BMV quality.



PPW stresses that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. In this case, the alleged benefits, principally housing delivery are neither secured nor unique to this site, and are outweighed by the identified harms.

## **8. Summary of harm**

The applicant's supplementary submissions do not alter the planning balance. They fail to address the primary grounds for objection, instead offering minor design amendments and unquantified mitigation that cannot outweigh clear conflicts with both national and local policy. On this basis, and in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be refused.

### **3.0 SUMMARY GROUNDS OF OBJECTION**

In addition to the above concerns raised at section 2, my clients object to this amended planning application for the following reasons:

- i) **The principle of the major development of 10 affordable homes within this isolated rural location is unacceptable and there is no robust local need;**
- ii) **It would severely impact on the character and appearance of this rural landscape;**
- iii) **It would encourage greater car use and lead to an impact on highway and public safety;**
- iv) **It would impact on protected trees;**
- v) **The impact on the local environment and biodiversity: and**
- vi) **The severe impact on the drainage regime at the site and wider area.**





#### **4.0 PLANNING POLICY CONTEXT**

The planning policy framework for the determination of this application is provided by the content and scope of National Planning Policy, which is contained within the Wales Spatial Plan, Planning Policy Wales (PPW) and its associated Technical Advice Notes (TANs), together with the Development Plan for the local area. Details of the relevant policies are provided at **Appendix A**.

#### **5.0 CONTINUED DETAILED GROUNDS OF OBJECTION**

##### **i) Principle of development is unacceptable**

PPW and the Council's LDP establish a strategic framework for sustainable development, emphasising the importance of locating new housing in accordance with the settlement hierarchy. This approach seeks to:

- Reduce the need to travel
- Promote sustainable communities
- Encourage the reuse of previously developed land and buildings

The application site lies outside the defined settlement boundary and is situated on a greenfield site at the edge of a minor rural settlement. The location is devoid of essential services and facilities, there is no school, shop, medical centre, post office, or public transport access. The nearest amenity is a small public house. This context renders the site unsuitable for a development of this scale and nature.

#### **Policy MD10 – Affordable Housing Outside Settlement Boundaries**

Policy MD10 permits small scale affordable housing developments outside settlement boundaries only where all of the following criteria are met:

1. **Identified local need** not met within settlement boundaries



2. **Proportionate scale** relative to the settlement
3. **Appropriate tenure, size, and design** aligned with the identified need
4. **Secure mechanisms** to ensure long-term affordability
5. **Reasonable access** to local services and facilities

The current proposal fails to satisfy these criteria on multiple counts.

### **Claimed Housing Need in Llandow Ward**

The applicant has submitted a table of housing need figures for the Llandow ward (March 2025), suggesting that the proposed mix of units at Sigingstone complies with this need. However, this assertion is fundamentally flawed for the following reasons:

- **Ward-Level Data Is Not Site-Specific:** The Llandow ward encompasses a broad geographical area, including settlements with far greater infrastructure and service provision than Sigingstone. The use of ward-level data to justify a major development in a hamlet with no services is misleading and fails to demonstrate a site-specific need.
- **Absence of Localised Engagement:** Despite referencing generalised need, the applicant has not undertaken any formal engagement with the Community Council or local residents to validate the appropriateness of the site or the proposed mix. This is contrary to the Council's *Affordable Housing SPG (2025)*, which requires community-led identification of housing need for rural exception sites.
- **Not tailored to Identified Need:** The only specific local need referenced in previous submissions relates to a bespoke 3-bedroom bungalow for a household with accessibility requirements. The current proposal includes two-storey dwellings and a single bungalow, which does not reflect the bespoke nature of the identified need. The scheme is therefore not tailored to the actual housing requirement.
- **No Evidence of Inability to Deliver Within Settlement Boundaries:** The applicant has not demonstrated that the identified need cannot be met within defined settlement boundaries, where access to services and infrastructure is more appropriate. This is a



key requirement of Policy MD10.

In summary, the use of aggregated ward-level data does not constitute robust evidence of local need specific to Sigingstone. The proposal remains speculative and unsupported by meaningful community engagement or site-specific justification.

### **Scale and Proportionality of Development**

Sigingstone is defined as one of 26 minor rural settlements in the LDP. In reality, it is a hamlet comprising approximately 43 dwellings. The proposed development of 10 units represents a 23% increase in the size of the settlement, an expansion that is neither proportionate nor appropriate.

Paragraph 7.58 of the LDP clarifies that “small scale” generally means 10 or fewer dwellings, but only in or adjoining larger settlements. In minor settlements such as Sigingstone, even 10 dwellings constitutes a major development. The scale and intensity of the proposal are incompatible with the character and capacity of the settlement.

Furthermore, the internal access road layout suggests potential for future expansion onto adjacent land under the applicant’s ownership, raising concerns about incremental development beyond what is currently proposed.

### **Sustainability and Site Selection**

The application fails to demonstrate why alternative, less sensitive sites within defined settlement boundaries have been discounted. No assessment has been provided of other locations with better access to services, infrastructure, and transport links. This undermines the strategic planning objective of directing development to sustainable locations.

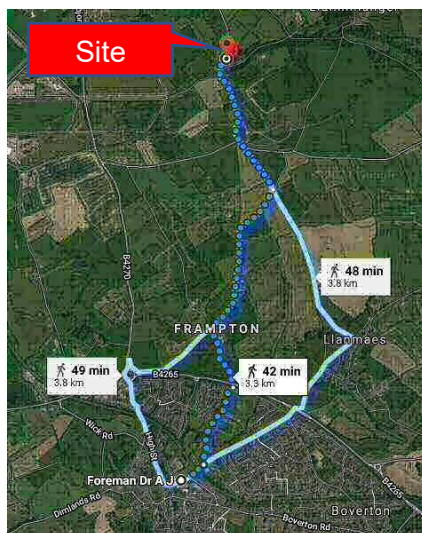
The goals of the Well-being and Future Generations Act (WBFG) 2015 are reflected in



Planning Policy Wales 12. The Strategic and Spatial Choices chapter informs good design to achieve better places. The aspects of particular relevance to the appeal proposal are the emphasis on the effect of a proposal on the character of an area. Local Planning Authorities can use tools such as supplementary planning guidance to identify and coordinate opportunities to guide development generally. Active and Social Places (Chapter 4) are those which promote our social, economic, environmental and cultural well-being by providing well-connected cohesive communities, thus contributing to meeting the seven goals of the WBFG Act.

A resilient Wales is supported by protecting existing cohesive communities, whilst allowing for the necessary development to support a prosperous Wales. Accessibility to public transport and the objective of reducing reliance on the private car, which will support a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down.

### **Walking Distance to the Nearest Major Service Centre - Llantwit Major**



In this case, the site is located outside a defined settlement boundary and is one that is an isolated rural location. The proposed development within this sensitive rural landscape, is deemed to be inappropriate development. The access to this development is off a narrow



poorly aligned highway, which does not benefit from any lighting, or pavements. This is further likely to discourage future users from walking. Further to this to entertain walking to sources basic daily goods in Llantwit Major would entail a 6.6km round trip navigating dangerous roads.

In light of the above, future occupants of the development would be extremely reliant on the use of the private car. This would be compounded as the isolated rural location means there is a very limited range of local service and amenities (there are no local schools, shops, doctors surgery or a bus service). Again, this would increase the number of trips by private car to access such services.

### **Summary of harm**

The proposed development is contrary to Policy MD10 of the LDP and fails to meet the requirements of PPW and the Council's Affordable Housing SPG. It is:

- Unsupported by robust, site-specific evidence of local housing need.
- Disproportionate to the size and character of the settlement.
- Located in an unsustainable area with no access to essential services.
- Advanced without meaningful community engagement.
- Indicative of speculative development rather than a genuine rural exception scheme.

### **ii) Adverse Impact on Rural Landscape**

It should be noted that the objectives of Planning Policy Wales (PPW) include the promotion of high-quality design and a good standard of amenity. TAN 12 recognises that good design is not automatic; it requires a collaborative, creative, and inclusive process, integrating sustainability, architecture, placemaking, public realm, landscape, and infrastructure considerations. Development which is inappropriate to its context, or which fails to seize opportunities to enhance the character, quality, and function of an area, should not be accepted, as it can have adverse effects on existing communities.



The landscape character of the site is considered high value, acting as the “green lungs” of the settlement and providing an important buffer for this minor rural village. The site is elevated and visually prominent from multiple public vantage points. Street scene elevations for the proposed development of 10 dwellings demonstrate that the scheme would sit at a high level, appearing dominant and incongruous within the local environment. The proposed form of development would visually harden this greenfield site, contrasting sharply with the surrounding built form.

### **Localised and Long-Distance Views**

Analysis of street scene elevations indicates that the development would be oppressive and imposing, visible from both localised and distant viewpoints. The layout is inward looking, failing to respond to the spatial pattern of the village or integrate with existing settlement structure. The development would appear isolated, with no clear linkages to surrounding areas.

The proposal would introduce sporadic development into a visually detached location, adversely impacting the open, tranquil, and rural character of the landscape. Impacts would arise from the physical presence of buildings, infrastructure, and associated domestic activity (e.g., noise, parked vehicles, and ancillary paraphernalia). Given the prominent and elevated siting, the development would represent an alien and contrived feature in a sensitive rural setting.

Overall, the information submitted reinforces earlier concerns regarding landscape and visual harm. The elevated position, scale, and siting of the proposed dwellings would make them overly dominant, incongruous, and intrusive, causing significant harm to the local rural environment. This impact is contrary to both national and local planning policy, including provisions for safeguarding landscape character and maintaining high-quality design outcomes.





## **Applicant's Landscaping Strategy**

The Applicant has submitted a Landscaping Proposals Plan (Drawing Ref. 783.01 RevA), Landscape Planting Plan (783.02 RevA), and Plant Schedule and Specification (783.03), together with a Green Infrastructure Statement (May 2025). While these documents follow the step-wise approach set out in PPW, they do not adequately mitigate the fundamental issues of siting, scale, and landscape prominence.

The proposed planting and green infrastructure measures cannot conceal or compensate for the inherent visual and contextual harm caused by introducing development onto a high-value, elevated greenfield site. Landscaping can soften edges, but it cannot overcome the intrinsic incongruity of an overbearing form of development in this sensitive rural landscape. The scheme would remain highly visible and discordant, with the proposed mitigation insufficient to safeguard landscape character, visual amenity, or the integrity of the village setting.

## **Localised Views of Site**







## Summary of harm

The proposed development would cause significant and demonstrable harm to the landscape character and visual amenity of the area. The site's elevated position and prominence mean that the dwellings would appear overbearing and incongruous, conflicting with the existing spatial pattern and character of the village. The development would erode the open, rural, and tranquil qualities of the landscape, introducing an alien and visually intrusive form that cannot be fully mitigated through landscaping or green infrastructure measures.

Accordingly, the proposal is incompatible with national and local planning policy, including the objectives of PPW and TAN 12, which seek to secure high-quality design, protect landscape character, and safeguard amenity. The development would result in material harm to the local environment, undermining the sense of place and visual integrity of this sensitive rural area.

### iii) **Severe harm on highway safety**

The proposed development remains heavily reliant on private car use, with the level of parking provided catering primarily to residents rather than encouraging sustainable travel. The site is not served by public transport, and its layout and access arrangements are likely to reinforce car dependency, contrary to the Welsh Government's objectives of reducing private car trips.

The surrounding highway network is narrow and constrained, with limited passing opportunities. The proposed development would introduce a significant increase in vehicular movements, exacerbating congestion and raising the risk of conflict between road users. The steep gradient, blind bends, and proximity to two other hazardous corners further compound the safety risk, with potentially dangerous reversing or manoeuvres likely.



The amended access arrangements, including the relocation of the bio-retention basin access from within the site to West Road, are a retrograde step. The servicing of the sewage facility, including by an eight-wheel tanker, raises further highway safety concerns due to potential overhang onto the carriageway and restricted manoeuvring space.

The reduction of visitor parking spaces from seven to two will likely result in overspill parking onto surrounding streets. This is expected to increase congestion, obstruct visibility, and exacerbate existing parking pressures, further compromising highway safety. Additionally, the loss of existing parking spaces currently used by local residents will create localised harm and inconvenience.

The proposed development allows for 24 car parking spaces, which, on these narrow and already degraded single-track roads, represents a substantial intensification of traffic. Increased surface water runoff from the site could also lead to further erosion and road damage, compounding highway maintenance issues. The absence of electric vehicle charging infrastructure fails to meet current policy requirements under Planning Policy Wales, further highlighting the unsustainable nature of the proposal.

### **Summary of harm**

Overall, the development would result in a severe residual impact on highway and pedestrian safety. It would increase private car use, exacerbate congestion, and place residents and visitors at risk due to the site's constrained, elevated, and hazardous road access. The proposal is therefore unsustainable and contrary to both national and local planning policy, including provisions promoting safe, accessible, and sustainable transport.

#### **iv) Impact on Trees**

Under the Natural Environment and Rural Communities Act 2006, Local Planning Authorities



have a statutory duty to have regard to conserving biodiversity as part of their decision-making. The proposed development would result in the loss of high-quality trees protected by Tree Preservation Orders (TPOs), including G1 and T9, both Category B trees. These trees have a remaining contribution of 40+ years and provide significant amenity, landscape value, and environmental benefits.

While T8 is proposed to be retained, it remains vulnerable to indirect impacts from the development, including root compaction, soil disturbance, and changes in ground conditions during construction. Such impacts could significantly reduce its health, longevity, and contribution to the local landscape.

The applicant proposes 30 replacement trees and new native hedgerows along the western boundary, with supplementary planting elsewhere. However, such replacement planting will take decades to achieve the same maturity, scale, and visual amenity as the trees being lost. The immediate and long-term effect would be a substantial reduction in the quality and character of the local treescape.

The removal of G1 and T9 to create the vehicular access on the eastern boundary is acknowledged. The repositioning of the footpath to avoid T8 and its Root Protection Zone is also noted. Nevertheless, this alteration does not remove the ongoing risk to T8 from the proximity of development works and associated infrastructure. The proposed planting and hedgerow creation, while beneficial in principle, cannot mitigate the immediate and long-term loss of established, protected trees, nor can it replicate their current amenity or environmental value within any reasonable timeframe.

### **Summary of harm**

The proposal would result in the permanent loss of mature, protected trees and place retained trees, including T8, at risk of decline. Replacement planting cannot adequately address this



loss in the short to medium term. The development would therefore cause long-term harm to the landscape character and visual quality of the site and its surroundings, contrary to both local and national policy objectives for the protection of trees and green infrastructure.

**v) Impact on local environment and biodiversity**

The submitted Ecological Impact Assessment (Ecological Services, March 2025) fails to adequately consider key ecological features and does not comply with the mitigation hierarchy set out in PPW, para. 6.4.21, which requires impacts to be avoided first, mitigated second, and compensated only as a last resort. The assessment accepts the loss of habitat and proposes enhancements elsewhere on site, rather than retaining important habitats in situ, demonstrating a clear failure to pursue avoidance meaningfully.

Critically, the survey omits Castle Pond, a designated County Treasure, which is directly fed by springs arising under the development site. This pond supports a variety of protected and notable species, including frogs, toads, ducks, herons, and eels. Any disturbance to the subterranean hydrology from construction activity presents a significant risk to the ecological integrity of this sensitive habitat.

The proposed removal of mature trees further undermines the village's ecological stewardship. Sigingstone was a pilot area for the Tree Preservation Order (TPO) scheme in 2007, highlighting its importance in maintaining local biodiversity. Tree loss will fragment habitats, reduce connectivity, and diminish the ecological value of the site.

Additionally, the presence of bat habitat near the site has not been adequately assessed or mitigated, despite statutory protection under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. The application provides no substantive evidence to demonstrate how these species will be safeguarded.

The claimed ecological enhancements are unsupported by a quantified biodiversity net gain



calculation. Without clear baseline and post-development unit metrics, the assertion that the scheme delivers a net gain is unsubstantiated and unverified.

Finally, the applicant asserts that mitigation measures have been “agreed” with the Local Planning Authority’s ecologist, however, no documented consultation or published response confirms this. As such, this claim remains unverified and contested.

### **Summary of harm**

The proposed development would cause significant and unacceptable ecological harm, including direct impacts on protected species, key habitats, and local hydrology. The failure to properly identify and retain in-situ habitats, the removal of mature trees, and the lack of verifiable biodiversity net gain evidence demonstrates non-compliance with national planning policy and statutory obligations. The application, as submitted, does not demonstrate that ecological impacts can be avoided or adequately mitigated and should be rejected on these grounds.

#### **vi) Surface and foul water drainage**

The proposed development raises serious concerns regarding surface water disposal, flood risk, and drainage infrastructure capacity. The site currently consists of largely permeable ground which plays an important role in attenuating runoff. The introduction of extensive impermeable surfaces, roads, driveways, and building footprints would substantially increase surface water runoff, heightening the risk of flooding to neighbouring properties and the wider village.

The local context is highly relevant: my clients report that Llanmihangel Lane already experiences multiple flooding incidents each year due to existing surface water volumes and blocked drainage infrastructure. Photographic evidence is available to substantiate these occurrences. The downstream catchment includes nine properties at risk, notably the county



treasure “Pump House”, which would be particularly vulnerable to an increase in flood events. Despite the known flooding history, no Flood Risk Assessment has been submitted. This omission is unacceptable, especially given that the proposed works could exacerbate flooding downstream in areas already recognised as susceptible to inundation. TAN 15: Development and Flood Risk has not been properly addressed within the application, despite its direct relevance to the site and its surroundings.

There is no mains drainage available. The proposal relies on a package treatment plant to serve ten dwellings, which is indicative of the absence of supporting infrastructure. The potential for foul water system failure, combined with increased surface water loading, poses a further risk to environmental quality and public health.

It is clear that the proposal fails to provide an adequate connection to the public foul mains drainage system. The absence of such provision raises significant concerns for my clients over the capacity of alternative private drainage solutions to manage waste effectively, particularly in light of the site’s soil conditions, topography, and proximity to sensitive watercourses. Reliance on non-mains drainage in this context risks environmental harm through potential groundwater contamination, increases the likelihood of long-term maintenance and public health issues, and runs contrary to the principles set out in national and local planning policy, which seek to ensure that new development is served by sustainable and resilient infrastructure from the outset. Without a robust and deliverable strategy for foul water disposal, the proposal is fundamentally unsound and should not be approved.

In Wales, the Sustainable Drainage (SuDS) Approval Body (SAB) regime, introduced under Schedule 3 of the Flood and Water Management Act 2010, is now fully operational. All new developments of this scale must obtain SAB approval for their drainage proposals, ensuring they are designed to manage surface water sustainably. The submitted application does not demonstrate compliance with SAB requirements, nor does it provide any evidence that the proposed drainage system meets the statutory standards for sustainable drainage.



Furthermore, the Drainage Layout (Drawing Ref. 7740-P-02E) has not been updated to reflect the substantial design changes made to the proposed site layout. This undermines the credibility of the drainage strategy and prevents a robust assessment of whether the altered development footprint will increase surface water loading and flood risk. The absence of updated hydraulic modelling, rainfall data, flow capacity calculations, and runoff rate analysis means the drainage plan is based on flawed assumptions and incomplete evidence.

### **Summary of harm**

Given the existing flooding problems in Sigingstone, the lack of a compliant and up-to-date drainage strategy, and the absence of a Flood Risk Assessment, it is considered that the proposal would materially increase the risk of flooding to existing properties. This risk is contrary to the principles of TAN 15, the requirements of the SAB regime, and the broader aims of Planning Policy Wales in promoting climate resilience and sustainable water management. Any additional public expenditure required to safeguard downstream properties from the consequences of this development would ultimately fall upon the Vale of Glamorgan Council, a liability that could and should be avoided through robust planning control.

## **6.0 CONCLUSION ON OVERALL HARM**

The proposed development at Sigingstone is fundamentally unsustainable and inappropriate, both in terms of its location and its impact. The site lies outside the defined settlement boundary on a greenfield plot, within a minor rural settlement that lacks essential services, public transport, and safe pedestrian access. The application fails to demonstrate why alternative, less sensitive sites within defined settlements have been discounted, contrary to the strategic framework established by Planning Policy Wales (PPW) and the Local Development Plan (LDP), which seek to direct new housing to sustainable locations in accordance with the settlement hierarchy.

The development is disproportionate and intrusive, representing a 23% increase in the size





of the hamlet. Its scale, layout, and potential for incremental expansion are incompatible with the character and capacity of Sigingstone. The internal road design, poor connectivity, and reliance on private cars directly conflict with national policy objectives to reduce travel demand, promote sustainable transport, and protect cohesive rural communities under the Well-being of Future Generations (Wales) Act 2015.

The scheme would result in severe harm to ecology and biodiversity, including the loss of mature TPO-protected trees, the risk to Castle Pond and its associated species, and unaddressed bat habitats. It fails to demonstrate meaningful application of the mitigation hierarchy required under PPW and the claimed ecological enhancements remain unsubstantiated. Landscape and visual impacts would further erode the rural character and amenity of the area.

Highway safety and drainage issues are also unresolved. The development would introduce significant additional traffic onto narrow, substandard roads, with limited parking and increased conflict, while the surface water strategy remains inadequate in light of localised flooding and the adoption of SAB drainage requirements in Wales. Downstream properties would face increased risk, and the applicant has failed to provide updated modelling or a Flood Risk Assessment to address these concerns.

Finally, the applicant's claims regarding housing need are misleading and unsubstantiated. The use of ward-level data does not reflect site-specific demand in Sigingstone, no evidence has been provided that needs cannot be met within defined settlements, and the proposed mix of dwellings fails to align with any identified local requirement.

In summary, the proposal is contrary to PPW, the LDP, and the Council's Affordable Housing SPG, and would cause demonstrable harm including, ecological, landscape, highways, drainage, and community sustainability. The latest submissions do little to address these fundamental failings. Housing need, as presented, does not justify speculative development in a remote, unsustainable location that fails to meet the tests for



rural exception housing. Accordingly, the proposal should be refused in its entirety.

Yours faithfully

Lloyd Jones MRTPI

Director



## **APPENDIX A – SUMMARY OF RELEVANT PLANNING POLICIES**

### **Planning Policy Wales**

Planning Policy Wales is particularly relevant to this application and identifies that the planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

### **Technical Advice Notes**

Planning Policy Wales is supplemented by a series of topic-based Technical Advice Notes (TAN's) which provide practical guidance relating to various forms of development and the role of the planning system in dealing with the determination of planning applications.

#### ***TAN 6: Planning for Sustainable Rural Communities***

The purpose of this TAN is to provide practical guidance on the role of the planning system in supporting the delivery of sustainable rural communities.

#### ***TAN 12: Design***

TAN 12 provides advice on design considerations and, in relation to the design of new development, it states that local planning policies and guidance should aim to ensure that:

- “create places with the needs of people in mind, which are distinctive and respect local character;



- promote layouts and design features which encourage community safety and accessibility;
- focus on the quality of the places and living environments for pedestrians rather than the movement and parking of vehicles;
- avoid inflexible planning standards and encourage layouts which manage vehicle speeds through the geometry of the road and building;
- promote environmental sustainability features, such as energy efficiency, in new housing and make clear specific commitments to carbon reductions and/or sustainable building standards;
- secures the most efficient use of land including appropriate densities; and
- consider and balance potential conflicts between these criteria.”

Furthermore, the TAN advises that opportunities for innovative design will depend on the existing context of development and the degree to which the historic, architectural, social or environmental characteristics of an area may demand or inhibit a particular design solution. A contextual approach should not necessarily prohibit contemporary design.

### ***TAN 18: Transport***

TAN 18 offers national guidance on transportation related planning policies. It advocates:

- *the integration of land use planning and transport in order to promote resource and travel efficient settlement patterns;*
- *ensuring that development is located where there is good accessibility by public transport, cycling and walking. This minimises the need to travel and promotes social inclusion;*
- *Managing parking provision.*

Paragraph 3.2 encourages local authorities to maximise relative accessibility. Accessibility is



the relative ability to take up services, markets or facilities. Focusing on accessibility is important in addressing social exclusion and for maximising choice in services, employment and recreational opportunities.

## **Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

*“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

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- *This section applies to the exercise by the Welsh Ministers, a local planning authority in Wales or any other public body—
  - (a) of a function under Part 6 of PCPA 2004 in relation to the National Development Framework for Wales, a strategic development plan or a local development plan;
  - (b) of a function under Part 3 of TCPA 1990 in relation to an application for planning permission made (or proposed to be made) to the Welsh Ministers or to a local planning authority in Wales.*
- 2. *The function must be exercised, as part of carrying out sustainable development in accordance with the Well-being of Future Generations (Wales) Act 2015 for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales.*

The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

**Strategic Policies:**

- SP1 – Delivering the Strategy
- SP4 – Affordable Housing Provision
- SP10 – Built and Natural Environment

**Managing Growth Policies:**

- MD1 – Location of New Development
- MD2 – Design of New Development
- MD6 – Housing Densities
- MD7 – Environmental Protection
- MD9 – Promoting Biodiversity
- M10 – Affordable Housing Developments Outside Settlement Boundaries

**Supplementary Planning Guidance (SPG)**

The following SPG is relevant to this policy:

- Affordable Housing (Revised April 2025)
- Biodiversity and Development (2018)
- Model Design Guide for Wales
- Parking Standards (2019)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide



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The Vale of Glamorgan Council  
Development Management Team  
Dock Office  
Barry Docks  
Barry  
CF63 4RT

Send via email

25 March 2021

Dear Sir/Madam

**Objection Letter – Planning Reference: 2021/00209/FUL**

**Proposal - Proposed residential development of 15 dwellings and associated infrastructure works**

**Site - Land to the South West of Sigingstone**

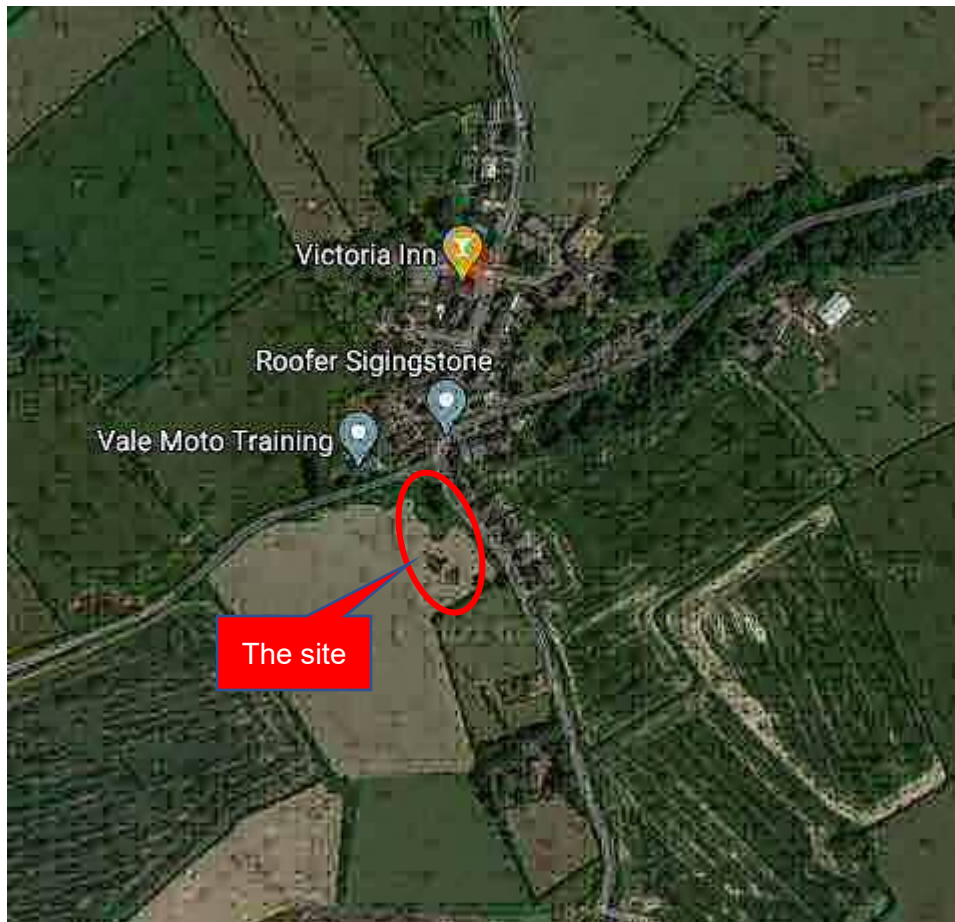
LRJ Planning Ltd has been instructed by a local group of residents who live within Sigingstone to issue a formal response to the above planning application that has been lodged with the Vale of Glamorgan Council.

Following a review of the submitted plans and the supporting documents with my clients', we have serious concerns with the application proposed and therefore **OBJECT** to the application for reasons that will be detailed below.



My clients' all live within Sigingstone and will be directly affected by this speculative development that will significantly increase the size of this hamlet.

### **Aerial View of Site**



In summary, my clients' object to the planning application for the following reasons:

- i) **The principle of the major development of 15 affordable homes within this isolated rural location is unacceptable and there is no robust local need;**
- ii) **It would severely impact on the character and appearance of this rural landscape;**

- iii) It would encourage greater car use and lead to an impact on highway and public safety;
- iv) It would impact on the biodiversity interests at the site and protected trees; and
- v) The severe impact on the drainage regime at the site and wider area.

## **I. PLANNING POLICY CONTEXT**

The planning policy framework for the determination of this application is provided by the content and scope of National Planning Policy, which is contained within the Wales Spatial Plan, Planning Policy Wales (PPW) and its associated Technical Advice Notes (TANs), together with the Development Plan for the local area. Details of the relevant policies are provided at **Appendix A**.

## **2. GROUNDS OF OBJECTION**

### **i) Principle of development is unacceptable**

Firstly, given the sensitive nature and size of the application site, it is not clear if the application has been screened to assess if the development should be accompanied by an Environmental Impact Assessment. My clients' would like to be given the opportunity to review the screening opinion, but regrettably cannot find a copy on the file or on the Council's planning portal.

Planning Policy Wales and the Council's LDP details a strategic approach, noting that proposals for new development should be located in accordance with the Council's settlement hierarchy. This will ensure that development reduces the need to travel and promotes sustainable communities based on the services and facilities that are available in each settlement. The use of previously developed land and buildings will be encouraged.

Policy MD10 of the Council's LDP is relevant to this case as it refers directly to the provision

of affordable housing outside defined settlement boundaries. The policy states:

**“Small scale affordable housing developments** (my emphasis) will be permitted outside settlement boundaries where they have a distinct physical or visual relationship with an existing settlement and where it is demonstrated that:

1. The proposal meets an identified local need which cannot be satisfied within identified settlement boundaries;
2. The number of dwellings is in proportion to the size of the settlement;
3. The proposed dwelling(s) will be of a size, tenure and design which is commensurate with the affordable housing need;
4. In cases where the dwelling is to be provided by either a private landlord or the intended occupier, secure mechanisms are in place to ensure the property shall remain affordable in perpetuity; and
5. The development has reasonable access to the availability and proximity of local community services and facilities.”

The existing site is located at the edge of this small hamlet, which other than a small Public House has no school, shop, doctors surgery, post office or access to a bus service. It is devoid of any such facilities that would be able to support a major development of 15 affordable houses. The site comprises an attractive greenfield site and there are compelling reasons why this development is simply unacceptable in this location. It is in direct conflict with Policy MD10 of the Local Plan.

Of particular concern is the absence of a local need, the size of the development relative to the size of the hamlet and as touched upon above the absence of access to any local services. These specific points will be elaborated below.

### ***Lack of Local Need***

The supporting Planning, Design and Access Statement identifies that the applicants in partnership with the Vale of Glamorgan Housing Strategy Co-ordinator that there is a local

need for housing within the settlement of 32 affordable units.

My clients' are surprised with this statement as no cogent evidence has been provided with the application. They are aware that no discussions have been held between the applicant and the Community Council in respect of any local housing need. Indeed, the Council's adopted Affordable Housing SPG (2018) highlights the importance of local community engagement. Paragraphs 9.3.1 and 9.3.2 of this SPG stipulates:

*“The Council will expect that all rural affordable housing proposals to be developed in partnership with the local community. This can be achieved through effective community engagement at the pre-application stage to take into account of the view of local residents and the community council as well as explore any alternatives and the earliest stages. When submitting a planning, applicants should provide a brief statement outlining the measures undertaken to engagement with the community and how the proposal has taken on board any feedback received.*

*Engagement with the Community Council may also provide the opportunity to discuss any specific housing needs of the community, as well as the scope of criteria to be considered in the local lettings criteria (see below) to enable priority for affordable housing to be given to existing residents and those who have a local connection to the area. In this regard, the Council has its own rural housing enabling officer who seeks to deliver rural exception sites, working alongside Community Councils, local communities and landowners and can assist in this process.”*

Given that no such formal approach has been made to the Community Council my clients' are extremely concerned that there is no such evidenced local need. It is clear this speculative scheme has been progressed without any such formal engagement with the community. Furthermore, no such discussions of any alternative sites have been discounted. Given the existing number of houses within Singingstone (43 and not 50), my clients' are somewhat surprised at this number, as this is not their understanding of the local housing need within Singingstone.

In addition, paragraph 4.2.6 of PPW highlights that *“the latest Welsh Government local authority level Household Projections for Wales, alongside the latest Local Housing Market Assessment (LHMA) and the Well-being plan for a plan area, will form a fundamental part of the evidence base for development plans. These should be considered together with other key evidence in relation to issues such as what the plan is seeking to achieve, links between homes and jobs, the need for affordable housing, Welsh language considerations and the deliverability of the plan, in order to identify an appropriate strategy for the delivery of housing in the plan area. Appropriate consideration must also be given to the wider social, economic, environmental and cultural factors in a plan area in order to ensure the creation of sustainable places and cohesive communities.”*

It is noted that the Council’s 2015 Local Housing Market Assessment (LHMA) identifies an affordable housing need across the Vale of Glamorgan, with the highest areas of need identified in the wards of Penarth and Llandough, and Barry, followed by Llantwit Major, Dinas Powys, Cowbridge, Rhoose, Sully, St. Athan, Wenvoe, Peterston Super Ely, Llandow/Ewenny and St Bride’s Major.

It is clear that Sigingstone does not feature as an area where there is a high level of need for affordable housing and no such compelling evidence has been provided as required by PPW.

Overall, no robust evidence has been provided in support of the application to demonstrate that there is a local housing need for 15 homes and there has been a lack of community engagement as required in the Council’s Affordable Housing SPG. Further to this no discussion of any alternative sites has been evidenced.

In the absence of sufficient evidence demonstrating the level of need suggested and that any such need could be directed to more sustainable settlements. It is contended that that the proposal is contrary to Policy MD10 of the LDP.

### ***Number of Dwellings and Size of Development***

Sigingstone is defined in the LDP as one of 26 minor rural settlements and in reality, it is a hamlet with 43 properties. The proposal comprises a major development of 15 dwellings with associated infrastructure that will subsume this minor rural settlement. Indeed, the proposal will result in the expansion of this minor rural settlement by some 35%.

Paragraph 7.58 of the LDP provides an amplification of Policy MD10 and identifies that:

***“Small scale for the purpose of Policy MD10 will generally mean 10 or fewer dwellings, however, in or adjoining some of the larger settlements, proposals for more than 10 dwellings may be acceptable (my emphasis) if required to meet specific need and where the number of dwellings is proportionate to the size of the settlement and satisfies all the other criteria against which a housing development would be judged.”***

The development proposed is one that is major and is for 15 dwellings. Notwithstanding the position in respect of a lack of evidenced local need, it is clearly the case that the proposal is not small scale or proportionate to the size of this minor rural settlement. A scheme for 15 dwellings as set out above is one that is only acceptable in a larger settlement. My clients' are particularly concerned about further development due to the position of the internal access road that connects the site to other land under the ownership of the applicant.

Overall, the proposed development is major in its size and scale that is not commensurate to the overall size of this minor rural settlement. It is contract to policy MD10 of the LDP.

### ***Accessibility to Local Services***

The goals of the Well-being and Future Generations Act (WBFG) 2015 are reflected in Planning Policy Wales 11. The Strategic and Spatial Choices chapter informs good design to achieve better places. The aspects of particular relevance to the appeal proposal are the emphasis on the effect of a proposal on the character of an area. Local Planning Authorities

can use tools such as supplementary planning guidance to identify and coordinate opportunities to guide development generally. Active and Social Places (Chapter 4) are those which promote our social, economic, environmental and cultural well-being by providing well-connected cohesive communities, thus contributing to meeting the seven goals of the WBFG Act.

A resilient Wales is supported by protecting existing cohesive communities, whilst allowing for the necessary development to support a prosperous Wales. Accessibility to public transport and the objective of reducing reliance on the private car, which will support a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down.

### Walking Distance to the Nearest Major Service Centre - Llantwit Major





In this case, the site is located outside a defined settlement boundary and is one that is an isolated rural location. The proposed development within this sensitive rural landscape, is deemed to be inappropriate development. The access to this development is off a narrow that is poorly aligned, which does not benefit from any lighting, or pavements. This is further likely to discourage future users from walking. Further to this to entertain walking to sources basic daily goods in Llantwit Major would entail a 6.6km round trip navigating dangerous roads.

In light of the above, future occupants of the development would be extremely reliant on the use of the private car. This would be compounded as the isolated rural location means there is a very limited range of local service and amenities (there are no local schools, shops, doctors surgery or a bus service). Again, this would increase the number of trips by private car to access such services.

Overall, it is contended that the proposed use does not necessarily require a countryside location. It has not been demonstrated that there is not a compelling local need for the development. The proposed development is at a size and scale that is not proportionate to the size of Sigingstone and would constitute an inappropriate form of development within an isolated countryside location that is clearly not sustainable. There is clear conflict with the Council's strategic policies, that seeks to direct development of this size and scale to more sustainable locations where there are services and amenities. The proposal is therefore contrary to local and national planning policy.

## **ii) Adverse Impact on Rural Landscape**

It should be noted that the objectives of PPW include those seeking to secure high quality design and a good standard of amenity. TAN 12 identifies that good design is not inevitable. It requires a collaborative, creative, inclusive, process of problem solving and innovation – embracing sustainability, architecture, place making, public realm, landscape, and infrastructure. Design which is inappropriate in its context, or which fails to grasp

opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.

The landscape character of this is one that is considered to be high and the site acts as the green lungs and acts as a green buffer to this minor rural settlement. Further to this the site is elevated and as a result is one that is prominent from a wide number of public vantage points. The development of 15 houses proposed is substantial and it would comprise a dominant, oppressive and imposing form of development when viewing the site from a number of localised and long distance view points.

### **Localised Views of Site**



The proposal would introduce sporadic development within this visually detached site from the existing built up areas. It would impact upon the open and tranquil qualities of this rural landscape. This would be the case in terms of the physical presence of the structures and noise, parked cars and other paraphernalia associated with its use. Due to its poor siting and prominent location, the development with associated infrastructure would appear as an unacceptable form of development that has no appreciation for the surrounding form of development. It would appear as an alien and contrived development in a prominent location within this sensitive rural landscape.

Overall, the development would be prominent from a number of vantage points, including from my clients' properties. As a result of its elevated location, the proposed development would appear as an incongruous and intrusive addition to this local rural environment. Its overall size and prominent siting would emphasise this intrusion, appearing over dominant in the sensitive landscape. The applicant has not submitted a Landscape Visual Impact Assessment to demonstrate that there will be no unacceptable impact. It is considered that this is crucial evidence that would allow full scrutiny of the landscape harm caused by this proposal. The proposed development would inflict significant harm within this rural landscape. Accordingly, the proposal is contrary to local and national planning policy.

### **iii) Severe harm on highway safety**

As touched upon, the nature of the proposed use will be entirely reliant on future occupants using their private car and the level of car parking proposed supports this.

The site is not served by public transport and will encourage the use of the private car, that is conflict with the Government's agenda of reducing trips and travel by private car. The number of vehicles using the surrounding highway network is going to increase significantly.. Furthermore the surrounding roads are narrow with limited opportunities for passing and will increase the level of conflict and lead to potentially dangerous manoeuvres on the highway.

Given the increase in traffic the overall alignment of the highway, it may encourage dangerous reversing on to the busy highway to the detriment of the safety and free flow of traffic.

The proposed intensification of this part of the local highway network will lead to a greater conflict for all road users, thus increasing the risk for accidents and potential harm for all road users.

Overall, the proposed development would have a severe residual impact on highway and pedestrian safety. It would encourage greater use of the private car and result in a form of development that is not sustainable. Accordingly, the proposal is clearly contrary to local and national planning policy.

#### **iv) Biodiversity and Trees**

As part of the Natural Environment and Rural Communities Act 2006, all Local Planning Authorities have a duty to have regard to conserving biodiversity as part of its decision making.

The proposal will result in the loss of a number of high quality specimen of trees that are covered by a Tree Preservation Order. The Tree Report that has been carried out was in 2019 and appears to be out of date. Nevertheless, the proposal would result in the loss of a significant number of trees to facilitate the development. While some replacement planting is proposed the trees that will be lost the trees have a remaining contribution of 40+ years and will continue to provide a high level of amenity for years to come. The replacement trees will take a considerable period of time to reach the level of maturity as those that will be felled to make way for the development.

With regards to ecology, my clients' are surprised that no evidence of bats were identified as it is evident that there are bats roosting within the trees on the site.

Overall, there are legitimate concerns that the proposed development will have an unacceptable impact on trees and biodiversity at the site. Furthermore, no evidence has been

provided of any biodiversity enhancements. The Council is unable to fulfill its duty in respect of the above Act.

**v) Surface and foul water drainage**

Due to the nature of development proposed and the nature of the existing ground conditions, my clients' are also concerned about the disposal of surface water and the increase surface water run off and potential increased flood risk to neighbouring properties. The development is likely to exacerbate the situation with regards localised flooding.

There is no mains drainage, so the site will have to be served by a package treatment plant. It is considered that having 15 dwellings served via a package treatment plant is reflective of the lack of supporting infrastructure.

Overall, the proposed drainage arrangements are unacceptable and given that there has been localised flooding, it is considered that the proposal could exacerbate that this situation.

### **3. SUMMARY**

There are compelling reasons why the application should be refused as the proposal comprises inappropriate development of this greenfield site. In particular the following harm will result:

- The proposal is contrary to the spatial strategy of the LDP that seeks to direct new development to sustainable locations. The site is located within the open countryside where there are strict planning policies to prevent major development such as that proposed. The proposal would rely on the use of the private car to access facilities, shops, jobs and health care.
- The need for the development at this location has not been demonstrated and why more suitable sites within more sustainable locations have been discounted.

- Significant harm to the landscape character of the area and the loss of an important green buffer that acts as the green lungs to the village;
- Severe harm to highway and pedestrian safety as a result of an increase in traffic (residents, visitors, servicing and delivery vehicles) on a sensitive part of the highway network;
- Unacceptable loss of protected trees and impact on protected species; and
- Insufficient infrastructure and the proposal due to increased surface water runoff is likely to increase third party flood risk.

Overall, the proposal is contrary to both local and national planning policies and does not comprise sustainable development. Therefore, it is respectfully requested that the planning application is refused.

Yours faithfully

Lloyd Jones MRTPI

Director

## **APPENDIX A – SUMMARY OF RELEVANT PLANNING POLICIES**

### **Planning Policy Wales (11<sup>th</sup> Edition)**

Planning Policy Wales (11<sup>th</sup> Edition) is particularly relevant to this application and identifies that the planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

### **Technical Advice Notes**

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- promote environmental sustainability features, such as energy efficiency, in new housing and make clear specific commitments to carbon reductions and/or sustainable building standards;
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**Supplementary Planning Guidance (SPG)**

The following SPG is relevant to this policy:

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- Sustainable Development - A Developer's Guide

**From:** Robinson, Ian  
**Sent:** 13 January 2026 10:37  
**To:** Lankshear, Robert; Danahay, Emma  
**Cc:** Jones, Liam D  
**Subject:** FW: Letter of Objection : 2021/00209/FUL (Land South West of Sigingstone)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

2f

Ian Robinson  
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Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

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**From:** [REDACTED]  
**Sent:** 12 January 2026 18:49  
**To:** [REDACTED]  
**Cc:** Robinson, Ian <[IRobinson@valeofglamorgan.gov.uk](mailto:IRobinson@valeofglamorgan.gov.uk)>  
**Subject:** RE: Letter of Objection : 2021/00209/FUL (Land South West of Sigingstone)

Thank you for your email [REDACTED]. I have copied in the planning department so that they are aware of your concerns.

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**From:** [REDACTED]  
**Sent:** 11 January 2026 21:00  
**To:** [REDACTED]  
**Subject:** Letter of Objection : 2021/00209/FUL (Land South West of Sigingstone)  
**Importance:** High

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Dear Councillor

**Re: Application 2021/00209/FUL (Land South West of Sigingstone)**

My husband and I write to formally object to the proposed housing development in Sigingstone. This objection is made on the grounds of fundamental conflict with Policy MD10 of the adopted Local Development Plan, the unsustainable nature of the site, serious evidential and infrastructure uncertainties,

environmental integrity of the hamlet.

## **Principle of Development and Policy MD10**

Policy MD10 permits affordable housing outside defined settlement boundaries only where it has been clearly demonstrated that the proposal meets an identified local need which cannot be accommodated within existing settlement limits.

The Vale of Glamorgan Place Scrutiny Committee meeting of 18 December 2025, concerning Local Lettings Policies, confirms in section 1.2 of its background report that:

“Rural Exception Sites’ (RES) are minor rural sites outside of a defined settlement boundary, as defined by the adopted Local Development Plan (LDP), but having a distinct physical or visual relationship with the settlement. RES are small in scale and provide 100% affordable housing. They would only be permitted where the proposal meets an identified need and are prioritised to those with a local connection.”

The committee report asserts that no suitable sites exist within the settlement boundary. However, no structured site search, assessment of alternatives, or comparative appraisal has been provided to substantiate this claim. The demonstration that no suitable in-settlement sites are available is a fundamental requirement of both Policy MD10 and Planning Policy Wales. The absence of this evidence represents a serious and material evidential failing. In its absence, the rural exception justification is unproven and the principle of development is unsound.

Moreover, the proposal relies primarily on Local Housing Market Assessment data identifying a general affordable housing need across the wider area. No evidence has been submitted to demonstrate an identified local need arising from Sigingstone itself. Without such evidence, the proposal fails the core purpose of a rural exception site. Future occupiers would be unlikely to have a genuine local connection to the hamlet, directly undermining the intent and operation of Policy MD10.

For these reasons, the proposal fails to satisfy the essential policy tests for development beyond settlement boundaries and should be refused in principle.

## **Scale, Character and Proportionality**

Policy MD10 requires that the scale of any rural exception development is proportionate to the size of the settlement. Although the policy refers to schemes of 10 dwellings or fewer, it is explicit that such development must also be modest in nature and appropriate to the scale and character of the settlement. In this case, the proposal cannot reasonably be described as either modest or proportionate and therefore fails to comply with the requirements of Policy MD10.

Sigingstone is a small rural hamlet with a distinct low-density, historic form and strong rural identity. The proposal would introduce an urbanising form of development that is wholly out of keeping with the established settlement pattern and would materially erode the rural character of the hamlet. The proposed architectural approach fails to reflect the local vernacular, scale, or grain of existing development. Given the elevated nature of the site, the scheme would be highly prominent and visually intrusive, rather than integrating sensitively into its rural setting.

The development would increase the number of dwellings in Sigingstone by approximately 22%, with the population likely to rise by around 50%. The proposed density is almost three times the existing average density of the hamlet. This level of growth is manifestly disproportionate and would fundamentally alter the form, scale, and character of Sigingstone.

By virtue of its scale, siting, density, and design, the proposal does not reflect the established characteristics or intentions of rural exception sites. It therefore fundamentally conflicts with Policy MD10 and should be refused on this basis.

## **Access to Community Services, Facilities and Sustainable Location**

committee report is misleading in this regard. It refers to the presence of a hotel and a public house; however, there is no hotel in Sigingstone. The Victoria Inn is a public house with a small number of bed-and-breakfast rooms, which does not constitute a hotel or a substantive local service.

The only other community facility is a small village hall seating approximately 20 people. There are no shops, schools, healthcare facilities, or other day-to-day services within the hamlet.

There is no public transport provision in Sigingstone. The nearest bus stop is approximately two miles away and is only accessible via narrow, unlit rural lanes with no footways. These routes are unsafe and unsuitable for pedestrians, particularly children, older residents, and those with mobility impairments.

Future occupiers would therefore be wholly dependent on the private car for almost all daily needs. This is in direct conflict with national planning policy objectives, including Planning Policy Wales, which seek to reduce reliance on private vehicles and promote sustainable patterns of development, active travel, and accessible locations.

While the absence of public transport and pedestrian infrastructure is acknowledged in the committee report, it is treated as an unavoidable rural characteristic rather than a determining sustainability constraint. This approach materially undermines national and local policy objectives relating to sustainable movement.

With the population of the hamlet projected to rise by around 50%, and in the absence of any public transport alternatives, traffic levels on the surrounding narrow lanes can reasonably be expected to increase by at least a comparable proportion. This would exacerbate congestion on already constrained rural roads, materially increase conflict between vehicles, pedestrians, cyclists, and equestrians, and lead to a deterioration in highway safety and network capacity. Cumulatively, this represents a clear failure to deliver sustainable development.

Furthermore, the servicing requirements associated with the proposed private sewage treatment plant have not been adequately assessed and would themselves generate additional vehicular movements, which should be considered as part of the overall sustainability and highway impact of the proposal (see below).

## **Drainage and Foul Water Infrastructure**

Sigingstone is not served by a mains sewerage network. The proposal relies on a private sewage treatment plant and drainage mound. There are fundamental and unresolved questions regarding the feasibility, acceptability, and long-term sustainability of foul drainage arrangements.

The applicant's own information indicates limited or negligible vertical permeability in local ground conditions. In addition, Natural Resources Wales guidance restricts discharge to dry watercourses. In these circumstances, it remains unclear where treated effluent could be lawfully discharged, or whether a viable solution exists at all.

Planning Policy Wales requires applicants to demonstrate that adequate water services and drainage infrastructure can be provided in an environmentally acceptable manner. TAN 15 and associated guidance require robust, site-specific evidence that drainage proposals are feasible, sustainable, and do not create environmental, operational, or flood risk. No clear, deliverable foul drainage strategy has been demonstrated.

The development would also replace existing permeable land with hard surfaces, increasing surface water runoff. Nine properties are located downstream, including the listed Pump House, all of which are potentially vulnerable to increased flood risk. Any mitigation works required as a result of this development would likely fall to the public purse. This represents an unacceptable transfer of financial and environmental risk arising directly from the proposal.

Moreover, the committee report fails to address essential long-term matters, including ownership, management responsibilities, maintenance regimes, monitoring and enforcement mechanisms, odour risk, and contingency arrangements in the event of system failure. There has also been no proper assessment

lane network, or the associated risks to other road users. These omissions represent a serious infrastructure, environmental, and public safety concern.

The drainage and servicing impacts arise directly from the absence of mains sewerage and should be assessed cumulatively. In the absence of a proven, deliverable, and sustainable foul drainage solution, the proposal is contrary to national and local planning policy and should be refused.

## **Flood Risk and Surface Water**

Access to the proposed sewage treatment plant lies within Flood Zones 2 and 3. The Council's Drainage Section advised that a Flood Consequences Assessment (FCA) should be submitted; however, the committee report concludes that such an assessment is unnecessary. This position is of particular concern given that properties in the area already experience flooding from surface water runoff.

The absence of a FCA represents a clear evidential gap and is inconsistent with the precautionary approach required by TAN 15 and Planning Policy Wales. Without an FCA, there is no sound basis on which to conclude that the development would be safe over its lifetime, would not exacerbate existing surface water problems, or would allow safe access to critical drainage infrastructure.

TAN 15 recognises that greenfield sites can play an important role in flood attenuation by storing and managing water during flood events, and states that such sites should not be developed unless replaced with suitable alternative land that demonstrably enhances flood management functions. No such provision has been evidenced in this case.

Furthermore, TAN 15 and NRW guidance are clear that new vulnerable development should not be permitted on greenfield land within Flood Zone 3. A sewage treatment facility may reasonably be considered vulnerable development in this context. Natural Resources Wales will not take Flood Consequences Assessments into account in such circumstances, making the siting of this infrastructure fundamentally unacceptable in policy terms.

The committee report also acknowledges that Castle Pond, a designated County Treasure, and its spring-fed hydrological connection to the site have not been adequately addressed. Given the emphasis in Planning Policy Wales on protecting hydrological systems and ecosystem resilience, this represents a further material omission.

Claims of biodiversity net benefit have been accepted without quantified baseline data or post-development metrics. No biodiversity calculations or units have been provided. Net benefit is therefore asserted rather than demonstrated.

Potential impact on protected species, including dormice, bats and great crested newts, are deferred to conditions and future licensing processes. This deferral introduces unacceptable uncertainty regarding deliverability, ecological protection, and long-term outcomes, contrary to established case law and national policy expectations.

The loss of protected trees G1 and T9 is described as unavoidable, yet there is no clear evidence that alternative access arrangements or site layouts were rigorously explored in accordance with the step-wise approach to tree retention and landscape protection.

Taken cumulatively, these deficiencies represent a serious failure to demonstrate that the proposal safeguards hydrology, flood risk, or ecological integrity, contrary to Planning Policy Wales.

## **Legal and Delivery Certainty**

At the time of consideration, no completed Section 106 agreement is in place. Although the report refers to partnership with a registered social landlord, key matters including tenure mix, eligibility criteria, cascade mechanisms, nomination rights, and long-term affordability arrangements have not been secured or presented to Members.



certainity of delivery and undermining confidence that the development would in fact operate as a compliant rural exception scheme.

## **Precedent and Planning Risk**

Approval of this application would risk establishing a precedent that significant growth in very small settlements can be supported without robust, site-specific evidence and without mains drainage infrastructure. This would be inconsistent with previous decisions, including at The Herberts and Pentre Meyrick, and would expose the Authority to ongoing planning and appeal risk.

## **Conclusion**

The application raises fundamental and unresolved concerns, including:

- Failure to comply with Policy MD10 due to the absence of an evidenced local housing need
- Failure to comply with Policy MD10 due to the lack of a distinct physical or visual relationship with Sigingstone
- An inappropriate scale of development relative to the size and character of the hamlet
- Conflict with Planning Policy Wales and TAN 15 in relation to foul drainage, surface water management and flood risk
- The siting of potentially vulnerable infrastructure on greenfield land within Flood Zone 3, which Natural Resources Wales will not support
- Significant ecological concerns, including potential impacts on Castle Pond, a designated County Treasure
- Unresolved and inadequately assessed infrastructure constraints
- An over-reliance on planning conditions and future consents (including SAB approval, protected species licensing and a CEMP) to address matters that go to the fundamental suitability of the site.

For these reasons, the proposal is inappropriate for this location and conflicts with the requirement to protect the distinctive character, environmental integrity and sustainability of Sigingstone.

The officer recommendation relies heavily on planning conditions and future approvals to address matters that go to the fundamental suitability of the site.

We respectfully request that Members give careful consideration to whether all criteria of Policy MD10 have been fully satisfied before determining this application but with the absence of the criteria being met, we respectfully request that this application be refused.

Yours faithfully,

[Redacted Signature]

Ruthin Lodge

11 January 2026

**From:** [REDACTED]  
**Sent:** 13 January 2026 20:40  
**To:** Planning  
**Subject:** PLANNING APPLICATION 2021/00209/FUL  
**Attachments:** PLANNING APPLICATION 2025 UPDATED OBJECTION - JANUARY 2026.docx  
  
**Importance:** High  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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PLANNING APPLICATION NO: 2021/00209/FUL (ADDITIONAL DOCUMENTS AND PLANS PROVIDED TO COUNCILS ON 2ND JULY 2025)

LOCATION: Land to the South West of Sigingstone

PROPOSAL: Proposed residential development of 10 dwellings and associated infrastructure works

Good evening

Please see the attached objection for your perusal.

I trust that my points will be considered in making any decision.

I implore you not to pass this application, there are too many outstanding items that have not been addressed.

Regards

[REDACTED]  
Cross Farm

LOCATION: Land to the South West of Sigingstone

PROPOSAL: Proposed residential development of 10 dwellings and associated infrastructure works

Following a review of the additional documents provided by the applicant, I have serious concerns with the application proposed and therefore continue to OBJECT to the application for the reasons that are detailed.

**FURTHER OBJECTION TO THE ABOVE:**

**██████████ Cross Farm, Sigingstone, Cowbridge, CF71 7LP**

- A. I would like to further object and draw your attention to a few more points noted during our consultation.

There has been a house in the village for sale for over a year, a two bedroom, affordable property, that is still for sale, clearly there is not a need for more houses.

Following a consultation, MD10 requires demonstrating need “cannot be met within settlement boundaries” no site search or alternatives assessment was provided.

- B. Castle Pond not assessed: Castle Pond and its spring-fed hydrological link to the site is not addressed in the officer’s report. This is a material omission that the officer has failed to assess.
- C. No Section 106 agreement before Committee: The affordable housing “in perpetuity” relies on an assumption – no completed S106 is actually before the Committee.
- D. Biodiversity net benefit not quantified: Officer claims “net gain” but no baseline measurement or calculation is provided.
- E. Tanker access for sewage plant servicing: Frequency of tanker visits, impact on narrow lanes, conflict with pedestrians – not examined.
- F. TPO tree loss – no alternative layouts considered: Loss of protected trees G1 and T9 accepted as “unavoidable” however no evidence that alternative access options were explored.
- G. Reliance on conditions to resolve fundamental issues: The consultant make the powerful point that approval relies heavily on conditions and future approvals (SAB, EPS licences, CEMP) to resolve matters that go to the heart of whether the site is suitable at all.

1. To erect any properties in a hamlet of this size would mean a 23% increase, this is not sustainable, whilst you have reduced the number of properties to 10 dwellings. The actual development is still outside the village boundary, which stops on the road in front of the field.

The proposed entrance is on a blind bend from both directions, removal of a layby which, is frequently used by visitors to the village and the properties along that road, there is limited parking in the village, the removal of this layby would be detrimental to the road into the village and to those properties.

We seem to be having all the properties for the whole of the area in one village that is unable to sustain such a development. There are no bus routes, no school, shops or GP surgeries.

The road is a recognised Vale of Glamorgan cycle route, which is used consistently. When you did your traffic monitoring, it was done on the bend not further up the road, by the time the traffic from the lane is coming to the point of your survey it is inevitably slowing down. You also state that there have not been any accidents on that road since 2015, that is completely untrue; there was an accident in 2019 when a cyclist was injured and received hospital treatment for his injuries.

2. There is space on the new developments in the surrounding area for the proposed 10 extra properties, there are already flats in Cowbridge, they would be in keeping with the development. The new estate in Cowbridge was put on hold before further building I presume due to lack of need. There is a new estate in Llantwit Major, and one on the main road to St Athan. The demand for housing in the village is not one which would be of high demand, as such we are having the whole of the proposed extra properties for the Llandow and surrounding community in one village. As far as the properties there is no highlighted need, there are no people with family in need in the village. There are further developments in all the surrounding areas, in Llanharan, Bridgend which are more in keeping with the existing developments, they also have infrastructures in place, i.e. schools, trains, bus routes and shops.
3. A previous application was turned down. Permission was rejected by the Vale of Glamorgan Planning Committee for this land to be included in a Local Development Plan it was said that there was no need for such an LDP. The problems in the previous application have not changed now the application includes 'affordable housing' or a reduced number of properties, the problems remain the same.

There are several areas of new developments in the Vale of Glamorgan, these sites have access to services and local infrastructure which this village does not.

4. As there is no mains drainage at all in the village, the culvert cannot cope with any extra drainage from your proposed water treatment plant. The culvert was not made to take water to the extent you propose, you cannot drain into the ground as it's clay and there are natural springs. I live on the corner opposite and at times of heavy rain the water overflows the top of the culvert making it a river in front of my property, any extra discharge is going to cause flooding, most definitely if not to my property then definitely further down the lane towards the pond and there is already excess water constantly on the road. The drain cover is constantly blocked by debris off the field; I take responsibility for keeping this clear to protect my own and my neighbours' property.

The field does not drain, this will be a significant problem, the water will not drain and will run off into the road causing more flooding and even if you build a water treatment plant it will not be enough to take away the amount of water that will be produced.

5. There is no gas to the village, there is either oil or LPG, most of the properties are oil, electricity which you propose for the development, the electricity costs have doubled, this does not make these properties affordable housing, it may be affordable in terms of cost of renting/buying but electricity is now the most expensive form of energy. The broadband and telephone system is struggling to cope with the demand on the service already, some of us still waiting for fibre broadband.

There is no capacity for further properties on the already overloaded drainage systems in the village.

6. You will be upsetting the eco system of the village and surrounding area, there are many bats and birds that rely on these trees and hedgerow to roost and for food in the winter. We have a pair of owls that nest every year. There will be significantly more light pollution, this will also affect the wildlife and the village itself. In 2019 there were sheep grazing the land, yet it is said 'unknown' in the application if it was used for agricultural land. Further to grazing in 2019, there are now cows and there have been sheep grazing in the field again so it is being used for 'agricultural land'

I fail to understand how you can cut down three trees under a Tree Preservation Order, no doubt damaging roots of others in the process. You are meant to be preserving trees; it is not in the interest of the environment to remove trees unnecessarily. If an application was made to take down a tree with a TPO from a member of the public, the answer from the Vale would most definitely be 'NO' however, you are considering this in the village, in light of the new scheme for planting trees to help with global warming, why are you taking down established trees?

7. There is no infrastructure, no bus route, no school, the local schools are oversubscribed; one would definitely need access to a vehicle to live in this area. I cannot see that there would be demand for affordable housing in a village with no amenities. In my experience if you are used to living in an area with access to good facilities or, near family then you would be more likely to put that area as a first choice where, you can access support from family and not rely on vehicles for shops or schools, again we are supposed to be encouraging people to live near amenities, i.e schools, shops to encourage not using cars.

There is no local need for properties, no families in the village have a need, I do not feel that any young family would want to be in a village with no facilities, other than a small play area on the plan, this hardly constitutes 'amenities'.

8. Planning permission was rejected previously, the fact that planning is now applied for with social housing albeit less buildings but not the number of people that would be living on the development, this does not change the problems that were faced in the previous application.

There is still the question of

**Identified local need** – not met within settlement boundaries

**Proportional scale** relative to the settlement.

**Appropriate tenure**, size and design aligned with identified need.

**Secure mechanisms** to ensure long term affordability.

**Reasonable access** to local services and facilities.

You have still not addressed these outstanding five areas in your latest update.

9. There are parking issues in the village and with the number of properties this will put added pressure on the already oversubscribed parking in the village by visitors.
10. The plans have changed slightly, making the properties face inward is hardly 'integrating' also these properties are being put on a field that will alter the look of the village, the properties are not in keeping and they are able to be seen from most parts of the village.

I reside in the village directly opposite this site and I would be greatly affected during and after construction as would quite a few of my neighbours, the roads are already too small for heavy vehicles and the building work would cause severe disruption to the habitat, the residents using cars, the cyclists who regularly ride through the village (the development is on a blind bend and would be an accident waiting to happen).

The culvert runs directly in front of my property, it is not maintained by the Vale of Glamorgan Council, there is grass and weeds now growing in it (I have reported this several times) it has flooded and will continue to flood with the amount of surface water that cannot drain adequately into the soil, there has been no updated Flood Risk Assessment.

My reason for objection, is the unsustainable nature of the proposed development, no mains drainage, no mains gas, no access to infrastructure, the damage to the eco systems and the destruction of wildlife habitat, namely birds, bats, badgers, frogs, toads and a pair of returning nesting owls.

There is not enough evidence to support the need for housing, affordable or otherwise in this village, reading and studying the amendments they are purely cosmetic and do not address issues, I have seen the plans and there are redacted items which I find disconcerting.

██████████ understand were resident in the village previously, as a village we could almost guarantee that if they were still residing here, they would not want such a development.

Nothing has changed in terms of the reasons for this development to be rejected, as a Council you have a duty of care to protect the residents already residing in the village, wildlife habitats and I cannot see that building on such a site is sustainable.

I implore you not to pass this application, you will be destroying the village as a whole and this site will cause major problems with flooding, biodiversity, road safety, welfare of resident wildlife, taking trees down with TPO's. As a Council you need to seriously consider the objections to this, there is not a need in Sigingstone for affordable housing, definitely no local need, there is no access to public transport, shops, schools.

Philip & Tina Wright,  
Robinswood,  
Sigingstone,  
Cowbridge,  
Vale of Glamorgan.  
CF71 7LP

9<sup>th</sup> January 2026

Councillor Neil Thomas,  
Chair – Planning Committee  
Vale of Glamorgan.

Ref: – Planning Application 2021/00209/FUL – Land South West of Sigingstone

Dear Neil Thomas,

After a number of years, and what has felt like a cloud hanging over us for that period of time, the application to build a number of properties on what is essentially agricultural land, outside the settlement boundary of Sigingstone, will be put to the planning committee on 15<sup>th</sup> January for consideration.

We believe the application has been recommended for approval by the Council planning officers which we find both bewildering and irrational. We know the exact site/area very well, and also having looked at the plans and other documents relating to the proposed development over the period since its inception, we would politely request you consider our concerns below regarding the development and reject this application.

1. As you may well be aware, there is no mains sewer system in the village of Sigingstone. Therefore, every home and including the Victoria Inn, has to rely on cesspits for the catchment of greywater and blackwater. The proposed development, due to the lack of a sewerage system is going to rely on a package treatment plant which essentially ends up being a soakaway (in this case for as much as 6,500 litres of treated sewage). According to their own report, that due to the underlying bedrock being as close as 0.6 mts (only 2ft) below the ground level, their own Site Investigation Report states that as there can be no vertical permeability. The waste water will obviously therefore have to be carried horizontally, and can only flow downhill into the storm drain, which throughout large periods of the year is dry. NRW regulations do not allow discharge to dry watercourses and therefore this option should not be allowed as part of this development surely.
2. Anyone who lives in Sigingstone is acutely aware of the flooding issues caused by high ground either side of Llanmihangel Lane which often becomes a small torrent during wet periods. Sandbags being a common site outside houses along this lane during these wet times. This development would surely exacerbate this situation



particularly with the flow from the treatment plant and hard surfaces created. However, despite being advised a Flood Consequences Assessment should be provided, it was decided by an officer an assessment was not necessary? I would respectfully suggest otherwise.

3. We believe it is quite incredible to even consider building this development in a village with such a lack of amenities. Given the drive by both local and national governments for less reliance on cars and promoting the use of public transport, we believe this application should be refused on this point alone. You may be aware Sigingstone has no public transport within 2 miles, Siginstones' closest shop is at Llantwit Major, a 2 mile walk, and every approach to the village is via narrow lanes with no pavements. Just looking at the plans you can almost count the vehicles required to move these new residents around. The school run (if there are available spaces at the nearest schools) will be interesting to say the least. A council officer in the report mentions an amenity of a village hall. It is laughable to call it a Hall (such grandeur), it is no bigger than a small garage and seats 20 people, which is about half of the current population of Sigingstone. There is of course the amenity of The Victoria Inn, which any visitor would note the bar is again about the size of a small garage with a capacity which could take the other half of the population. This is a small, remote village which in our opinion is dependent on residents having access to their own transport in order to live a normal life and has been sated as at the upper end of what MD10 allows.
4. We believe a local need for affordable housing has to be proven under Policy MD10 which in this case has not been proven in a number of ways, and therefore again we believe this application should be rejected for the reasons contained within the policy:-

Policy MD10 in Wales primarily refers to the affordable housing provisions within a local authority's Local Development Plan (LDP), specifically concerning small-scale housing developments requiring evidence of local need, appropriate scale, and design to meet housing demands unmet within town limits, as seen in the Vale of Glamorgan. It ensures rural affordable housing serves the immediate community and integrates well, balancing development with local needs and environmental goals.

MD10 requires demonstrating need "cannot be met within settlement boundaries", it is clear no site search or alternatives assessment was provided, so surely before any decision is made, this point must be addressed, as essentially this is about providing affordable housing homes with local needs

Policy MD10 also requires a section 106 agreement before committee but in this case, this very important document which satates - A Section 106 (S106) agreement is a legally binding "planning obligation" between a local planning authority and a property owner/developer. These agreements, established under the Town and

Country Planning Act 1990, are designed to mitigate the impact of new development on the local community and infrastructure.

MD10 requires that all five criteria must be met. If any criteria within MD10 fails, then the application should be refused. We again respectfully make the point it is obvious all the criteria has not been met and therefore the application should indeed be refused.

5. The location of the proposed development means it sits on high ground, and greatly impacts the visual impact of what is a small rural village. If once approved and goes ahead, this will of course have this impact in perpetuity. We think that is something the planning committee should really consider and would alter the character of another village within the Vale of Glamorgan which as stated, would be altered/lost forever.

Given the difficulties moving forward (relying on conditions and future approvals i.e. SAB, EPS licences and CEMP), to resolve matters which determine whether this site is suitable at all, and given non-compliance facts this application has within its application to the Planning Committee we would once again request the Committee reject this application.

Yours Sincerely,

Philip and Tina Wright.

**From:** Sarah Lewis <[REDACTED]>  
**Sent:** 14 January 2026 11:11  
**To:** Planning; Thomas, Neil C (Cllr); Aviet, Julie (Cllr); Wilson, Mark R (Cllr); Bruce, Gillian (Cllr); Buckley, Ian (Cllr); Cave, Christine A (Cllr); Charles, Janice (Cllr); Cowpe, Marianne (Cllr); Drake, Pamela (Cllr); Ernest, Anthony M (Cllr) F.T.S., M.R.S.G.B.; Gilligan, Wendy (Cllr); Hodges, Nic P (Cllr); Johnson, Ian (Cllr); Payne, Helen (Cllr); Perry, Ian AN (Cllr); Stallard, Carys (Cllr); Williams, Eddie (Cllr)  
**Subject:** Objection to Sigingstone development re. Planning and building meeting 15.01.26  
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concerns are as follows as a close resident of the site:

### **CONCERNS AND GAPS IN COMMITTEE REPORT**

The application proposes residential development on land outside the defined settlement boundary of Sigingstone and relies on Policy MD10 of the adopted Local Development Plan, which permits affordable housing on rural exception sites only where all criteria are fully satisfied. Policy MD10 is not a balancing exercise; failure to comply with any single criterion should result in refusal.

The Welsh Government has indicated that it may consider calling in the proposal. These factors highlight the importance of careful and robust scrutiny by the Planning Committee.

#### **Principle of Development and Policy MD10**

The application site lies outside the settlement boundary and is therefore contrary to the development plan unless it can be justified as a rural exception site under Policy MD10. This policy requires clear and specific evidence that the development is necessary to meet an identified local affordable housing need arising from the settlement itself and that such need cannot reasonably be met elsewhere.

No housing needs survey specific to Sigingstone has been submitted. Instead, the committee report relies on ward-level Local Housing Market Assessment data and Homes4U information. While such data may demonstrate a general need for affordable housing within the wider area, it does not provide evidence that the need arises from Sigingstone or that the proposed occupiers would have a demonstrable local connection to the village. This approach risks undermining the purpose of Policy MD10, which is intended to respond to genuinely local rural housing need rather than contribute to broader strategic housing delivery.

Furthermore, the committee report alleges that there are no suitable sites within the settlement boundary but provides no evidence to substantiate this conclusion. There is no documented site search, alternatives assessment, or comparative sustainability appraisal. This is a core requirement of both Policy MD10 and Planning Policy Wales, and its absence represents a significant policy shortcoming.

#### **Scale, Character and Proportionality**

Although Policy MD10 refers to schemes of “10 or fewer dwellings,” this should be regarded as an upper threshold rather than an automatic justification. The proposed development would result in a substantial change to the scale and character of Sigingstone.

In particular:

- the proposal would increase the number of dwellings by approximately 20–23%;
- the population of the village would increase by over 50%;
- the proposed density is nearly three times the existing village average.

Such a level of growth is significant for a small rural settlement and risks fundamentally altering its character. The committee report accepts the scale largely on numerical grounds, without a sufficiently critical assessment of proportionality, cumulative impact, or village form.

### **Sustainability and Access to Services (MD10 Criterion 5)**

Policy MD10 requires rural exception sites to have reasonable access to services and facilities. The committee report refers to a village hall, hotel, and public house; however, the hotel and public house are the same establishment, and the village hall has very limited capacity, reportedly seating approximately 20 people and already constrained for existing residents.

Sigingstone has no public transport provision. The nearest bus stop is over two miles away, accessible only via narrow, unlit rural lanes without footways. There is no local shop, school, health facility, or other daily services, and walking routes are unsafe and unsuitable for many users, including children, older residents, and those with mobility impairments.

As a result, future occupiers would be wholly dependent on private cars for day-to-day needs. This raises concerns regarding transport poverty and conflicts with national policy objectives in Planning Policy Wales and Future Wales, which seek to reduce car dependency and promote sustainable travel. Accepting this level of accessibility risks significantly weakening the intent of MD10 Criterion 5.

### **Drainage and Foul Water Infrastructure**

Sigingstone is not served by mains sewerage, and the proposal relies on a private package treatment plant and drainage mound. The applicant’s own Site Investigation Report indicates limited or no vertical permeability, consistent with local ground conditions of heavy silty clay. This raises fundamental questions regarding the feasibility of effluent disposal.

Natural Resources Wales regulations restrict discharge to dry watercourses, yet the application does not clearly demonstrate how treated effluent would be lawfully discharged. Issues relating to long-term maintenance, management responsibility, enforcement, odour risk, and failure scenarios are not adequately addressed and cannot reasonably be resolved through planning conditions alone.

### **Flood Risk and Surface Water**

Access to the proposed treatment plant lies within Flood Zones 2 and 3. The Council’s Drainage Section advised that a Flood Consequences Assessment should be provided; however, the committee report concludes that such an assessment is unnecessary. This is of particular concern given that existing properties in the area already experience flooding from surface water runoff.

The absence of a Flood Consequences Assessment represents a notable evidential gap and is inconsistent with the precautionary approach set out in TAN15 and Planning Policy Wales.

### **Ecology, Biodiversity and Landscape**

The committee report does not address Castle Pond, a designated County Treasure, nor its spring-fed hydrological connection to the application site, despite this issue being raised in representations. Given the emphasis placed by Planning Policy Wales on ecosystem resilience, this omission is material.

Claims of biodiversity net benefit are accepted without the submission of quantified baseline and post-development metrics. No measurable biodiversity units or calculations are provided, meaning that net gain is asserted rather than demonstrated. Impacts on protected species, including dormice, bats, and great crested newts, are deferred to planning conditions and licensing processes, introducing further uncertainty regarding deliverability and long-term outcomes.

The loss of protected trees is accepted as unavoidable, yet there is no clear evidence that alternative access arrangements or layouts were fully explored in accordance with the step wise approach to tree retention and landscape protection.

### **Highways and Accessibility**

The lack of public transport and safe pedestrian infrastructure is acknowledged in the committee report but is treated as an inevitable feature of rural locations. This approach risks undermining national policy objectives relating to sustainable movement and active travel.

In addition, the servicing requirements of the private sewage treatment plant have not been adequately assessed. There is no detailed consideration of tanker access frequency, impacts on narrow rural lanes, or potential conflicts with pedestrians and other road users. These matters are directly related to the absence of mains drainage and should be assessed cumulatively.

### **Legal and Delivery Certainty**

At the time of consideration, no completed Section 106 agreement is in place. While the report refers to partnership with a registered social landlord, key matters relating to tenure, eligibility, cascade mechanisms, and long-term affordability are not before Members. Approval would therefore rely heavily on future agreements and conditions, reducing certainty of delivery and policy compliance.

### **Precedent and Planning Risk**

Approval of this application would risk establishing a precedent that mains drainage is not necessary for rural affordable housing and that significant growth in very small settlements can be supported without robust, site-specific evidence. This would be inconsistent with previous decisions at The Herberts and Pentre Meyrick.

### **Conclusion**

In summary, the application raises significant concerns in relation to:

- compliance with Policy MD10, particularly in respect of local housing need and sustainability;
- scale, proportionality, and village character;
- drainage, foul water disposal, and flood risk;
- ecological impact, including effects on Castle Pond;
- legal certainty and deliverability.

The officer recommendation relies heavily on planning conditions and future approvals to address matters that go to the fundamental suitability of the site. Local residents respectfully request that Members give careful consideration to whether all criteria of Policy MD10 have been fully satisfied before determining this application.

2

No alternatives assessment / site search

The consultant notes that MD10 requires demonstrating need "cannot be met within settlement boundaries" but no site search or alternatives assessment was provided.

Castle Pond not assessed

He specifically flags that Castle Pond (County Treasure) and its spring-fed hydrological link to the site is not addressed in the officer's report

This is a material omission that the officer has failed to assess.

No Section 106 agreement before Committee

The affordable housing "in perpetuity" relies on an assumption - no completed S106 is actually before the Committee

Biodiversity net benefit not quantified

Officer claims "net gain" but no baseline measurement or calculation is provided

Tanker access for sewage plant servicing

Frequency of tanker visits, impact on narrow lanes, conflict with pedestrians - not examined

TPO tree loss - no alternative layouts considered

Loss of protected trees G1 and T9 accepted as "unavoidable" but no evidence alternative access options were explored

Reliance on conditions to resolve fundamental issues

The consultant makes the powerful point that approval relies heavily on conditions and future approvals (SAB, EPS licences, CEMP) to resolve matters that go to the heart of whether the site is suitable at all. I am concerned that the site is unsuitable due to its hilly location and the likelihood of overflow and contamination via the sewerage soakaway malfunctioning. Pump House in particular and the village pond are directly affected at the moment by any overflow.

Sent from my iPhone

## MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE : 15 JANUARY 2026

<b>Application No.:</b> 2023/00815/FUL	<b>Case Officer:</b> Mr Huw Davies
<b>Location:</b> BSW Holdings Ltd., Units 60-62, Dyffryn Business Park, Llantwit Major Road, Llandow <b>Proposal:</b> The proposed erection of 1no. building to provide 3no. commercial units with associated parking and other works	

**From:**

*James Scarborough (Planning Agent)*

**Summary of Comments:**

*Email to note that condition 8 refers to 'prior to the occupation of any of the dwellings' in the Committee Report. This needs to be updated as no dwellings are proposed on site. The same is also the case for condition 6 which refers to 'prior to commencement' which needs to be updated noting that development has already commenced.*

**Officer Response:**

*Officer forwarded onto management to flag, and conditions corrected to following wording:*

*Condition 6:*

Notwithstanding the submitted details shown in plan titled 'BSW742\_B - Public Open Space P2)' and prior to the first beneficial use of the development hereby approved, a scheme for the provision and maintenance of on site open space to serve site employees shall be submitted to and approved in writing by the Local Planning Authority, and shall include details of the timing of its provision, furniture, landscaping, and future maintenance. The open space shall be provided in accordance with the approved details and so retained and maintained at all times thereafter.

**Reason:**

To ensure the timely provision of the public open space and to ensure compliance with Policies MD2 Design of New Development and MD4 Community Infrastructure and Planning Obligations of the Local Development Plan.

*Condition 8:*

A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas as shown in plan titled 'Detailed Soft Landscape Proposals (Rev B)' shall be submitted to and approved in writing by the Local Planning

Authority prior to the first beneficial occupation or use of any of the buildings hereby approved on the site. The landscape management plan shall be carried out as approved.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

**Action required:**

*Members to note.*



[REDACTED]

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**From:** [REDACTED]  
**Sent:** 14 January 2026 11:54  
**To:** Davies, Huw  
**Cc:** [REDACTED]  
**Subject:** RE: Planning Ref: 2023/00815/FUL - BSW Holdings Ltd., Units 60-62, Dyffryn Business Park, Llantwit Major Road, Llandow

Hi Huw,

I've checked the draft list of conditions, and note that condition 8 refers to 'prior to the occupation of any of the dwellings' in the Committee Report. As such, can this be updated (and if needed) verbally updated to members at Committee tomorrow. The same is also the case for condition 6 which refers to 'prior to commencement'.

Thanks,

[REDACTED]

[REDACTED]