

Rebecca Evans AS/MS
Y Gweinidog Cyllid a'r Trefnydd
Minister for Finance and Trefnydd



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-05-1069
Ein cyf/Our ref RE/00963/20

Janet Finch-Saunders MS
Chair, Petitions Committee

13 January 2021

Dear Janet,

Thank you for your letter regarding Petition P-05-1069 'Save the farmland and greenfields at Cosmeston', which was considered by the Petitions Committee on 15 December.

I have considered the detailed points raised by the Petitioner and the other points raised in your letter and would respond as follows:

Procedural Fairness

The planning application was submitted to the Local Planning Authority on 30 September 2020. The application was not registered by the Council until 23 October 2020 due to the need for various administrative procedures to be undertaken. There was no pre-knowledge of an imminent 'firebreak lockdown' when the planning application was submitted. The letters sent to neighbours are a matter for the Local Planning Authority. Additional publicity was also undertaken by way of site and press notices. Any concerns the petitioner may have about the way neighbours were notified or the time available for comments to be made should be directed to the Vale of Glamorgan Council.

The development proposals were also subject to public consultation as part of the preparation and examination of the Vale of Glamorgan Local Development Plan and extensive pre-application consultation was undertaken well in advance of the Covid 19 pandemic and associated restrictions. There has been several opportunities for residents to make comments in respect of the proposals.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The Vale of Glamorgan may have Pre-determined the Application.

Any concerns regarding the Vale of Glamorgan's consideration of the application should be directed to the Vale of Glamorgan. If the Petitioner considers there is impropriety in the consideration of the application the first recourse should be to the Vale of Glamorgan Council.

As part of the masterplanning exercise, which was undertaken prior to the planning application being submitted, it became apparent the land allocated for development in the Vale of Glamorgan Local Development Plan was of insufficient size to accommodate the number of dwellings identified and the primary school which was required as part of the overall development. It was considered appropriate to identify the existing farm buildings at Upper Cosmeston Farm for the primary school as it represents an area of previously developed land and would not extend the developable area into an area of countryside.

In respect of the proposed special school referred to by the petitioner, there has been no Ministerial agreement to dispose of the land to the Vale of Glamorgan Council. While Heads of Terms have been agreed between officials, it will still be necessary to obtain Ministerial approval. I understand the necessary advice will be provided by officials before the spring. The Vale of Glamorgan Council has submitted proposals for pre-application consultation for the Special school - however, the Welsh Government, as land owner, was not advised or consulted on this. This is a matter which is currently being discussed with the Vale of Glamorgan Council.

The application does not conform with the adopted Vale of Glamorgan Local Development Plan 2017.

The Vale of Glamorgan Council as Local Planning Authority will need to consider whether the application accords with policies contained in the adopted Local Development Plan.

The Welsh Government's call in thresholds and procedures are separate from the consideration of a planning application by the Local Planning Authority. It is understood a request for the application to be called in has been made and is currently under consideration by the Planning Directorate in the Welsh Government.

The Welsh Ministers will only call in an application of the proposed development if it appears to raise issues of more than local importance. All development proposals are different and there are no rules about what is a planning issue of more than local importance. There is not a definitive list of situations where call-in of a planning application may be warranted. Six examples of issues that could cause the Welsh Ministers to call in an application rather than letting the Local Planning Authority decide it are provided in Planning Policy Wales and are detailed below for ease of reference:

- If the proposal conflicts with national planning policies;
- If the proposal could have wide effects beyond the immediate locality;
- If the proposal may give rise to substantial controversy beyond the immediate locality;
- If the proposal is likely to significantly affect sites of scientific, nature conservation or historic interest, or areas of landscape importance;
- If the proposal raises issues of national security; and
- If the proposal raises novel planning issues.

Please note these are just examples and are not the only situations in which call-in may be warranted.

I am unclear as to what is meant by the reference in the Petitioners comments to the extension of the site into a greenfield site which will further erode a 'green wedge'. The residential element of the proposed planning application accords with the boundary of the site identified in the adopted Local Development Plan. The proposed primary school is on an area of previously developed land. It will be for the Vale of Glamorgan as Local Planning Authority to consider whether the application accords with the relevant proposals in the adopted Local Development Plan.

As referred to above, while there have been discussions with the Vale of Glamorgan Council regarding the sale of some additional land for an additional school, I was surprised by the decision of the Vale of Glamorgan to submit firm proposals for a Special School adjacent to the boundary of the Welsh Government's planning application site. There has been no Ministerial decision made as to whether the land should be sold and the Vale of Glamorgan did not discuss these detailed proposals with my officials. This matter does not form part of the Welsh Government's planning application and is being dealt with separately by my officials.

It will be for the Vale of Glamorgan Council as Local Planning Authority to determine whether the proposal is in direct conflict with Policy MG18 of the Local Development Plan.

Lack of adequate transport/highway infrastructure.

The adequacy of the transport and highway infrastructure to accommodate the proposed development would have been assessed as part of the consideration of the Local Development Plan. The planning application will also be subject to scrutiny by the Local Highway Authority as part of the assessment of the planning application. The planning application has been supported by numerous technical studies including a traffic impact assessment.

The proposed development would have wide effects beyond the immediate locality.

The impacts of the proposal have been considered as part of the examination into the adopted Vale of Glamorgan Local Development Plan. A further detailed assessment is required as part of the consideration of the planning application which will include the consideration of any representations submitted to the Local Planning Authority as part of its notification and publicity of the planning application.

Whether the proposal has wide effects beyond the immediate locality will form part of the consideration of whether the planning application should be called in for the Welsh Ministers determination.

The proposed development would cause substantial controversy beyond the immediate locality.

The Petitioner is referring to the impact of traffic generation causing widespread controversy. The impacts of the proposal would have been assessed as part of the examination of the proposals in the adopted Local Development Plan. Further detailed assessment is required as part of the consideration of the planning application. The Vale of Glamorgan Council as local planning authority will be required to consider the impacts of the proposal and whether the proposal accords with the policies in the adopted Local Development Plan.

Whether the planning application causes substantial controversy beyond the immediate locality to warrant the application being called in for the Welsh Ministers determination will be a matter for the Planning Directorate to consider and advise the appropriate Minister.

The development will have an unacceptable impact on the countryside and its biodiversity environment.

The principle of the residential development of the site was established through the preparation of the Local Development Plan. The Welsh Government supports a 'plan led system' as set out in Planning Policy Wales. If the principle of development were now to be considered unacceptable it could have impact on the 'soundness' of the Plan and require alternative sites to be provided. The failure of the Local Authority to deliver the plan in accordance with the approved strategy could also lead to an increase in speculative planning applications being submitted. A well-functioning planning system is considered to be fundamental for sustainable development and achieving sustainable places. A planning system driven by speculative planning applications and appeals is to be avoided.

The development is not considered to result in the loss of the green wedge. A significant amount of land remains between Penarth and Sully and policies of the adopted Local Development Plan exist to protect the coalescence of built up areas.

The impact of the proposed development would have been considered as part of the examination of the now adopted Local Development Plan and the application has been supported by numerous technical documents including those relating to the impact on species and the environment. It will be for the Local Planning Authority to consider whether the information submitted is adequate for them to consider the acceptability or otherwise of the proposals. As part of the consideration of the application the views of NRW and CADW are also sought.

The development proposals will have an adverse impact on the important architectural heritage and archaeological remains present on the site.

As referred to above the principle of the residential development of the land was considered as part of the examination in to the now adopted Local Development Plan. Cadw was asked to consider whether the existing farm buildings were worthy of listing in 2019. They concluded at that time they were not. Cadw has been asked to re-look at the issue and this process is yet to be concluded. If the farm buildings are considered worthy of listing then any detailed proposals for the primary school will need to take this into account.

Technical information has been submitted to support the application in respect of heritage and archaeological remains. The Local Planning Authority have consulted Cadw and Glamorgan Gwent Archaeological Trust as part of their ongoing consideration of the planning application.

Contamination within the site renders the site unsuitable for development.

Contamination issues have been highlighted in the information submitted to support the application and the Local Planning Authority will consider these issues as part of their assessment of the planning application. Land proposed for development can often include areas of land which are contaminated. Any remediation considered necessary can form part of the conditions attached to any grant of planning permission.

Flooding and Coastal Erosion will affect access to the site.

NRW and Welsh Water/Dwr Cymru have been consulted as part of the Vale of Glamorgan's consideration of the planning application.

The issue of coastal erosion has also been considered as part of the masterplanning exercise and also as part of the assessment of the application by the Vale of Glamorgan Council. The Council are seeking amendments to the masterplan so that any potential coastal erosion is fully taken into account in the proposals.

The development will have an impact on catchment area pupil numbers and thus exacerbate the existing shortage of Nursery and Secondary School Places.

The proposed development includes provision for a new primary school. In addition to this the Vale of Glamorgan Council will be seeking significant financial contributions if planning permission is granted to address any issues relating to the need for additional school places which will be required as a result of the proposed development.

The issues of traffic generation from the additional school provision is a matter for the Local Planning Authority to consider as part of the consideration of the application. Matters relating to the new Special School referred to by the Petitioner are considered to be a matter for the Vale of Glamorgan to address. While the Welsh Government own the land, they were not advised of the intention of the Vale of Glamorgan to submit the proposals for pre-application consultation.

The balancing of the competing interests of protecting the environment and developing additional housing, including affordable housing is always difficult however by operating a Plan Led System in Wales the formulation and consideration of strategic land allocations through the local development plan provides a forum for full public involvement and consideration of all the various issues at stake. The Local Development Plan sets out the Local Planning Authority's proposals and policies for the future development and use of land in its area. Once the plan has been adopted, decisions on planning applications will mostly be based on the Local Development Plan. The Local Development Plan needs to be a 'sound' document. This means that it shows good judgement and can be trusted. In order to achieve a 'sound' plan the Local Planning Authority will gather economic, social and environmental information which provides the factual basis for the plan. The plan must provide for forms of development which are economically, socially and environmentally sustainable and a 'Sustainability Appraisal report' is produced by the Local Planning Authority to demonstrate how this has been considered.

At various different stages there are opportunities for the public and other interested stakeholders to be involved in the preparation of the Local Development Plan and make representations on all aspects of the Local Planning Authority's proposals. The Plan will eventually be tested by an independent Inspector to make sure it is 'sound'. The Vale of Glamorgan Local Development Plan was subject to examination in 2016 and was adopted in 2017.

By operating a 'plan led' planning system in Wales it ensures that the competing interests of protecting the environment and developing additional housing is taken into account. In addition to this it is my intention that if planning permission is granted for the proposed development it will be an 'exemplar' form of development using modern methods of construction, high standards of design and space standards. This will include low carbon and sustainable forms of development as well as active travel.

As I stated during Plenary on 21 October 2020, the land at Cosmeston would provide a significant contribution to the Vale of Glamorgan's identified housing need. A failure to develop the site would run counter to the strategy identified in the adopted Vale of Glamorgan Local Development Plan which sees this site as key to helping to address the identified housing need in the area. If the site does not come forward for development there could also be implications for the 'soundness' of the adopted Vale of Glamorgan Local Development Plan.

I am of the opinion the planning application should not be withdrawn, as to do so would result in the failure of the Welsh Government to deliver in the region of 280 affordable homes, and a new primary school, as well as public open space and a cycle route which would link the site to the town centre.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans". The signature is written in a cursive style with a clear, legible font.

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