

Adroddiad

Ymchwiliad a agorwyd ar 20/05/03

Report

Inquiry opened on 20/05/03

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**Arolygydd penodwyd gan Cynulliad
Cenedlaethol Cymru**

**an Inspector appointed by the National
Assembly for Wales**

Dyddiad/Date **30-09-2003**

TOWN & COUNTRY PLANNING ACT 1990

Vale of Glamorgan Council

INQUIRY INTO PROPOSED RESIDENTIAL DEVELOPMENT, OPEN SPACE AND LINK ROAD ON LAND BETWEEN THE A48 ROAD AND LLANTWIT MAJOR ROAD (B4270) AT DARREN FARM, COWBRIDGE.

Appeal A: APP/Z6950/A/02/1096305

Site address: Land between the A48 road and Llantwit Major Road, Cowbridge.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Bellway Homes Ltd against the Vale of Glamorgan Council.
- The application (Ref. 01/00826/OUT) is dated 9 July 2001. Following a Direction under Article 3(2) of the GPDO 1995, it was re-registered on 21 January 2002.
- The development proposed is residential development and associated public open space, to include the provision of a link road.

Summary of Recommendation: The appeal be dismissed.

Appeal B: APP/Z6950/A/03/1108352

Site address: Land between the A48 road and Llantwit Major Road, Cowbridge.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Bellway Homes Ltd against the Vale of Glamorgan Council.
- The application (Ref. 02/01617/OUT) is dated 15 November 2002.
- The development proposed is residential development and associated public open space, to include the provision of a link road.

Summary of Recommendation: The appeal be dismissed.

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1. PREAMBLE AND PROCEDURAL MATTERS.

- 1.1. Both the appeals against non-determination are in outline with detailed matters reserved, except means of access in the form of a proposed link road (Doc 10, CD22 & Plans A & B). They involve similar proposals for housing, open space and the link road. The only significant difference is that the link road in the Appeal B proposal is sited a little further to the west than in the case of the Appeal A scheme to avoid an archaeological feature. The Appeal B scheme is the Appellant's preferred proposal and for convenience it is that which is referred to throughout this report, unless otherwise stated.
- 1.2. As originally submitted, the site area for the **Appeal A** application was stated to be 37ha and included land extending west to Llanfrynach Lane (Plan C). On 30 July 2001 the Council made an Article 3(2) Direction under the 1995 General Development Procedure Order requiring the submission of access details and a Traffic Impact Assessment. The Council were also of the opinion that an Environmental Statement should be submitted under the Environmental Impact Assessment Regulations 1999. As a result, the Appellant sought a screening direction from the National Assembly and on 10 September 2001 the Assembly stated that an Environmental Statement was not necessary (Doc 32/8). In response to the Article 3(2) Direction the appellants submitted details of the link road and amended the site area by reducing it to 15.4ha, terminating on its western side along the line of the link road. The amendments were contained in the appellant's letter to the Council dated 2 January 2002 and notification that the application had been re-registered by the Council was given by their letter dated 21 January 2002.
- 1.3. Due to the siting of the link road further west, the **Appeal B** application has a larger site area than the appeal A scheme, of 16.7ha (Doc 32/1). In a covering letter with the application it is stated that Bellway Homes envisage the construction of 145 houses on the site, with associated public open space. In a letter dated 18 February 2003 the National Assembly informed the parties that the proposal was not EIA development requiring an Environmental Statement.
- 1.4. The National Assembly recovered Appeal A for determination by letter dated 13 August 2002 (Doc. 17) and Appeal B by letter dated 22 January 2003. The reason for recovery for both Appeals was that *"they raise issues relating to residential development of more than 6 hectares of land."*
- 1.5. On 2 October 2002 the Council's Planning Committee resolved that they would have refused the **Appeal A** application for the following reasons (Doc 32/9):
 1. The proposal as a greenfield development constitutes unsustainable development contrary to the guiding principles of the Vale of Glamorgan UDP deposit draft (as amended) 1998, in particular those which promote urban regeneration, the protection of the natural environment and the re-use of brownfield land for development. These guiding principles are supported and significantly strengthened by Planning Policy Wales (March 2002).
 2. The proposal is considered premature given the status of the Vale of Glamorgan UDP deposit draft (as amended) 1998. In this regard this significant proposal is due to be assessed through the UDP process and the grant of permission for the development concerned would prejudice the outcome of the UDP process given that:
 - (a) The proposal is contrary to the UDP strategy which seeks "concentration of development opportunities in the urban areas of the Waterfront Strip from Penarth to Rhoose (including Cardiff International Airport), with particular emphasis on the regeneration of Barry Docks."
 - (b) The Joint Residential Land Availability Study (2000) shows that the LPA has a readily identifiable housing land supply of 7.12 years. There is, therefore, no current need for additional residential development.
 - (c) The proposal, if allowed, would predetermine decisions about scale, location or phasing of new development which ought properly be taken in the UDP context as stated in PPW, because of the scale

and impact of the proposal which is located outside the UDP and South Glamorgan Structure Plan (Alteration No. 1) strategy areas.

- (d) The proposal is premature given policy TRAN 2 of the Vale of Glamorgan UDP deposit draft (as amended) 1998 which identifies a local highway scheme referred to as Llysworney Bypass. The UDP process is the appropriate forum to consider the acceptability or otherwise of the proposed alternative to Llysworney Bypass.
 - (e) The proposal would have an unacceptable significant impact on Cowbridge as a settlement with an identifiable character.
3. Insufficient information has been submitted to demonstrate the development proposals will not unacceptably impact on suspected archaeologically significant remains. As a consequence the proposals are contrary to policies H8 and EV15 of the South Glamorgan Structure Plan (Alteration No. 1), policy 35 of the Cowbridge Local Plan and policy ENV16 of the Vale of Glamorgan UDP deposit draft (as amended) 1998 and Welsh Assembly Government policy contained in section 6.5 of PPW.
 4. Insufficient information has been submitted to demonstrate the development proposals can be adequately accommodated within the existing sewerage system. As a consequence the proposals are contrary to policies H1 and H8 of the South Glamorgan Structure Plan (Alteration No. 1), and policy ENV25 of the Vale of Glamorgan UDP deposit draft (as amended) 1998 and Welsh Assembly Government policy contained in section 12 of PPW.
 5. The proposed development is contrary to policies EV3 and H8 of the South Glamorgan Structure Plan (Alt. No. 1), policy 1 of the Cowbridge Local Plan, and policies ENV1 and HOUS8 of the Vale of Glamorgan UDP deposit draft 1998, in that the proposal constitutes unjustified, inappropriate greenfield development in the countryside.
 6. The proposal would result in the loss of farmed agricultural fields which would prejudice the continued viable operation of the existing agricultural enterprise currently sustained at Darren Farm, the value of which is considered to outweigh the unnecessary and inappropriate proposed development.
 7. The proposed development would, by reason of its size, scale and location, unacceptably impact on the intrinsic value of the attractive landscape setting and character of the historic settlement of Cowbridge. It would, therefore, be contrary to policy EV12 of the South Glamorgan Structure Plan (Alteration No. 1), policy 37 of the Cowbridge Local Plan, and policies ENV9 and ENV10 of the Vale of Glamorgan UDP deposit draft (as amended) 1998.
 8. Policy TRAN2 of the Vale of Glamorgan UDP deposit draft (as amended) 1998 seeks to protect land for the provision of the Llysworney Bypass in order to alleviate existing environmental problems and for reasons of safety. The proposed development would be premature in the context of the emerging UDP and policy 21 of the Vale of Glamorgan Local Transport Plan, given that it would prejudice the Council's proper assessment of the need for existing approved schemes, and the need to achieve a balance between the impact on the local environment and improvements to highways infrastructure.

1.6. The **Appeal B** proposal was considered by the Planning Committee on 5 February 2003 (Doc 32/10) when it was resolved that it would have been refused for similar reasons 1 – 8 to the Appeal A application, but with an additional reason as follows:

9. Notwithstanding the deemed reason for refusal (8), insufficient information has been submitted to enable the LPA to determine the impact of the proposed development on the operation of key parts of the highway network. As a consequence, the LPA cannot assess the need for any mitigation measures that may be necessary to overcome the impact of the development on the highway network and likewise cannot consider the deliverability and environmental impact of such measures.

1.7. During the course of the inquiry the Council realised that they had failed to minute deemed reason 2 properly in respect of the Appeal B application. This error was corrected and raised no adverse comment from the Appellant (Doc 73/1). The Council also acknowledged that sufficient information was now available for them to reach conclusions on the archaeological, sewerage and highways issues referred to in deemed refusal reasons 3, 4 and 9.

1.8. A pre-inquiry meeting was held on Tuesday, 8 April 2003 at which the main issues for the inquiry were identified (Doc 19, para 11). It was decided that the main parties should prepare a Statement of Common Ground (SCG) on agreed matters. This has been done in the form of 3 documents. The first covers site description, archaeology, relevant policies, conditions,

core documents (also see Doc 2), drainage and sewerage, planning history, housing land availability and urban capacity (Doc 21); the second deals with agriculture (Doc 22); and the third with transportation (Doc 23).

- 1.9. The inquiry commenced on Tuesday, 20 May 2003. It sat for 12 days between 20 – 23 May; 27 – 30 May; and 24 – 27 June. During that period I undertook several accompanied and unaccompanied visits to the site and its surroundings, the Darren Farm buildings, and viewpoints agreed with the main parties. I also visited various proposed UDP allocation sites and other areas in the Vale.
- 1.10. This report contains a brief description of the site and surroundings; policy & development plan background; the gist of the appeal cases on a topic basis presented by the Appellant, the Council, and the Cowbridge with Llanblethian Residents Group who represented many local objectors; a summary of the evidence of individual interested persons and organisations; and my conclusions and recommendations. **Appendix A** contains a list of recommended conditions if the appeals are to be allowed and **Appendix B** comprises a list of inquiry appearances, documents, plans and photographs.

Acronyms & Abbreviations.

CADW	CADW Welsh Historic Monuments.
CCW	Countryside Council for Wales.
CLRG	Cowbridge with Llanblethian Residents Group.
CLP	1986 Cowbridge Local Plan.
GGAT	Glamorgan – Gwent Archaeological Trust.
LWVG	Landscapes Working for the Vale of Glamorgan - VoG Council/WDA/White Consultants 1999.
NAW	National Assembly for Wales.
NAWAD	National Assembly for Wales Agricultural Department.
PINS	The Planning Inspectorate.
PPG	Planning Policy Guidance note (England).
PPW	Planning Policy Wales (2002).
RSPB	Royal Society for the Protection of Birds.
SINC	Site of Interest for Nature Conservation.
SLA	Special Landscape Area.
SGSP	1989 South Glamorgan Structure Plan (Alteration No. 1).
TAN	Technical Advice Note (Wales).
TIA	Traffic Impact Assessment.
UDP	Unitary Development Plan.
UCS	Urban Capacity Study Report (G V A Grimley 2003).
WOC	Welsh Office Circular.

2. SITE AND SURROUNDINGS.

- 2.1. Cowbridge and the adjacent village of Llanblethian comprise a settlement of over 4,000 population located just to the south of the A48 road between Cardiff, about 12 miles to the east, and Bridgend some 7 miles to the west (Plans D, F & P). It is the second largest settlement in the 'Rural Vale' of Glamorgan after Llantwit Major.
- 2.2. The appeals site is an area of agricultural land which lies in a shallow rural valley to the west of Cowbridge, with a watercourse and drain running roughly east-west along its bottom (Plans E & G/LO1). It is bounded to the north by a dual-carriageway stretch of the Cowbridge By-Pass [A48] and to the south by Llantwit Major Road [B4270].
- 2.3. The position of the site in relation to Cowbridge, its main services, and the immediate surroundings are shown on Plan O. The northern part of the site extends eastward to the edge of the main farm yard and dwelling at Darren Farm. This has access from the A4222 (Darren Hill/Gibbet's Hill) junction with the A48. The A4222 extends south-east through the centre of Cowbridge as Roman Road, Westgate, High Street and Eastgate, before continuing up Primrose Hill to rejoin the A48.
- 2.4. The southern edge of the northern part of the site extends to the rear of detached dwellings built in the mid 1970s at Tyla Rhosyr and Darren Close, which lead off the B4270 road; and the eastern boundary of the southern part of the site adjoins the rear of houses on the west side of Darren Close. The southern edge of that latter part of the site adjoins the B4270 Llantwit Major Road. To the south of that road the ground rises up to the partially wooded Llanblethian Hill Fort and Caer Dynnaf which is a Scheduled Monument.
- 2.5. There is currently no physical demarcation of the western boundary of the site, but it would be formed in the proposed development by a north-south link road constructed between the A48 and the B4270 roads. Varying between 250 – 300m to the west of this proposed road line is a roughly surfaced track known as Llanfrynach Lane which leads northward from a point just to the north-east of the Cross Inn junction on the B4270, past the isolated listed St Brynach's Church to eventually join the A48. The land just to the west of Llanfrynach Lane and north of the church forms part of the Darren Farm holding, with some agricultural buildings on it [referred to as 'Top Yard'].
- 2.6. There are several public rights of way which cross the site or pass close by (Plans F & L). A path leads from the edge of Cowbridge at Tyla Rhosyr and follows the valley bottom south-west through the site to St Brynach's Church [FP50]. It then continues northward [FP32] just to the west of Llanfrynach Lane to cross the A48 towards Penllyn and Penllyn Castle estate. Near the middle of the site a path leads from footpath 50 southward up to Llantwit Major Road. It then crosses that road to continue uphill and along the east side of the hillfort towards Llanblethian village [FP51]. Other footpath routes lead eastward off that path into Cowbridge between 7 – 8 Bowman's Way [FP49] and south of Woods Edge [FP52]. [Note: FP49 incorrectly shown as FP52 on Plan G/L07].
- 2.7. Of particular relevance to the issues surrounding the proposed link road is the location of Llysworney village. This is some 2.3km west of the site and lies on the B4268 road just to the north of Nash junction where that road is met by the B4270 road. The B4268 extends south from the A48 at Pentre Meyrick through Llysworney and on to Llantwit Major. Llantwit Major is about 5.5km south-west of Cowbridge.
- 2.8. Just to the west of the B4268 road in the predominantly rural area between Llysworney and Llantwit Major is the extensive former airfield Llandow Trading Estate and Vale Business Park which are some 3.5km from the appeal site (Plan P).

3. DEVELOPMENT PLAN & POLICY BACKGROUND.

- 3.1. The main national planning policy guidance documents referred to at the inquiry, notably Planning Policy (Wales) 2002 and various Technical Advice Notes (Wales), are listed as core documents, as are other national and regional references (Docs 1; Doc 3, CD2 – 10). It is not intended to summarise the details of all the local development plan policies relating to the appeals. They are contained in a ‘Relevant Policies’ core document and the Statement of Common Ground (Doc 9, CD19 & Doc 21, section 4 & App. 2), and referred to as necessary in the individual topic sections of this report. Only those which have particular relevance for housing location and the link road are mentioned here.
- 3.2. The existing statutory development plan for the area comprises the approved 1989 South Glamorgan Structure Plan (Alteration No. 1) and the 1986 Cowbridge Local Plan (Doc 3, CD11 & 12). SGSP policy EV3 restricts development outside built-up areas and areas identified for urban development, unless it is essential for agriculture, forestry or mineral extraction; and policy H10 contains a presumption against dwellings in the open countryside. Policy H8 states that limited housing development will be favoured within and adjoining Cowbridge.
- 3.3. At the inquiry, the Council submitted information about the history and evolution of policy H8 (Doc 73/4). The 1989 SGSP was initially issued in 1985 as proposed alterations to the 1980 Structure Plan, with an Explanatory Memorandum. The Examination in Public took place in 1986 and the plan was approved by the Secretary of State in May 1989. In paragraph 1.2 of the letter of approval it was stated that the Secretary of State had taken note of the Explanatory Memorandum, but it did not form part of the approved Structure Plan Alterations. The Explanatory Memorandum sets out the original 1980 Structure Plan policy 27, the proposed alteration into policy H8 and an explanation of the change (Doc 60). That explanation defines “limited” development as being areas of up to 2ha. The policy is also subject to criteria about (i) scale; (ii) no unreasonable conflict with agriculture, countryside and landscape; (iii) no undue demands on infrastructure and services; and (iv) suitability in local environmental terms.
- 3.4. Similar policies are contained in the Cowbridge Local Plan and paragraphs 1.1 – 1.18 of that plan explain the background to its strategy of housing restraint, including reference to the Rural Settlement Strategy of the early 1980s. CLP policy 1 seeks to prohibit residential development other than for agricultural needs, infilling or on allocated sites; with policy 2 resisting new dwellings in the countryside. Policy 37 protects countryside from development which would detract from its rural character and landscape quality. Paragraph 8.9 of the plan notes that towards Llanblethian and to the west of Cowbridge, the landscape is enhanced by historic features. The land to the south of the appeals site and Llantwit Major Road is included in an Area of High Landscape Importance where policy 36 resists any development.
- 3.5. In the deposit 1998 Vale of Glamorgan Unitary Development Plan (Doc 4), policy 3 sets out the housing provision for the period 1996 – 2011. Policies ENV1 and HOUS3 resist unnecessary housing development in the countryside. Policy HOUS2 makes provision for infill and small-scale development within the boundaries of Cowbridge and other urban settlements, subject to criteria in policy HOUS9. Policy HOUS 8 of the deposit UDP resists any extension of the urban area of Cowbridge, but the Council have accepted the UDP Inspector’s recommendation that it be deleted from the plan. Policy TRAN2 provides for land to be protected and provision made for the construction of local highway schemes, including the Llysworney by-pass. The deposit 1998 UDP was the subject of proposed changes in January and April 1999, although the latter were not made the subject of public consultation (Doc 5, CD14 & CD15).
- 3.6. The objections to the UDP were the subject of a public inquiry between June 1999 and January 2000, with the Inspector’s Report issued in November 2000 (Doc 6) and reported to the Council’s Planning Committee on 7 February 2001 (Doc 12, CD25a). Subsequently,

consideration was given to proposals for a Statement of Decisions on the Report and on Proposed Modifications during 2001 and 2002, including a re-assessment of some of the officers' original recommendations (Doc 12). Eventually, on 10 February 2003 the Council approved final documents to comprise the Statement of Decisions and UDP Proposed Modifications (Docs 7 & 8). Approval was also given for use of the Proposed Modifications document for development control purposes from 17 February 2003. The public deposit period for the Proposed Modifications expired on 1 April 2003 and a considerable number of representations have been received from the public. At the close of the inquiry the Council had made no decision on whether to hold a further inquiry into the Proposed Modifications.

- 3.7. Details of the site history are contained in the preamble to this report and section (8) of the Statement of Common Ground (Doc 21). However, it is appropriate to record here that a particular feature of the evidence for the Appellant is that the appeal site was included in an objection at the UDP inquiry on the basis that it had not been allocated for residential development. That proposal related to 37ha of land of which about 5.8ha were proposed for housing for some 145 units within the line of the proposed link road (Doc 9, CD20 & 21).
- 3.8. The UDP Inquiry Inspector recommended that the relevant land to the east of the link road line be allocated as a housing site under policy HOUS1 of the UDP; and also that policy TRAN2(I) be deleted and replaced by the proposed link road (Doc 6, sections C7.1 & 6.5). In total he suggested that about 250 dwellings be allocated for Cowbridge during the UDP plan period (Doc 6, para. C7.0.7). Although Council officers initially supported the Inspector's recommendations affecting Darren Farm, their view changed following a re-assessment of various factors and the proposed housing allocation and link road were eventually rejected by the Council (Doc 8, pages 87 – 91 & 145 – 149). Consequently, the site does not feature in the Proposed Modifications to the UDP and the Appellant has lodged an objection to them.

4. HOUSING POLICY & SUPPLY AND PREMATURITY ISSUES

CASE FOR THE APPELLANT

The main points were:

- 4.1. The appeals site is well related to the urban area of Cowbridge and the adjacent existing development at Darren Close (Doc 32/1). The town has a good range of services (Doc 32/3), is a focus for activity for a wide area of the surrounding rural hinterland, and has good bus based public transport links with nearby main urban areas. It is also close to the major employment area at Llandow. Despite its primacy within the Rural Vale, the supply of new housing has diminished in recent years and few opportunities appear to be available to redress this situation without some expansion of the settlement.
- 4.2. The Appellant's evidence is directed at the preferred Appeal B proposal. It is similar in scale to that considered during the UDP inquiry, with some 145 dwellings anticipated to be provided on 2 development parcels north and south of the central valley through the site. The development area is about 4.8ha, of which the northern parcel of just under 3ha could accommodate around 90 dwellings and the southern parcel of about 1.8ha, some 55 dwellings. A comprehensive landscape strategy would protect the open corridor along the valley floor running roughly east-west through the centre of the site, together with a wide swathe of open space on the western side of the site between the housing and the link road (Plan G/LO7). The aim of the link road is to provide a viable and realistic alternative to the Llysworney by-pass and thus relieve that village of HGV and other movements between the Llandow trading area and the A48 and M4 routes to Bridgend. It would also remove traffic from Cowbridge High Street and provide certain safety improvements.
- 4.3. The proposal must be seen against the background of its consideration by the UDP Inspector, together with other 'omission sites' which he rejected (Doc 32/11), and his recommendation that Darren Farm was appropriate for about 145 houses and the link road. His views formed

part of a wider conclusion that Cowbridge should accommodate housing allocations to provide around 250 dwellings between 1998 – 2011 (Doc 33c). In response to the Inspector's Report and in the context of current national policy the Council's officers twice proposed acceptance of the recommendation relating to Darren Farm and the link road, so concurring with his views about the importance of Cowbridge and the need to provide additional housing in the settlement (Doc 32/12 & 32/13). However, the elected Councillors on the Special Planning Committee, later endorsed by the Scrutiny Committee, took a different view on the basis that they felt the proposal was not sustainable development, that matters relating to flooding and impact on aquifers required further examination, and that the viability of Darren Farm could be affected. In addition, it was decided to re-examine housing supply and windfall figures to see if the deficiency resulting from rejection of Darren Farm could be addressed. In a subsequent report to the Council Cabinet the officers addressed the issues raised and still recommended that the Inspector's recommendation should stand (Doc 32/14 & 32/15).

- 4.4. Eventually, in December 2002 the Inspector's Report was again considered at Cabinet and this time the officers recommended rejection of the Inspector's recommendations for Darren Farm and the link road. The only matter which might be regarded as different from previous available information was that a reduction could be made in the residual housing requirement, although the up-dated supply figures did not reveal any new opportunities in Cowbridge itself and the Inspector's conclusions do not seem to have been fully dealt with. The other matters raised by the officers covered the search sequence for housing land and 'brownfield' sites, the capacity of Cowbridge services, some changes to the town boundary and a more flexible approach to development in the rural villages, the role of some sites near the centre of Cowbridge, the setting of the town, and limitations on public transport (Doc 32/16). None of these matters dealt with information not previously available to the Council. In respect of the link road it was stated that its benefits were limited and the Council's preferred option was the Llysworney By-pass. The recommendations were accepted by the Cabinet and other relevant Committees and the full Council approved the revised Statement of Decisions and Proposed Modifications on 10 February 2003.
- 4.5. A further matter is the proposal in the Proposed Modifications to now include Darren Farm within a Special Landscape Area. Although the SLA concept was endorsed by the UDP Inspector, he did not propose that the Darren Farm land be included in it and it should be noted that the site has never previously been included in any similar designation.
- 4.6. With regard to the provisions of the current development plan, this is considerably dated and will be superseded by the UDP once it is adopted. The 1986 CLP does not identify a settlement boundary for Cowbridge and Darren Farm can be regarded as 'white land'. Policy 1 restricts new housing to infilling and the development of allocated sites. The 1989 SGSP Alteration No. 1 only covered the period 1981 – 96 and a subsequent replacement Structure Plan was never adopted for the Vale. SGSP policy H8 identifies Cowbridge as a settlement suitable for limited housing within and adjoining the town.
- 4.7. Thus the CLP housing policy was restrictive for Cowbridge and reflected the presumption against further development in Rural Vale settlements. By comparison the SGSP incorporated a settlement hierarchy in its policies H8, H9 and H16, with a focus on Cowbridge for development.
- 4.8. It is considered that the appeal proposals would be in line with PPW which requires new development to accord with sustainability principles and objectives (Doc 1, paras 1.2.1, 1.2.2, 2.1.2, 2.1.4). The guidance sets out the objectives for preparation of UDPs, the priorities for urban and rural areas, and the approach to location of development (Doc 1, sections 2.3 – 2.5). PPW sets out the vision of the National Assembly for housing as being the ability to live in affordable accommodation and for people to be able to choose where they live (Doc 1, para 9.1.1). The search sequence advocated for finding sites starts with previously developed

land and moves through to settlement expansions (Doc 1, para 9.2.7). The guidance in PPW aims to concentrate development within and adjacent to urban areas, giving priority to brownfield land to reduce the need for greenfield sites and to limit car travel. It is the pattern of development which is important and appropriate development in rural areas is encouraged.

- 4.9. In the context of the Rural Vale, Cowbridge represents the logical focus for new development, given its size, services and nearby employment potential. It must be appreciated that the logic of concentrating new development around towns in rural areas such as Cowbridge will inevitably require some settlement expansion, as brownfield sites are usually limited in such areas.
- 4.10. The existing development plan policies obviously precede the current national policy which recognises that suitable settlement extensions can be a sustainable option and that people should have a choice over house type and location in rural areas. The proposed modifications to the UDP do not allocate Darren Farm for housing, despite the Inspector's recommendation and even though its development would be generally consistent with national advice applicable to rural areas in that it is a well integrated and self contained scheme adjoining the built-up area of Cowbridge which is a main settlement.
- 4.11. The detailed response of the Appellant to the deemed reasons for refusal numbers 3, 4, 6, 7 and 9 [see paras 1.5 & 1.6] are set out under other topic headings. The response to reasons 1, 2, 5 and part of 8 relating to the principle of development, prematurity, greenfield land and the Llysworney by-pass are as follows.
- 4.12. The suggestion in reason 1 that the proposal as a greenfield site is unsustainable development cannot be substantiated for several reasons. First, Cowbridge is suitable for further development as it possesses a range of retail, business and community facilities and is well served by bus transport. The town is also well related to the employment opportunities at Llandow (Doc 32/4) only some 4km away and which is designated for substantial growth in the UDP.
- 4.13. A report has highlighted the strength of the housing market in Cowbridge (Doc 32/5) and the inflationary prices indicate that housing choice is being severely constrained. Although Cowbridge expanded in the 1960s and 70s, the pace of development has dropped markedly since. Between 1981 – 2002 there were 356 additions to the housing stock, that is about 17 dwellings per annum. The 2001 Land Availability Study (Doc 32/6) shows there are no approved sites in the town for 10 or more dwellings and the Council's own report shows only 24 committed units (Doc 32/7). It is also important to appreciate that the UDP Inspector felt that Cowbridge could accommodate some 250 dwellings by 2011, whereas the appeal proposals are only for 145. He also felt that the 250 dwellings total would not be so large as to undermine the 'Waterfront' strategy of the UDP which allocates major development to Penarth, Barry and Rhoose. Council officers must have agreed when they initially supported his recommendations. In subsequently rejecting the recommendation the Council have not addressed his reasoning about the role of the town, the need to support the Llandow employment, the unsuitability of Llantwit Major and other settlements, the link road benefits, and the absence of overriding constraints to the development itself. The positive contribution of the site to provide greater choice over house types and locations has also been ignored. It is submitted that the extension to the town as proposed would be consistent with Government advice on the appropriate type of location in a rural area. It should also be noted that the housing potential in the Rural Vale as a whole has changed significantly since the UDP inquiry (Doc 33a).
- 4.14. In rejecting the Inspector's recommendation to allocate Darren Farm in the UDP, the Council have suggested that there are other more appropriate sites in Cowbridge. A UCS for the town has been prepared for the Appellant by Consultants (Doc 11A), which includes some information provided by the Council who have also made comments on it (Doc 34a & Doc

21, App 8). It analyses housing potential in Cowbridge, including those which would be classified as 'windfall' sites, and concludes that only a limited supply will come forward. No additional windfall allowance was made as this would in effect be double counting, nor for units arising from conversions. The study did not set out the unconstrained total potential capacity of the sites, but discounted that capacity to give a realistic capacity figure. The scenarios for the likelihood of sites coming forward for development were rated high, medium and low, with medium considered the best for planning and market conditions in Cowbridge. The UCS identified 11 sites within Cowbridge as having residential development potential. (Doc 11A, page 28). Following comments from the Council on the capacity of the sites the assessment was revised (Doc 11B). The sites are estimated to have an unconstrained capacity total of 188. This equates with a constrained 'high' scenario of 112 and a constrained 'medium' scenario of 80 units. Reducing those figures for commitments brings the 'high' and 'medium' scenarios down to 93 and 63 respectively. The final indicative total capacity for the town was thus taken to be 63 units. The Appellant is aware of the written criticisms of the UCS by Mr Allin for CLRG (Doc 57) and have responded to them (Doc 34b). They consider there is no need to respond to his additional comments (Doc 74A).

- 4.15. A question mark must still be placed against the prospect of certain of the sites identified in the UCS coming forward during the plan period due to constraints. The Limes is not likely to progress during the next 5 years and has a floodplain constraint. River Walk has a permission dating from the 1980s and is also in the river floodplain. The land north and north-east of the Town Hall now falls within the settlement boundary recommended by the Inspector, but both parcels of land within it which might be developed are within the Conservation Area and the floodplain. There may also be access and ecological constraints. Outside Cowbridge there are some small scale opportunities identified by the Council at Llantwit Major and other settlements, but these would have been known to the UDP Inspector and are not likely to come forward within 5 years. Development is further constrained at Llantwit Major and Ystradowen by the very tight boundaries drawn round them in the UDP.
- 4.16. In view of the limited supply of housing land in and around Cowbridge, the development with its associated benefits, can be justified and it is an acceptable location in terms of infrastructure, access and conservation. The development, therefore, is not unsustainable and reflects the advice in PPW on the pattern of development for rural areas.
- 4.17. On the issue of prematurity in the second refusal reason, as the Council seem to be intent on rejecting the UDP Inspector's recommendation on Darren Farm it would not be an issue in the UDP context, but only in respect of the effect of the planning applications. Section 3.5 of PPW explains the circumstances where prematurity may be a relevant issue. It advises that refusal of permission may be justified where development proposals go to the heart of the plan or would have a significant impact on an important settlement or substantial area with an identifiable character.
- 4.18. Dealing with the 5 factors listed in reason 2 by the Council to support their claim, the first refers to the UDP strategy but the UDP Inspector and the initial comments of Council officers indicate that it was not felt the strategy was undermined. On the second matter of housing supply, the UDP Inspector's comments and the advice in PPW shows that Cowbridge is an appropriate location for development yet has very limited opportunities to meet demand or local need for housing, as already described. The third reason suggests that the proposal would predetermine decisions on the scale, location and phasing of development. However, it would not affect the core strategy of the UDP and 145 dwellings would equate with only about 9% of the population of Cowbridge and 3% of the identified housing supply in the UDP Proposed Modifications. The effect on the UDP as a whole is therefore not significant and this view was shared by the UDP Inspector and Council officers. The fourth matter concerns UDP policy TRAN2 and the Llysworney by-pass. The by-pass scheme is longstanding and has very little prospect of being implemented. The link road alternative is urgently required

to alleviate the problems of Llysworney and HGV movement to the A48. The final reason about the alleged impact on the character of Cowbridge is refuted in evidence on landscape and the countryside.

- 4.19. Refusal reason 5 refers to policies EV3 and H8 of the SGSP, policy 1 of the CLP, and policies ENV1 and HOUS8 of the UDP as amended. It is accepted that in the context of the historic development plan the appeals site represents an extension of the urban area into greenfield land. However, to suggest a development is unacceptable just because it involves such land is mistaken. PPW advice does not categorise such land as being unacceptable in principle, especially where it contributes towards a sustainable pattern of development. The UCS identifies the limited supply of land in Cowbridge and the suitability of the town to cater for further development. Some greenfield development must be accepted and the appeals site is suitable, bearing in mind the choice and benefits it will provide.
- 4.20. The eighth reason for refusal relating to the Llysworney by-pass has been dealt with in the comments on the fourth matter contained in refusal reason 2. It remains to add that the link road would provide a viable alternative to the by-pass at no cost to the public purse and would be constructed in conjunction with the housing development so is capable of almost immediate implementation.
- 4.21. Arising from the foregoing analysis of housing, policy and prematurity issues, the following submissions can be made. The development plan for the area is time expired and does not address the circumstances existing now. The SGSP had a plan period 1981 – 96 so its housing policies were not designed to go beyond that date. Even then, however, its policy H8 recognised that some limited extension of Cowbridge is acceptable in policy terms. The CLP is even older having been adopted in 1986 and was proposed to implement the policies of the 1980 Structure Plan. It follows that its policies sought to deal with even earlier housing requirements than the SGSP. This is, in effect, recognised by the Council in their decision to use the emerging UDP for development control purposes in place of the adopted development plan. Thus, the development plan should be accorded little weight and the applications should be determined in the light of all other material considerations.
- 4.22. It is disingenuous of the Council to argue that the site is not suitable for housing, bearing in mind that the UDP Inspector found it to be the most suitable site in the Rural Vale for bringing forward (Doc 32/2) and, at least until June 2002, Council officers also concluded that there was no basis to reject the Inspector's recommendation. The Council now say that the housing supply numbers mean they can conclude that Darren Farm is no longer needed. Although there was considerable local opposition to the recommended allocation, the officers made it clear that there was no legitimate land use/planning basis to reject it.
- 4.23. The issue for the NAW is whether the case is made out for the grant of permission notwithstanding the Council's indication that it should be rejected as an allocated site. The Appellant has objected to the Proposed UDP Modifications which have yet to be finally considered by the Council. In such circumstances the UDP Inspector's Report remains a material consideration and it should be noted that the development plan process has not been completed, unlike the situation in the case of *Jeantwill v SSE & Cherwell DC* (Doc 66). The Appellant's case is more akin to that of *Ravebuild v SSE & Hammersmith & Fulham LBC* (Doc 66) as in theory the opportunity still exists for the Appellant to persuade the council to accept the UDP Inspector's recommendation.
- 4.24. The applications cannot reasonably be rejected on grounds of prematurity which is something which almost always arises at an early stage in the UDP process. It must be wrong to hold that it is not possible to pursue a section 78 appeal as long as the UDP remains unadopted. In reality, given the opposition of the Council's members and the public to the Darren Farm scheme, these appeals represent the only chance to secure planning permission for the site. The Appellant is entitled to a decision on the merits of the case. Paragraph 3.5.2 of PPW

makes it clear that issues of prematurity only arise in very limited circumstances and these do not exist in this case. The appeal proposals do not go to the heart of the plan and undermine the core settlement strategy and the aim to focus development on the Waterfront Strip. This was expressly recognised by the UDP Inspector. The proposed 145 dwellings would represent less than 10% of the population of Cowbridge and only a small proportion of the identified housing supply for the plan area.

- 4.25. If the appeals are allowed it would be a matter for the Council to decide how to treat that in relation to the UDP. It would not be adopted until the beginning of 2004 at the earliest and since it has been decided to introduce a SLA policy via the Proposed Modifications it is difficult to see how a further inquiry can be avoided having regard to NAW advice on the UDP modifications process (Doc 65), so adoption will probably be much later. It follows that the Council would have adequate time to reflect on the NAW decision arising from the appeals in the UDP context if they wish to do so.
- 4.26. What must be recognised, as the UDP Inspector did, is that there is a need for a range of choice of housing in the Rural Vale and that Cowbridge is the best location. PPW stresses the importance of range and choice in paragraphs 9.1.1 and 9.2.18; and that the preferred location should be in local centres, as stated in paragraph 2.5.6. If Darren Farm is ignored then the options for development in the town on any scale are severely restricted, in fact more so than when the UDP Inspector concluded that the allocation “*was patently too restrictive*” (Doc 6, para C7.0.7). There were 222 units on identified sites at the 1998 base, compared to 47 at the 2001 base, with very low completion rates since 1998. Choice would also be provided within the appeals scheme by the inclusion of 20% affordable housing which would be a real benefit in a town where market prices are high. As has already been stated, it is accepted that there will be some completions in the period to 2011, which have been assessed through the UCS at just over 60 dwellings (Doc 11B). This includes the land north of the Town Hall, but that has limited potential. In any event, the UDP Inspector looked for 250 units in Cowbridge in the knowledge that some windfall sites would come forward anyway.
- 4.27. Another factor which supports the release of the appeals site relates to the UDP allocation of 22.1ha of land in the Llandow area for employment purposes, which could equate with up to 2,000 jobs. The most suitable and sustainable location for housing to serve that proposal is at Cowbridge, as found by the UDP Inspector (Doc 6, para C7.0.6).
- 4.28. On the question of sustainability, the Council have sought to compare the site with those in the Waterfront Strategy area which is unfair as this is a site in the Rural Vale. In fact, the 1991 Census data shows that the Rural Vale and Cowbridge compare favourably with Barry and Rhoose in terms of self-containment and journeys to work by car (Doc 33b, pt. A). This emphasises that Cowbridge is the service centre for the Rural Vale.

CASE FOR THE COUNCIL.

The main points were:

- 4.29. In connection with their pursuit of development at Darren Farm the Appellant made objection to policies TRAN2, HOUS1 and HOUS8 in the deposit UDP which were heard at the inquiry into objections in 1999/2000, together with the Council’s response (Doc 9, CD20 & 21; Doc 35/5). Consideration of the Inspector’s Report and his recommendations affecting Cowbridge and the Darren Farm site (Doc 35/6) were undertaken by officers and various committees between November 2000 and February 2003 (Doc 12; Docs 35/2 & 35/3; Doc 36A) when the Council approved the UDP Proposed Modifications (Doc 7). It is of note that the Inspector’s recommendation on the housing allocation for Cowbridge was not based on any formula or calculation, but “*a planning judgement*” (Doc. 35/7).
- 4.30. In considering the applications now subject of appeal the Council had regard to the status of the emerging UDP in the light of the advice in paragraphs 3.5.1 and 3.5.2 of PPW on that

matter and prematurity. It is considered that the proposals are individually substantial and if permitted would predetermine decisions which ought properly to be taken in the UDP context. They would also have a significant impact on the important settlement of Cowbridge. The same principles apply to the link road in relation to the UDP policy affecting the Llysworney by-pass. Since the submission of the applications it is not considered the situation on prematurity has changed. The Council have yet to resolve the situation arising from representations on the Proposed Modifications to the UDP and if, in the meantime, the appeals were allowed it would affect housing policies, the plan strategy, and the environment and transport chapters.

- 4.31. In considering the UDP Inspector's recommendations on housing, the Council have accepted his conclusion that housing supply as a whole should be increased by a further 1,104 units (modified to 1,010 units – see Doc 7, page 78) above that in the deposit UDP, to a total of 6,079 units between 1998 – 2011. However, it is only proposed to allocate sites to meet that need outlined in the Statement of Decisions (Doc 8). It must be noted that the Council has discretion in selecting sites to meet the need, as was recognised by the Inspector in his comment that *“It is however for the Council to determine whether there are other more suitable sites that were not before me for consideration.”* (Doc 35/9).
- 4.32. It is also relevant that since the Inspector's report the Council have updated the housing demand figure to 1 April 2001 by taking account of completions since 1998. This was not before the Inspector. The Council have had regard to the capacity of sites with permission; the PPW requirement to undertake a sequential approach to site selection (Doc 1, para 9.2.7) and to only identify land to meet the housing requirement; and to the fact that the 250 units figure provided by the Inspector was based only on his judgement. Sufficient sites have now been identified to meet the 1,010 figure and as a result of the search sequence (Doc. 7, pages 79/80) it is considered that those sites (Doc 36B) should be developed in preference to the greenfield appeals site.
- 4.33. Cowbridge is a thriving town which is able to sustain local services and facilities without the need for development of the appeals site. It serves its own population and the rural hinterland and has a lower proportion of commercial vacancies in its centre than any other recognised centre in the Vale of Glamorgan (Doc 15 & 35/10). The Appellant's own UCS confirms the vibrancy of the town (Doc 11A).
- 4.34. As a result of the UDP Inspector's Report the settlement boundaries for Cowbridge and some of the hinterland villages have been revised and policy HOUS2 re-worded to be more flexible, so providing opportunities for more appropriate development than the appeals site in terms of scale and location. The sites identified within Cowbridge also offer better access for walking and cycling than the appeals site.
- 4.35. The Council have reservations about certain aspects of the Appellant's UCS concerned with its approach to the need for large scale development to fund infrastructure improvements, to sites being currently progressed, and the manner in which the development potential of some sites has been examined (Doc 35/11).
- 4.36. The Council's concern about the impact of development of the appeals site on the setting of Cowbridge is reflected in the proposal in the UDP Proposed Modifications to include the land within the Thaw Valley SLA (Doc 7, Mod DO21, page 41 & Mods Map). The importance of the setting of the town and the detrimental impact of suburban development was recognised in the 1986 CLP (Doc 3, CD11, paras 1.10 – 1.12).
- 4.37. The advice on preparation of UDPs in PPW advocates a sustainable settlement strategy and the Council have followed this approach by guiding development to locations which maximise social and economic improvements whilst safeguarding the countryside from inappropriate schemes. The UDP strategy seeks to concentrate all forms of development

within the Waterfront Strip from Penarth through to Rhoose and the appeals site is well outside this area. The UDP Inspector concluded that the plan promoted “... *sustainability and sustainable practices in encouraging the use of brownfield sites, the location of employment and housing on the transport corridors of the Waterfront Strip*” (Doc 35/9, para 7). About 70% of the Vale of Glamorgan population live in the urban settlements in the Waterfront Strip and this is where there are employment opportunities, good transport links and retail, leisure and community facilities.

- 4.38. It is submitted that the UDP strategy follows the guidance on sustainability in respect of the settlement strategy, minimising travel demand, conserving and enhancing the environment, conserving the historic and cultural heritage, promoting integrated transport systems and promoting accessibility. The appeals proposals are a departure from the UDP strategy and run contrary to sustainable development policies, especially as there are sufficient alternative sites to meet the housing requirement. The illustrative master plan provided by the Appellant (Plan G/L07) shows that the proposals do not constitute an efficient use of land, with much of the site taken up with open space. A further example of relevance to sustainability is that the bus service for Cowbridge is limited (Plan M) and it has no train service, unlike Barry (Doc 72, A). It is intended that Llantwit Major and Rhoose will be served by trains in the near future by the use of the existing freight line from Bridgend to Barry for passenger traffic. It is preferable to develop sites in those areas prior to the release of greenfield sites elsewhere which are not so well located and are constrained by landscape and conservation issues. The proposed link road issues are dealt with in detail in the evidence on highways matters.
- 4.39. In respect of housing supply and deemed refusal reason 2(b) the 2000 Land Availability Study shows a supply of 7.12 years (Doc 35/16). This exceeds the requirement in PPW for a 5 years supply (Doc 1, para 9.2.5). A more recent study for 2001 shows an 8 year supply (Doc 35/17). Thus the supply situation is such that there is no need to release further land in advance of the completion of the UDP process.
- 4.40. The proposals must be assessed in the policy context of the development plan. In respect of the SGSP the site is part of the open countryside outside the urban area of Cowbridge. It does not meet the criteria in policy H1 as sufficient housing sites already exist to meet supply needs and it would conflict with agriculture conservation and landscape interests. Policy H8 allows for some limited development, but the proposals do not meet its criteria and are of too large a scale to be regarded as “limited housing development”. There are also some opportunities for development within Cowbridge, for example at the Bridge Garage site, the former Grammar School, The Limes, River Walk and Llanblethian Hill, together with the potential within the revised settlement boundary north of the Town Hall. There are no sewerage constraints on these sites as implied in the UCS (Doc 45a) nor any flood risk at the Garage site (Doc 46).
- 4.41. In the emerging UDP policies ENV1, ENV9 and HOUS3 have relevance due to the site’s location in the countryside. Policy HOUS8 is proposed for deletion, but HOUS2 permits infill, small scale development and redevelopment within Cowbridge subject to policy HOUS 9 criteria. It is concluded that the appeals proposals do not meet relevant policies of the existing and emerging development plan.
- 4.42. Notwithstanding the age of the SGSP and CLP, they comprise the current development plan for the purposes of section 54A of the 1990 Act. Although the SGSP Explanatory Memorandum is not part of the development plan, as noted in *Cooper v SSE & Harlow DC* (Doc 66), it can be used as an aid to the construction of a policy and it is clear from the letter from the Secretary of State approving the Structure Plan that it was used by the Panel when considering the Structure Plan review (Doc 73/4). The Appellant has accepted that the appeal proposals do not accord with the plan because the site lies outside the built-up area in a countryside landscape and cannot be regarded as ‘limited’ development under SGSP policy H8. Some of the specific policy criteria are also an issue. It is submitted that the proposals

conflict with SGSP policies EV3 and EV12 and CLP policies 1 and 34. It follows that the Appellant must rely on 'other material considerations.' The submissions for the CLRG support the Council's views.

- 4.43. The Appellant also has to accept that the proposals are not in accord with the emerging UDP or any of its versions. The site is outside the settlement boundary and so contrary to policies ENV1 and HOUS3 and the Appellant does not suggest it would be small scale rounding-off within policy HOUS2. The Appellant's case rests on the recommendation of the UDP Inspector that the site be allocated for housing and a link road.
- 4.44. However, it is submitted that the Inspector's Report can only be given limited weight in determining the appeals for several reasons. In the *Jeantwill* case (Doc 66) it was held that where a local planning authority had rejected an Inspector's recommendation it was no longer material so it would be confusing for the Secretary of State to continue to consider something which had been rejected. In the case of *Ravebuild* (Doc 66) the Judge distinguished it from *Jeantwill* on the basis that the Council had not published Local Plan proposed modifications. Unlike the situation in *Jeantwill*, this meant that there was still an opportunity for *Ravebuild* to have sought to persuade the Council that the Inspector's recommendation should be accepted.
- 4.45. The Vale of Glamorgan UDP is at a more advanced stage than the plan in the *Ravebuild* case, but still has to complete the important procedural stage of considering the objections to the Proposed Modifications. This will include re-consideration of the housing allocations, for example, the land north of the railway at Rhoose which has attracted substantial objections. It would, therefore, be premature to allow the appeals. The Appellant seeks to rely on the UDP Inspector's Report yet at the same time pre-empts the UDP process.
- 4.46. In legal terms the Inspector's Report is not binding on the Council. The Appellant has suggested that the possible delay to the UDP process occasioned by the appeals might be justified to prevent inappropriate use of the process by the Council, but the Council have done nothing wrong. They have properly considered the Inspector's Report together with material changes in circumstances following its receipt, and proposed modifications to the UDP as a result of that Report. They are now considering the results of duly made representations to the proposed modifications. It is not the function of the section 78 appeal process to restrain the Council from exercising its discretion and if there is any grievance then a challenge can be mounted to the adoption of the UDP. Although the Inspector's Report is a material consideration, the Council's rejection of the recommendations affecting Darren Farm is itself also material.
- 4.47. The next consideration is the matter of housing land supply and the figure of 250 dwelling units for Cowbridge suggested by the UDP Inspector. There is no dispute that the Vale has an 8 year supply overall and PPW requires provision by Authority areas, not individual settlements (Doc 1, para 9.2.5). It follows that there is no policy or numerical requirement for the allocation or development of housing within Cowbridge or to extend it into the countryside to provide for such development. The UDP Inspector did not base his suggestion for 250 dwellings on any calculation, only his judgement. Even so, there are opportunities for development in and around the town. The UCS Addendum of the Appellant gives an indicative capacity of 63 units for Cowbridge/Llanblethian. 47 units are identified in hinterland villages. Constraints such as flooding or sewage capacity can probably be overcome on certain sites and other small sites and windfalls may come forward.
- 4.48. When considering the UDP Inspector's Report the changing context for housing supply, including increased densities on the Plan's brownfield sites, have made the other concerns about Darren Farm assume greater significance. It is important to appreciate that PPW post-dates the UDP Inspector's Report. This introduced the sequential approach to identifying housing land which should only be sufficient to meet the housing requirement (Doc 1, para

9.2.7). This has been done and for Darren Farm to now be allocated would mean removal of one of the sites currently proposed for allocation. The Appellant has complained that greenfield land at Rhoose is proposed for allocation, but this was recommended by the UDP Inspector and the Appellant has not lodged an objection to it as part of the Proposed Modifications. Given the generous land supply position there is no reason to pre-empt the UDP process and the Council would contend that the Rhoose site is a preferable location anyway.

- 4.49. There are several other factors which were not considered fully by the UDP Inspector. First, the implications for the Darren Farm development on the agricultural tenants was not considered; second, third party objectors such as CLRG were not allowed to make oral representations to the UDP inquiry, so the strength of local feeling was not taken into account; and third, the landscape issues were not able to be dealt with as thoroughly then as has been the case at the section 78 inquiry, with the UDP Inspector not noting the high value given to historic aspects of the area in the LWVG document.
- 4.50. Although the Appellant has pointed to the requirement in PPW that there should be a range and choice of housing sites, they have accepted that this must be read in the context of the overall objectives for sustainable development, particularly paragraphs 1.2.1 and 1.2.2. So a balance of needs must be struck, not simply satisfying the locational demands of the market. Looking at sustainability considerations as a whole, the proposals can be examined against the checklist of bullet points in paragraph 2.3.2 of PPW (Doc 1), particularly bullets 1 – 8, 10, 12, 13, 15 and 16.
- 4.51. In respect of the first and eighth bullet points the site as a ‘greenfield’ is not the favoured category for development. However, if it must be developed then this should be as efficiently as possible, yet the proposal would provide only about 5.68ha of housing and public open space out of a total site area of over 15ha. Clearly, the building and engineering operations on the site would change its character from that of open countryside. Whether the reason underlying the scale of the site is to try and avoid harm to a sensitive area or to simply bring an excessive amount of land into urban use, the result cannot be seen as a sustainable approach and the rural character of the area would be lost anyway.
- 4.52. Under the second, twelfth and thirteenth bullet points, the likelihood is that car travel to the Llandow employment area would be favoured. The same mode of travel would be chosen for local trips to the town centre, especially as the alternatives of movement on foot, cycle or public transport are unattractive for reasons set out in the Council’s highways evidence. In respect of the third, fourth and fifth points it is now accepted that they could be met in respect of sewerage and drainage requirements. Although the site is not a statutorily designated area, with regard to the sixth and seventh points there would be harm to the countryside and the historic environment. The tenth point deals with housing need. The proposals offer an element of affordable housing, but that benefit must be weighed against the general unsuitability of the site for housing and that there are policies for delivery of such housing on allocated sites, for example policy HOUS14 of the UDP. The fifteenth and sixteenth points can be applied to Darren Farm as a small business. The appeal proposals would mean that the farm could not carry on in its present form and could be forced into carrying on with some form of risky alternative. Also, the farm is a valued element of the local community which links the town with its rural hinterland.
- 4.53. It is submitted that the appeals proposals and their location do not satisfy some of the key policies for sustainable development.

CASE FOR CLRG.

The main points were:

- 4.54. It is noted that the SGSP, the CLP and the deposit UDP have all been approved for development control purposes. The appeals site is not included for housing in any of these documents. As stated in paragraph 9.2.5 of PPW, a 5 year supply of housing land should be available. In the Vale there is well in excess of that figure. At the time they were submitted the appeals applications were clearly prejudicial to the outcome of the UDP and it was correct for the Council to treat them as premature. The proposals do not meet the requirement of section 54A of the 1990 Act as they are out of accord with the relevant policies of the existing and emerging development plan.
- 4.55. It is accepted that the UDP Inspector's Report can constitute a material consideration having regard to the *Jeantwill* and *Ravebuild* cases (Doc 66), but in the latter case there was still an opportunity for the Appellant to pursue agreement to the Inspector's recommendation as the plan process was still ongoing. In this instance the Council are still considering the representations on the Proposed Modifications to the UDP so they cannot be regarded as finalised. It is submitted that in the circumstances the Inspector's Report should be afforded little weight in determining these planning applications.
- 4.56. The claim of the Appellant that the UDP Inspector gave full consideration to all the issues in these appeals is not accepted. An important point is that the voices of local residents were not heard at the UDP inquiry during the 2 days that Darren Farm was considered. PPW places emphasis on the value and benefit of community participation (Doc 1, paras 2.2.1, 2.11.4), but this has not been possible until the section 78 inquiry (Doc 71, App 2). It is true that some of the concerns have since been mitigated, but only after post-UDP inquiry investigations and negotiations. These included ecological surveys, a foul drainage scheme, archaeological investigation, and flooding information. In the latter case it is unfortunate that the matter was not dealt with at the UDP inquiry and residents still have concerns about the maintenance of surface water run-off measures (Doc 58), especially as they have experienced the problems which can be caused. The UDP Inspector did not deal with the historical context surrounding the site, nor with the situation over the agricultural tenancy.
- 4.57. Since the UDP Inspector's Report, PPW has been published. It places increased emphasis on the use of 'brownfield' sites in preference to 'greenfield' sites; and also on the need to operate within sustainability principles to promote resource efficiency and minimise land take. It advocates a search sequence for sites which the Council have now undertaken. This shows there is no need for the Darren Farm site to meet any shortfall. The appeals site projects well beyond the western extremity of the town and the open space which is proposed is excessive in scale and unlikely to be used by the general population of Cowbridge. Those who do might well decide to bring their cars for which there is no parking provision.
- 4.58. The UDP Inspector's recommendation for Darren Farm was based on a judgement rather than any particular housing calculation and he allowed for the fact that the Council might find other more suitable sites. The Council have properly considered the recommendation and having done so are entitled to reject it. This diminishes the weight which should be given to the Inspector's Report. Their ongoing careful consideration in the 2.5 years since the UDP Inspector's Report, including the changes in the housing supply situation for the whole of the Vale since the UDP inquiry, should be given due consideration. Allowing the appeals would undermine the analysis which has been undertaken and prejudice the outcome of the Proposed Modifications.
- 4.59. CLRG question the findings of the Appellant's UCS. The written representations of Mr Allin (Doc 57 submitted as CLRG doc. RESPE51) presents a different perspective on the handling of the Darren Farm proposals and critically examines the UCS, especially as it is contended that a proper assessment of available land within Cowbridge was necessary before the release of a greenfield site was even considered. The representations include a lengthy analysis and critique of the consideration of the proposals by the UDP Inspector and the Council officers

(Doc 57, sections 1 – 4). The second part of the representations includes an alternative capacity assessment for Cowbridge taking account of the Appellant's UCS. The latter document is criticised for not including an allowance for conversions, changes of use and subdivisions in the potential capacity total; and also a lack of detailed research and dialogue is alleged. This is illustrated by correspondence received by CLRG (Doc 57, Apps 5 – 8). The analysis of housing potential within Cowbridge is more optimistic than that of the Appellant and involves the discounting of fewer sites and includes a windfall allowance. It is indicated that this gave a capacity of 191 units or 179 without the allocations at The Limes and River Walk.

4.60. Cowbridge does not need further large scale development to sustain its role as an important historic and vibrant town. The town has thrived over the past 20 years despite the influx of out-of-town shopping and business parks around larger nearby towns such as Bridgend and Cardiff. It is also a significant tourist attraction (Doc 55, RESPE49), with its rural setting part of its attraction. Further urban sprawl and highways are unnecessary. That is not to say that local people are opposed to all development, as a modest rate of new housing is supported, as is now promoted in the UDP. The Council have allowed for the possibility of several appropriate and sustainable sites within its boundaries to come forward over the plan period. Although some affordable housing could be included within the appeal site, the need for this is uncertain and there are policies in the UDP for provision in the Vale as a whole. The appeal proposals fly in the face of the development plan and the emerging UDP. They would have a detrimental impact on the landscape, historic environment, agricultural interests and sustainable transport provision. The balance rests firmly with dismissal of the appeals.

5. THE DARREN FARM AGRICULTURAL HOLDING

Introduction.

- 5.1. The Darren Farm land which is the subject of the appeals is part of the Penllyn Estate owned by the Homfray family, which also includes substantial areas of land to the north and west of the site. Although some 5 or 6.7ha of the appeal A and B sites lie within the large Home Farm unit of the estate, there is no suggestion that its viability would be affected by the appeal proposals.
- 5.2. The agricultural issues centre on Darren Farm itself which is occupied by the business of E T Adams & Son, which has 3 partners – Mr D Adams who is the tenant of the farm, Mr R Adams and Mrs M Hughes (Doc 51/2). The same family have occupied the farm for over 60 years. The family were represented at the inquiry and their case is included in this section.
- 5.3. The tenanted farm extends to about 40ha and is operated primarily as a dairy unit milking 80 pedigree cows. About 10ha of the holding used for grazing the dairy herd lies within the appeal site and near to the farmhouse and milking parlour/dairy. The remaining 30ha of land, with some livestock and storage buildings (referred to as Top Yard), is located about 0.6km away from the farmhouse to the west of Llanfrynach Lane (Plan K2). It is used as silage and forage areas for young stock and sheep. The family also own a 40ha farm at Ty-uchaf, Llantrithyd, about 7 km away from Darren Farm (Plan K1). The Statement of Common Ground sets out the basic details of the business (Doc 22).

CASE FOR THE APPELLANT.

The main points were:

- 5.4. The appeal site was originally identified as being of grades 2 and 3 agricultural quality and prior to the UDP inquiry the appellant undertook a detailed survey which suggested the land was mostly grade 3a with some areas of 3b. However, NAWAD wrote to that inquiry and

stated that the soils could be re-classified as grade 3b. Since then NAWAD has undertaken a further land classification of the site which confirmed the overall category of grade 3b (Doc 28, KCC2). Accordingly, the land is not some of “the best and most versatile” which might merit protection from development under paragraph 2.8.1 of PPW, policies EV1 and EV2 of the SGSP, or policy EV2 of the UDP. It is noted that the Council have raised no objection to the appeal proposals on grounds of land quality.

- 5.5. The existing Darren Farm holding suffers from several constraints. The main farmyard is tightly contained by the A48 road and steep banks, so has few opportunities for expansion (Photo 2: plan and views 1 – 3). It is close to housing and its operations could cause noise and disturbance. Surface water runs down the valley from the west and mixes with farm wastes. There is no slurry storage facility, so this has to be spread on the land daily. This could lead to a pollution risk in certain weather conditions (Doc 28, KCC7, para. 41). The existing milking parlour is small and constrained, and would be difficult to modernise. A substantial constraint is that the 80 milking cows have to pass through a narrow section of the farm land into the 10ha of grazing to the west which leads to ‘poaching’ and a deterioration in its quality. The 10ha of grassland is not enough land for the herd and it has to be supplemented by feeding silage. It is submitted that the farm is considerably constrained by lack of access to grassland and the limits of its buildings, which should be borne in mind in considering the effects on the tenancy.
- 5.6. Since the proposed development would result in the loss of the limited grazing and turn-out land, it is accepted that the dairy operation could not continue in its current form. Even if a zero-grazing system was adopted with the cattle remaining indoors for much of the time, this would involve providing additional buildings, methods to reduce dirty water production, and additional capacity for silage and slurry storage. This would be a difficult and far from ideal solution and it must be concluded that the farm is unlikely to be able to continue dairy farming from the existing premises if the appeal proposals are implemented.
- 5.7. In the light of the foregoing conclusion, consideration has been given to possible alternative enterprises which might be established at Darren Farm, bearing in mind that the main farmyard and dwelling and the Top Yard 30ha of land are not within the appeal site. Also, Ty-uchaf and rented summer land are not affected. Thus, a beef unit, sheep unit or mixed livestock unit could be run from the existing buildings and Top Yard land, with access to the latter by means of the A48, as at present. It would also be possible to move the dairy unit from Darren Farm to the Top Yard buildings and continue milking from there.
- 5.8. Three budget estimates have been prepared to explore these possibilities (Doc 28, KCC8). Budget 1 is based on the current enterprise at Darren and Ty-uchaf Farms which involves dairy, beef and sheep. It shows a loss of about £1,000, but the tenant could live off non-cash deductions such as depreciation, so the unit can still be considered to be viable. Budget 2 involves the loss of the 10ha to development and a beef breeding and rearing operation, plus sheep. This would break-even or make a very small profit. Budget 3 involves a beef rearing and finishing unit. It could give a modest profit of about £5,000. The source data used in the budgets is based on the widely recognised ‘Nix’ handbook (Doc 28, KCC9).
- 5.9. It is clear from the analysis that the tenant could operate Darren Farm in an economically more efficient way without dairy cows than he does at present and if the development went ahead an alternative enterprise mix or location would have to be followed. However, it is accepted that the alternative options to a dairy unit would involve less labour input so is unlikely to keep all 3 partners employed, and building alterations and extensions would be required. With regard to the extent of such building works, the agent for Mr Adams has estimated that it would cost £367,590 to re-locate the dairy unit to Top Yard. This is not accepted, as the Darren Farm buildings could be used for non-milking stock and if the existing buildings at Top Yard are adapted then fewer new buildings would be needed (see sketch plan with Doc 52(a), App. 1 & Photo 2/4) and the cost could be reduced to around £125,000 (Doc 28, KCC10).

- 5.10. It is acknowledged that the Council have received a report from their own Consultant (Doc 28, KCC3) which concluded that the impact of the development would be significant and possibly make an already marginal holding unviable. However, that report assumed the land quality was grade 2 which it has subsequently been agreed it is not. It also cited the loss of access to the out-grazing land and severance of the holding as a major concern, but assumed access to Top Yard along the Llantwit Major Road and Llanfrynach Lane. This would be a difficult, impractical and lengthy route to use. In fact, the cows only graze on the appeal site land and not at Top Yard, so the matter of severance is not significant.
- 5.11. It is concluded that the deemed refusal reason alleging that the viability of the Darren Farm enterprise would be prejudiced and the objection to the applications by Mr D Adams (Doc 28, KCC4) cannot be substantiated. The effect of development on Darren Farm and Ty-uchaf would not be significant and in terms of paragraph 8 of TAN6 loss of part of the holding would not prevent the remainder being farmed as a commercially sustainable unit. If the tenants did not wish to continue at Darren Farm the Top Yard land could easily be incorporated into the much larger Penllyn Estate Home Farm. In respect of paragraphs 7 and 9 – 11 of TAN 6, the link road would be a barrier to trespass from the proposed housing; the continued beneficial use of buildings on the farm would not be precluded; irrigation is not an issue; and good design of the development would avoid any drainage problems for adjacent agricultural land.
- 5.12. It is accepted that the personal circumstances of the Darren Farm tenants are capable of being a material consideration. However, if it is in the public interest that the site be developed for housing and the link road it is difficult to see how that private interest can outweigh the public interest. This was well dealt with in a Council report of the advice of Counsel in July 2002 (Doc 32/14, page 4). The situation here is quite different to the barns conversion case quoted by the Council and on behalf of Mr Adams (Doc 67B). There was no public interest achieved by that proposal, so the balance fell in favour of the tenant. In any event, if permission is given for the appeals scheme the tenant can turn to an alternative agricultural enterprise or with the co-operation of the landowners the dairy unit may be able to re-locate to Top Yard.

CASE FOR THE COUNCIL

The main points were:

- 5.13. The Council's agricultural advisors have undertaken an appraisal of Darren Farm (Doc 35/20). It is concluded that the appeal site land is of high importance to the tenant and its loss would be significant, potentially making the holding unviable. As a review of a previous application for barns conversions at Darren Farm showed (Doc 35/4), consideration must be given to the possible personal hardship and business difficulties arising for the tenant. This is supported by the advice in PPW (Doc 1, para 4.1.6). As noted elsewhere, the farmland contributes to the setting of Cowbridge and the presence of the traditional farming enterprise at its edge contributes to its character as a historic market town.
- 5.14. Any proposal to re-locate the dairy unit to Top Yard involving a dwelling, new farm buildings and access works which required planning permission would be subject to consideration under strict countryside policies. Given that there is an existing dwelling and buildings on the holding, the outcome of any application is uncertain.

CASE FOR CLRG

The main points were:

- 5.15. The Adams family are supported in their objections to the appeal proposals. It would make continuance of the dairy herd impossible and there is no viable agreed alternative. The tenant does not wish to relinquish his tenancy and the impact on the livelihood of the family is a

serious constraint on the development.

CASE FOR MR D ADAMS & FAMILY

The main points were:

- 5.16. The family are aware of the UDP Inspector's recommendations affecting the farm land and of the Council's response to the appeal proposals (Doc 51/6 & 7). The family partners in E T Adams & Son have had a long standing poor relationship with the landlord of Darren Farm which has led to a number of Court and Tribunal hearings. Consequently, they are wary of his motives. An example was an application to convert buildings at Darren Farm which was the subject of Judicial Review and would have seriously affected the use of the farm yard (Doc 35/3 & 35/4; Docs 51/4 & 51/5; Doc 67B). In respect of the current proposals, they acknowledge that a letter was sent to them by Mr T Kernon for the Appellant which suggested a possible dairy unit at Top Yard (Doc 52a, App 1), but it contained no formal offer and it was later agreed with the landlord that any discussions concerning the future of the farm should await the outcome of the appeals (Doc 52b, App 2).
- 5.17. The family are not interested in farming any of the beef dominated alternatives suggested by the appellant's agent under any circumstances. They have always been involved in milk production and do not wish to change their way of life. They might consider the principle of whether a dairy unit could be established at Top Yard, but this would require a number of obstacles being overcome and they could not afford to do it themselves. The obstacles which could be extremely difficult to overcome include the difficulty of any negotiation with the landlord, the financial arrangements, and the need for new buildings, access works, electricity, extra grazing land and water supply. In addition, it would be essential for a new dwelling to be built there as the existing farmhouse would be out of sight and sound of the unit. It is not known if any necessary planning permission would be forthcoming.
- 5.18. Darren Farm is a longstanding feature of the Cowbridge community and it is believed the Adams family are the only dairy farmers left in the town. The proposed development would have a substantial impact on their amenity and way of life, including employment. The effects of the proposals on the existing agricultural unit and on the personal circumstances of the family and their business are material considerations which must be taken into account.
- 5.19. It is considered that the expert witness called on behalf of the Adams family is better placed to comment on viability than the witness for the Appellant, due to his extensive experience and personal knowledge of the Darren Farm holding over some 18 years. The overall classification of the land may be grade 3b, but this is actually advantageous for livestock farming of the kind being undertaken. The statement of common ground (Doc 22) shows that the appellant agrees that the loss of land to development would make the existing enterprise unworkable. This situation would result in the cessation of dairying which is the 'core' business around which the other cattle enterprise revolves, with the cows providing bull calves at minimal cost. Although a dairy unit could be set up at Top Yard, the constraints are substantial and the cost of new buildings has been assessed at £369,590. This figure was re-examined in the light of the comments on behalf of the Appellant that existing buildings could be refurbished, but the revised figure can only be reduced to £344,300 (Docs 50 & 51/8). This does not include the cost of a new farmhouse. Given all the difficulties, it is considered that the re-location is not a realistic possibility.
- 5.20. With regard to the budget schemes prepared by the Appellant (Doc 28, KCC8) which are beef based, these use the 'Nix' guide (Doc 28, KCC9) which is useful in theory, but does not take the practical realities of a particular case into account and other guides may be used (Doc 54). Any potential changes to the farm would have to take account of the CAP mid-term review [MTR] and the implications of changes to subsidies and milk quota payments based on a previous 'reference period'. To receive a cow premium a dairy farmer would have to continue

in that activity until the end of March 2004 and also be utilising the same area of land. It would, therefore, not be advisable to consider any change in farming practice at present. Due to the lack of space and design shortcomings of the existing buildings at Darren Farm it would be unsuitable to run a beef unit from there.

- 5.21. The budget 1 gross margins are generally accepted with some reduction for ewe premium, but labour costs are too high where family labour is used. It is suggested that the current enterprise would be in profit of around £17,900 rather than the small loss suggested by the Appellant. The beef breeding budget 2 ignores the likely MTR which will remove beef and suckler cow premiums. It is also questionable that Darren Farm could maintain the stock numbers suggested. The effect would be a substantial loss compared to the small profit suggested. Budget 3 is unrealistic with regard to steer and heifer prices and would show a significant loss (Doc 49).
- 5.22. A further aspect of the suggestions for farming changes raised by the Appellant is that if the appeal development went ahead Darren Farm itself would be virtually surrounded by housing and the landlord might decide to resurrect the scheme for residential conversions at the site which caused such distress in 1998 (Doc 51/4). He could then serve a notice to quit on the tenant.
- 5.23. Taking account of all the issues involved the following submissions are made. All parties agree that if the appeal proposals proceed then Darren Farm would be unworkable and unviable in its present form. The evidence for the Appellant has suggested that the existing dairy business is of marginal viability, but that is pure speculation and at odds with the evidence for Mr Adams from someone who has seen the farm accounts and has advised the family business for many years. It is submitted that this is sufficient to show unacceptable harm to the business and the Adams family's way of life and to constitute a substantial objection to the proposed development.
- 5.24. However, the Appellant attempts to widen the issues by suggesting that the harm can be overcome by establishing a suckler cow or bull beef enterprise. It is submitted that the evidence for Mr Adams should be preferred to that of the Appellant due to the vast experience of the witness for Mr Adams, his personal knowledge of the holding compared to someone who had only visited the site for a few hours and had not seen any relevant accounts or returns. It is also of note that the question of changing to a beef enterprise had been raised by the farm's landlords some years ago (Doc 67A 'milk quota').
- 5.25. There is also the important matter of personal circumstances where the tenants have no desire to change their way of farming both from choice and for financial reasons. It would be wrong, within the terms of the tenancy agreement, for anyone to dictate to the tenants how they should farm. The Appellant has also failed to deal with the possible implications of the CAP Mid-Term Review or the Over Thirty Month Scheme. There are the costs of switching from dairy to beef which were not adequately dealt with prior to the Inquiry. The evidence shows that the beef enterprises would both suffer a substantial loss. The Appellant's own evidence suggests that the alternatives could not employ all 3 partners from the Darren Farm business, which would be a serious blow for the family.
- 5.26. On the matter of possible re-location of the dairy unit to Top Yard, no formal offer has been made and the matter awaits the outcome of the appeals. However, it is the case that re-location would probably cost in excess of £300,000 plus a dwelling and it is not known whether this would be feasible. Under agricultural holdings law (Doc 67A) the landlord could not be compelled to provide the major part of the new dairy unit and there is also the potential issue of a notice to quit if planning permission is given for the appeals proposal. If the appeals are allowed it is requested that conditions are imposed regarding the provision of a dairy unit at Top Yard and additional land.

6. HIGHWAYS & TRAFFIC

Introduction.

- 6.1. The appellant has submitted two TIAs in respect of the appeal sites, the first in November 2001 which accompanied the planning applications (Doc 10, CD22 TIA) and the second in December 2002 which was described as a 'draft' (Doc 29/4). The appellant and the Council have been able to reach a large measure of agreement on traffic flows and the pattern of traffic which might re-route to the proposed link road if it was built (Doc 23).

CASE FOR THE APPELLANT.

The main points were:

- 6.2. The A48 Cowbridge by-pass was constructed in the mid-1960s in response to the heavy traffic levels then passing through the town centre. The existing A4222 route which forms the High Street is a single carriageway with footways on either side and serves the main shopping area and a variety of other local services. The by-pass has interchanges on both sides of the town, with that on the east side providing a link to or from the Cardiff direction, but the western interchange only providing for traffic travelling towards, but not from, Cardiff or towards Bridgend. Consequently, there is a high proportion of through westbound traffic using the High Street. This is around 15% on average and about 25% at peak times. Vehicles originating on the eastern side of the town which wish to travel to Llantwit Major and the Llandow industrial and business parks have to travel through the town centre (Doc 29/6).
- 6.3. Combined peak hour flows in the A4222 route [Westgate/Roman Road] are 718 vehicles in the morning peak hour and 686 vehicles in the afternoon. Since eastbound traffic on the Llantwit Major Road has the choice of accessing the A48 at the Gibbets Hill interchange in the morning peak it does not have to go through the town centre, whereas in the afternoon when returning home it has to do so to reach the Llantwit Major Road. Consequently, in the afternoon peak there is a significantly greater westbound flow than eastbound through High Street [435 compared to 251 vehicles].
- 6.4. Llysworney lies on the main B4268 north – south route between the A48 and the Llandow business areas (Doc 29/1). It is used to access the M4 motorway further north. The combined peak hour flows near Llysworney show a high number of heavy goods vehicles. A 12 hour count in June 2002 showed a combined flow of 4,703 vehicles of which 464 were HGVs (Doc 29/5). The road through the village is quite unsuitable for HGV traffic, being less than 5m wide in places just to the south of the settlement, and a by-pass has been proposed for many years. However, although being included in a succession of transport and non-statutory planning documents since the early 1980s (Docs 13 & 29/10 – 29/14), including the emerging UDP (Docs 29/7 & 29/9, page 120), a by-pass scheme has never materialised despite local concerns (Doc 29/8). Funding has been earmarked for higher priority schemes and although the latest timetable shows a by-pass programmed for 2004/2008 it has a low priority and no funding secured for it. The latest estimate for construction is £5.5 million in the 2002 Annual Progress Report [APR] which also notes that higher priority schemes do not have funding either (Docs 29/14 & 29/15). The NAW programme of transport grants for 2003-4 does not include the by-pass (Doc 29/16).
- 6.5. The Inspector's UDP Report referred to both the link road proposal for Darren Farm and the Llysworney By-pass. He noted that the Council had accepted that a link road would allow a weight restriction to be imposed in Llysworney which would enable HGVs to be removed and also that some of the extraneous car traffic would probably choose to re-route via the link road. The link road would also provide benefits for removal of through traffic in Cowbridge and an

improvement in safety on the A48 by slowing traffic where a new roundabout would be sited. At the same time the Inspector acknowledged evidence that the link road could not provide as complete a solution to problems in Llysworney as would be the case with a by-pass and would require improvements to the B4270 road. He also appreciated that the link road would probably negate any possibility of funding for a by-pass, but due to the obvious difficulties in obtaining funding anyway he felt that the link road presented the best opportunity to ameliorate the long standing traffic problems of Llysworney. He noted that no by-pass safeguarding line existed nor had any preparatory work for a scheme begun, so even if funds became available it was unlikely to be constructed until towards the end of the plan period at the very earliest.

- 6.6. He concluded that the benefits of the link road clearly outweighed any disadvantages and recommended the by-pass proposal be replaced by that of the link road (Doc 29/17), coupled with his recommendation that the Darren Farm site be allocated for housing.
- 6.7. There can be no doubt that the UDP Inspector saw a definite need for the Darren Farm link road. He appreciated that the number of HGVs travelling through Llysworney seriously harms the quality of life in the village and that the UDP proposes to expand the Llandow Trading Estate/Vale Business Park by over 22ha which would attract further traffic to the area. He also noted that no funding for the by-pass was available, that no public consultation on any alternatives had been made, and no environmental impact assessment provided. That situation has not changed since the UDP inquiry.
- 6.8. Turning to the merits of the link road, it would provide access to the proposed housing without a need to come through the town centre, it would enable HGVs to be diverted away from Llysworney without having to pass through Cowbridge and the High Street, and reduce vehicle speeds on the Cowbridge by-pass. There is a day to day variation in the number of HGVs and other vehicles passing through Llysworney, ranging from 21 to 92 HGVs combined peak hour totals in the various surveys in 2001/2, but they suggest that an average of over 10% of vehicles will be removed from the B4268 through the village if the link road is built. Allowing for the greater impact of HGVs than cars, a more representative picture is given by expressing this percentage as 'passenger car units' (Doc 30).
- 6.9. The link road proposals for both Appeal A and Appeal B schemes would be joined to the Cowbridge by-pass and the Llantwit Major Road by roundabouts, with a further roundabout near the middle of the link road to access the proposed housing areas (Docs 29/2 & 29/3). All through traffic from the south-west would be guided onto the link road and westbound traffic on the A48 would be directed to the new junction for access to the Llandow business and industrial areas and Llantwit Major. The appeal B road scheme is further from Darren Close than the appeal A scheme and follows the existing topography more closely.
- 6.10. If the link road was built it would enable a weight restriction to be imposed in Llysworney to stop HGVs passing through the village and the Police support a 7.5 ton restriction (Doc 29/24). There would also be a benefit to Cowbridge town centre by transferring some of the westbound through traffic to the link road and Cardiff bound traffic from the new housing could directly access the A48. Traffic to the east of the link road could be reduced by 33% - 50% over a 16 hour period. In addition to the direct benefits of the link road, it is also proposed to undertake improvements to the Cross Inn junction on the B4270 (Doc 29/18). The existing Nash Corner junction of the B4270 and B4268 is considered to be satisfactory, but a mini-roundabout would be beneficial to traffic movement and safety. The appellant would contribute to the cost of its provision (Doc 68, Suppl. No. 3, page 4).
- 6.11. In respect of sustainability issues it is proposed to provide facilities for pedestrians, cyclists and buses. These would include improvements to existing paths and provision of new ones, with links towards the town centre (Doc 29/19). A pedestrian crossing would be installed to take footpath 50 across the link road. PPG13 notes that only a small proportion of people will walk more than 1.6km and cycle more than 8km (Doc 42). The shops and other community

facilities of Cowbridge are mainly all within these distances of the appeal sites. Cycleways would be linked to Darren Hill and Llantwit Major Road. The walk to the main bus station in Cowbridge is about 1.5km and several services pass the appeal sites on the A48 or Llantwit Major Road. Discussions with the local bus company have explored the possibility of diverting the X2 Bridgend – Cardiff service along the link road where new bus stops would be provided (Doc 29/20 & Doc 47). Other services might also be diverted to serve the new development.

- 6.12. It is necessary to comment on the accident data and submissions made by CLRG. Their data relating to the period December 1999 – May 2002 (Doc 55, RESPE41) is difficult to interpret because it does not have grid references to pinpoint the precise locations involved and Police data may be approximate. However, comparison with information provided by the Police suggests some discrepancies. At Nash corner it appears there were 6 not 10 accidents and information for the period January 2000 – April 2003 shows 5 personal injury accidents near to the junction. On the B4270 between Nash Corner and Cross Inn CLRG suggest there have been 21 accidents, but it is believed this should be reduced to 19. Of the 15 personal injury incidents in the CLRG figure only 8 appear in the Police data (Doc 31). It is suggested that there have been 10 accidents on the B4268 between Nash Corner and the A48 which is slightly higher than other records. Not all the accidents referred to appear in the Police data.
- 6.13. If the accident data over a 3 year period is used for the B4268 and B4270 roads it shows an accident rate of 0.61 pia/mvkm for the former and 0.47 pia/mvkm for the latter (Note: pia = personal-injury accidents per million vehicle-kilometres per annum). The DoT COBA Manual indicates an expected accident rate for 'B' class roads of 0.844 pia/mvkm so both roads are below the national average for accident rates and there is no reason to expect an increase on the B4270 when vehicles transfer from the route through Llysworney. The severity ratio of accidents and the cost involved on the B4270 is also much less than on the B4268 (Doc 31). The foregoing factors all indicate that there is no justification for the claim by CLRG that because the proposed link road would divert heavy goods traffic onto the B4270 it would increase the probability of accidents or that the B4270 between Nash Manor and Cross Inn is accident prone.
- 6.14. The following conclusions can be drawn from the evidence provided on behalf of the Appellant. The Llysworney By-pass has made no progress at all over the past 20 years. Its aim is almost entirely environmental, rather than on capacity or safety grounds, with the specific purpose to remove HGV traffic from the village. This has widespread support from politicians and the public. However, it is plain that there is no realistic prospect of public money coming forward to fund a scheme which is only a category 3 priority in the latest Local Transport Plan APR. Even the main priority road projects in the Vale which are costed at £45 million have not secured funding. The Council have tried to suggest that other public funded schemes might incorporate the by-pass, but this cannot be substantiated. The proposal for a new village at Llandow was considered at the UDP inquiry. It was actually opposed by the Council and rejected by the Inspector. The St Athan scheme is very vague as the area is an operational RAF airfield, so no conclusions on this can be made.
- 6.15. The proposed link road would remove HGV traffic from Llysworney, including the increased flows which will result from the Llandow employment allocation. It would also reduce westbound flows along Cowbridge High Street and eastbound flows along Llantwit Major Road and Gibbet Hill east of the link road. The link road would not have any safety implications and would not itself have any significant landscape or visual effects.
- 6.16. On the Llantwit Major Road the Council agree that the Nash Corner junction can deal with the realigned flows without any improvement, although a mini-roundabout could be provided if necessary. The problem junction at Cross Inn can be improved and the Appellant has agreed to contribute a sum towards a Council scheme for this. Even so, it should be noted that the appeal proposals themselves have no effect on the turning movements at the junction so the financial

contribution is not a requirement. Also, the lack of visibility at other minor roads cannot be used to resist an increase in flows on the Llantwit Major Road. The Council have not supported residents in this view. The accident statistics put forward by CLRG are incorrect and the Appellant's evidence shows that the accident rate on the Llantwit Major Road is below the national average.

- 6.17. The site is within the recommended walking distances of the town centre set in national guidance and within easy cycling distance. It is submitted that the site would be well served by the bus service along both the Llantwit Major Road and the link road.

CASE FOR THE COUNCIL

The main points were:

- 6.18. A set of traffic flows [16 hour two-way] has been established from surveys in 2001/2 on the relevant roads around the appeal site (Doc 41/1). If the link road is built the following effects are anticipated. First, of about 243 vehicles travelling westbound on Primrose Hill in the morning peak hour some 10.8% or 27 vehicles were travelling through Cowbridge and 25.8% or 96 vehicles out of 372 in the afternoon peak hour. This is an indication of the maximum number of vehicles which might re-route from Cowbridge High Street following construction of the link road. Eastbound traffic on the Llantwit Major Road heading for the A48 would also re-route onto the link road, but this would only be of benefit to the short stretch of that road between Darren Close and Gibbets Hill.
- 6.19. Second, HGVs travelling through Llysworney could be re-routed which would be a combined am/pm peak hour total of 21 vehicles according to the latest November 2002 survey, although figures of 92 and 67 were recorded in previous surveys. This would, however, virtually double the travelling distance and increase travel times for vehicles currently travelling towards the motorway or Bridgend, so any weight restriction in Llysworney would require rigorous enforcement. Also, light vehicles could re-route if traffic calming is introduced in Llysworney which amounted to a combined peak hour total of 33 such vehicles in the June 2002 survey.
- 6.20. The perceived benefits of the link road must be considered against the likely trip generation impact of the proposed housing (Doc 41/4). The morning peak hour would be about 130 two-way trips and about 120 in the afternoon peak. During the morning peak about 98 of the trips would be to and from Cowbridge and about 87 trips in the afternoon peak. From the foregoing figures the effect on Cowbridge High Street of re-routing and the proposed new housing can be assessed (Doc 40, Tables 3.1 & 3.2 & App.1). This is that the forecast reduction in High Street traffic will be well below the peak range of 20% - 25% and the effect of the new housing would actually result in a net increase of 62 vehicles in the overall amount of peak hour traffic on High Street (Doc 40, Table 3.2). Taken as an average, the diversion of through traffic is considerably less than the 15% stated by the UDP Inspector, with the potential reduction being in fact 3.6% a.m. and 11% p.m. peaks for the High Street (Doc 40, Table 3.1).
- 6.21. Cycle links are intended to Llantwit Major Road, Tyla Rhosyr and Darren Hill. The road gradients in these locations clearly exceed the maximum values of 3% rising to 5% over distances of less than 100m set out in The Cycle Audit & Cycle Review (Doc 41/2) so would represent a significant deterrent to cyclists. With regard to walking this can be assessed against the threshold of 1.6km in PPG13 A Guide to Better Practice, paragraph 2.05, or the similar threshold in NAW guidance (Doc 43, paras 7.17 and 7.18). All the return walking distances on various routes to the town centre exceed the 1.6km guideline (Doc 40, Table 2.1) and if compared to guidelines for acceptable walking distances in Guidance for Providing Journeys on Foot [IHT 2000, Table 3.2] almost all the one or two way distances from Darren Farm are

neither 'acceptable' or 'desirable' (Doc 40, Table 2.2). The X2 bus service referred to by the appellant generally runs every half hour but falls well short of this in the morning peak hours ((Doc 40, Table 2.3) so would be unlikely to offer an incentive for car drivers to switch to public transport and the development would have to conform to local parking standards (Doc 41/3).

- 6.22. It is accepted that the UDP Inspector felt some through traffic would be removed from Cowbridge by the proposed link road but, as already pointed out, the development of Darren Farm would generate its own traffic which would use the town centre to the extent that there would be a net increase in traffic there. Also, as it would only mainly remove HGV traffic from Llysworney it would not be as efficient as the Llysworney by-pass proposal which remains the preferred option. The Council also take issue with the conclusions of the UDP Inspector and the Appellant about availability of funding for the by-pass. There is substantial support for the by-pass from local Assembly Members and funding has not been ruled out by the NAW (Doc 35/12 & 35/13). It is also the case that the by-pass can be seen as part of a wider need to improve north-south road links in the Rural Vale involving other development projects, for example a St Athan Business Park (Doc 35/14) and further development at Cardiff International Airport. There is also the potential at Llandow for a mixed comprehensive development which the UDP Inspector rejected for the current plan period, but felt was a possibility which might be reviewed later. Such a development might well deliver the Llysworney by-pass in its entirety. There is commercial interest in the Llandow industrial and business areas as recent sales news shows (Doc 35/15).
- 6.23. The Appellant has claimed as part of the justification for the appeals development on grounds of sustainability that it would support the proposed employment areas at Llandow, but this does not bear examination. No evidence has been produced to show that anyone who works in that area at present lives in Cowbridge. The report on housing in Cowbridge stresses the high prices it commands and such prices would be unlikely to correlate with much of the type of employment at Llandow (Doc 59). In the future, there is a large amount of land allocated for employment at Llandow, but most of it is unserviced and there is speculation in the market about possible long-term residential opportunities there (Doc 35/15). This may be a response to the UDP Inspector's conclusion that the area should be reassessed on a review of the UDP (Doc 6, para C14.2.4). There are currently no applications for development of any further land for employment at Llandow. With regard to transport options, there is no dispute that the occupiers of the Darren Farm houses would probably have more than 1 car per household and the bus service to Llandow is not attractive. It follows that if any of the occupiers did work in the Llandow area they would probably travel by car.
- 6.24. The distance of the site and the gradients of its links in relation to the town centre show that walking and cycling are not likely to be favoured by its residents. It is not clear at this stage if cycleways are actually proposed and there are no existing cycleways in Cowbridge. If footpaths are used then there is the problem of steep gradients for both pedestrians and cyclists. The Appellant has proposed some improvement to the bus service, but the service X2 already mentioned would not increase in frequency with only 1 bus per hour during the morning peak. Other service frequencies are less than 1 per hour.
- 6.25. As for Llysworney, the proposed HGV ban could still leave about 90% of traffic travelling through the village at the peak hour, so considerable noise and pollution would remain. The link road would clearly weaken the case for a by-pass and would also displace traffic onto the B4270 road which is itself fronted by a similar number of residential properties to those fronting the B4268 in Llysworney. Although the funding possibilities for the by-pass have been discounted by the Appellant, the Council have shown that there may be future development related schemes which could provide it and less extensive traffic management measures for the village do not seem to have been explored. A further point is that the link road is not essential to enable the housing development at Darren Farm to go ahead, so it is not

a necessary planning gain in terms of the tests in Annex B of WOC 13/97.

CASE FOR CLRG.

The main points were:

- 6.26. CLRG have expressed doubts about the accuracy of parts of the TIA submitted with the applications (Doc 55, RESPE42) and retain concerns about various matters. It is clear that the link road would only be a partial solution to the traffic problems in Llysworney. It would also rely on enforcement of HGV restrictions in the village and could not exclude those HGVs having business there, large agricultural vehicles, or LGVs. Cars and light commercial vehicles would continue to use the present route because it represents the shortest route to the A48 and the M4 from the south and to Llandow and other areas from the north-west. A recent survey of Llandow businesses showed that only 5% wanted the link road and 98% preferred the by-pass solution. It also showed most were small scale enterprises with quite low paid workers (Doc 59). For transporting heavy goods a much better solution would be to introduce a rail freight terminal next to the Llandow Trading Estates using the restored rail link (Doc 55, RESPE45). Even the UDP Inspector recognised that the link road would not remove all traffic from Llysworney and would need improvement of the B4270 road (Doc 6, paras C7.1.11 & 6.5.9).
- 6.27. There are 2 problems with the argument of the Appellant that the partial solution of the link road is better than no solution. First, there are continuous efforts from Assembly politicians, the Council and local residents for the by-pass to go ahead. The link road would override all these efforts and only then could it be said that the by-pass will never happen. Second, the Appellant has under-estimated the problems which would be caused for the B4270 Llantwit Major road by the link road.
- 6.28. The accident figures obtained by CLRG for the 2.5 years from December 1999 – May 2002 show 21 incidents on the B4270 Nash Corner to Cowbridge and 10 on the B4268 (Doc 55, RESPE41). It is contended that the accident incident rate on the B4270 is higher than on the B4268. The Appellant has disputed these figures and the locations of accidents and further information has been obtained to clarify the latter (Doc 71, App 1). Although the accident statistics have varied in the way they have been presented, they do show that parts of the road such as Nash Corner and Cross Inn junction are hazardous. It is common sense that increasing the traffic flows along the main road will add to the likelihood of accidents. It is submitted that at present the Nash Corner junction is not suitable for HGVs (Doc 55, RESPE78i) and if the appeals are allowed some improvement should be imposed as a condition. A scheme to improve the Cross Inn junction (Doc 55, RESPE69 – 72) has been put in at the inquiry (Doc 29/18), but this would only make it more dangerous as the right turn onto the B4270 would lack significant visibility. CLRG retain their concern about this unsafe junction and its suggested improvements; and also the suggestion of a mini-roundabout at Nash Manor junction (Doc 74B).
- 6.29. Further problems exist with the bus stop opposite Penyrheol (Photo 7 & Doc 55, RESPE75 – 77) and the inadequate width of the B4270 in places. No improvements are proposed for the bus stop and photographic evidence shows it is a vulnerable position for those using it in the face of large vehicles. The road width is narrow in places and there is existing evidence of wall damage from passing lorries resulting from the difficulty in passing when 2 HGVs meet (Doc 55, RESPE74). No improvements are proposed to resolve these problems which are a serious concern to residents whose houses front onto the road, of which there are virtually as many as face onto the B4268 through Llysworney (Doc 44 a & b).
- 6.30. The TIA for the Appellant shows that there would be a significant rise in commuter traffic in Cowbridge as a result of the development, which is contrary to current planning practice. Some 83% of the economically active residents work outside the town and this will be

exacerbated with increased flows on the already congested A48. National policy seeks to minimise the demand for travel by private car and to maintain a broad balance between housing and employment to reduce commuting. (Doc 1, paras 2.3.2, 2.5.3, 2.5.4 and 9.2.8).

- 6.31. The proposals would not contribute to encouraging alternatives to the private car for travel. No proper cycling facilities are shown and the evidence of residents is that most people do not walk into town from the Darren Close locality due to the distance and the steep gradient. The site is, of course, further away. In respect of public transport it is important to note that Cowbridge relies only on buses, whereas Barry has a range of modes and Llantwit Major and Rhoose are to be served by a train service to Barry, Cardiff and Bridgend for which funds are available and works have commenced. The latter information was not available at the UDP inquiry. The existing bus service is not sufficiently frequent to be well used (Doc 55, RESPE48) and the same remarks apply to the proposed added service using the link road. There can be little doubt that the occupiers of the proposed dwellings would continue the habit of car use, so the development would not promote sustainable transport objectives.

7. INFRASTRUCTURE PROVISION & CAPACITY.

CASE FOR THE APPELLANT.

The main points were:

- 7.1. It is acknowledged that adequate infrastructure must be available or firmly programmed to support proposed development, as recognised in PPW (Doc 1, para 12.1.7), SGSP policies H1 and H8 and UDP policy ENV25. However, although various objections have been raised to the appeals proposal on these grounds it is the case that the development would not be constrained by infrastructure limitations because there is adequate existing capacity and/or firm commitments by the Appellant to improve such capacity where necessary in negotiation with the Council and other statutory bodies.
- 7.2. Interested parties have expressed concern about the implications of flooding which takes place at Darren Farm during heavy rainfall. The surface water drainage system for the site would be designed to limit the flow of surface water to no more or less than the 'greenfield' rate. A flood risk assessment (Doc 29/21) has been undertaken and indicates the site itself would be unaffected by flooding from the River Thaw or surcharging of the existing drainage system. Ground permeability tests (Doc 29/22) have shown the site is suitable for an infiltration drainage system and mitigation measures, such as storage ponds, are feasible if necessary to slow down run-off to the river. Flooding has never been an issue with the Council and the Environment Agency and they feel it can be adequately dealt with by conditions. It is submitted that the criticisms by CLRG of the flood risk assessment (Doc 58) are not justified and have not been supported by the relevant authorities. With regard to maintenance arrangements, the conditions can require details of a scheme to be agreed which can be adopted or that some other ongoing arrangements are put in place.
- 7.3. Discussions with Welsh Water about foul drainage has revealed some concern about the capacity of the network (Doc 29/23). The appellant is willing to contribute to upgrading improvements in the network and the Llanblethian Treatment Works. With regard to water supply this is proposed for improvement in 2008, but the appellant has agreed to contribute towards bringing this work forward.
- 7.4. With regard to local concern about the impact of the development on schools capacity, it should be noted that there have been no objections from the local planning or education authorities. The Appellant will make a commuted sum contribution to the provision of additional classroom facilities, as has been requested by the education authority (Doc 78, Sch.1, Pt B). In addition, the education authority are now able to limit entry from primary schools outside the catchment area, so the comprehensive school will be able to cope with numbers. There is no difficulty with primary schools themselves as they have surplus capacity (Doc 21,

CASE FOR THE COUNCIL.

The main points were:

- 7.5. At the applications stage concerns were raised by the Environment Agency, Hyder and Welsh Water about the capacity of the existing drainage and water supply systems. In March 2003 Welsh Water indicated that the mains water supply pressure should be improved and the Sewage Treatment Works upgraded (Doc 35/19). At the inquiry informal discussions with Welsh Water and the open discussion on conditions have suggested that drainage and water supply issues can be satisfactorily dealt with by condition, so deemed refusal reason 4 is no longer applicable.

CASE FOR CLRG.

The main points were:

- 7.6. There is a general concern that the proposal to increase the population of Cowbridge by some 9% would adversely affect the capacity of local services, contrary to national guidelines (Doc 1, para 9.2.8). Although they now appear satisfied with the mitigation proposals, Welsh Water originally objected because the proposal would overload the sewerage system and prejudice the water supply.
- 7.7. There has been serious flooding in the Westgate area of Cowbridge from water running off the Darren Farm fields, most recently in 1995, 1998 and 2000 (Doc 55, RESPE04 & 05). The water eventually flows into the River Thaw (Doc 55, RESPE06) where it can swell the river to flood around the Town Hall commercial area in Cowbridge and Piccadilly, Llanblethian (Doc 55, RESPE07). At the time of the appeal applications the Environment Agency objected due to the flooding problem and the lack of information about how to deal with it (Doc 55, RESPE08). The incidences of flooding occur with the present greenfield run-off rates. If a scheme is devised to mitigate the effects, this would be contrary to PPW policy to avoid development altogether in areas defined as a flood hazard (PPW sections 13.2 - 13.4). Storage areas such as ponds, basins or bunds, would require a large area of the slopes of the site to be effective. The Appellant's flood risk assessment contains some inconsistencies (Doc 58).
- 7.8. The appeals site is located on a major aquifer of high vulnerability which must be protected (Doc 55, RESPE08A). PPW at paragraph 13.12.1 states that the risk of pollution from a development must be taken into account. At paragraphs 12.4.1 and 13.11.1 it recognises the importance of assessing the effect of development on water supply and quality.
- 7.9. With regard to other issues about capacity, there is concern about the ability of the secondary school to take further pupils and the response from the Director of Learning for the Council suggested that existing facilities could not cope with significant additional demand for places (Doc 55, RESPE53 & 54A).
- 7.10. There are 3 main car parks in Cowbridge (Doc 55, RESPE55) plus some limited on-street spaces. Anyone visiting the town centre will appreciate that this is barely adequate to meet demand and further development would overload the capacity.

Note on written comments of Dwr Cymru/Welsh Water

- 7.11. At the inquiry Welsh Water decided not to make oral submissions following discussions with the Appellant and the Council in respect of their various concerns. This resulted in the withdrawal of their objections on the basis that the various matters could be satisfactorily dealt

with by conditions (Doc 45b). However, it is appropriate in this section of the report for me to summarise their written comments, as follows.

- 7.12. When consulted on the appeals proposals Welsh Water raised objections in respect of water supply, sewerage and sewage treatment. There is a duty on Welsh Water to maintain a guaranteed supply of water to the public. There is a problem in the Darren Close area at 50m AOD of maintaining water pressure which is currently at the minimum threshold level to ensure mains water pressures to nearby dwellings (Doc 63/1). Parts of the development site are some 10m above the monitoring level so any dwellings built above 50m AOD could not be supported from the existing water supply network. In addition the introduction of 145 new houses could result in loss of pressure for existing customers. In order to rectify the problem it would be necessary for a new connection and upgrading to be provided for the Sigginstone Water Pumping Station. The developer could requisition such improvements.
- 7.13. The sewage treatment works for Cowbridge and surrounding villages is the Llanblethian STW. The appeals site is crossed by a public foul sewer rising main (Plan N). An impact assessment report has been undertaken in respect of the appeals proposals (Doc 63/2) and various options identified for foul drainage connection to safeguard the integrity of the public sewer and protect the environment. The necessary works can be requisitioned by the developer.
- 7.14. The Llanblethian STW has a licence from the Environment Agency to discharge final effluent to a watercourse. This currently meets the required standard, but new ammonia limits and other revised discharge standards which are being introduced could not be met. This would result in pollution problems. Although improvements to the sewage treatment works are planned for 2003/4 they were based on the needs of development identified in the deposit UDP several years ago, whereas Darren Farm is a new proposal. A feasibility study has now been undertaken which identifies the improvements which are necessary to meet the various changes in circumstances (Doc 63/3). If the planned improvements do not produce the performance required then additional work would be necessary which could be programmed for 2004/5. It is therefore important that if the proposed housing goes ahead the dwellings are not brought into use before completion of the necessary improvement works which it is anticipated will be before April 2005. Alternatively, the developer could enter into an Agreement to accelerate the provision of such infrastructure.

8. NATURE CONSERVATION

CASE FOR THE APPELLANT.

The main points were:

- 8.1. Policy H8 of the SGSP refers to the need to have regard to ecological impact and policy ENV14 of the UDP contains a similar safeguard. PPW also seeks to minimise the impact on nature conservation interests. The proposals for mitigation and habitat enhancement which would form part of the development would comply with these policies and national advice. Although CCW maintain their objections to the appeals proposals on landscape and countryside grounds, their biodiversity concerns have been satisfactorily addressed (Doc 27b).
- 8.2. The appeal site lies on the sloping sides of a small dry valley and comprise arable fields and grassland enclosed by hedgerows. A few of the hedgerows could qualify as 'important' under the Hedgerows Regulations, but the general ground flora in the area is confined to common species. The site is not within or adjacent to any formally designated site of nature conservation interest and the survey for the appellant assessed it mainly as Local Value only, apart from a small area of rock exposure behind Tyla Rhosyr, some semi-improved grassland, and the arable field used by lapwings (Doc 27a & Plan H/2 & H/3). It is understood that the Council are considering part of the site for inclusion within a candidate Site of Importance for

Nature Conservation due to the presence of nesting lapwings (Plan H/1).

- 8.3. Fauna surveys were carried out in respect of protected species comprising bats, dormouse, water vole, badger and nesting birds. Several bat species were recorded using the site for hunting and feeding, but no roosts were found within the site. No signs of dormouse were found in several visits to the site and much of the habitat surveyed is not suitable for this species. Similarly no signs of water vole were found and the marshland areas of the site are not considered to be very suitable for this species. There is some indication of badgers crossing the site, but no setts are present. It is accepted some badger foraging area would be lost, but this would be compensated for elsewhere and badger tunnels could be provided under roads (Doc 70). No amphibians or reptiles were recorded on the site, although common species may be present.
- 8.4. There is a good range of hedgerow and tree nesting birds in the locality and other species such as lapwing, skylark, meadow pipit and pheasant use the open fields. The lapwing are listed as a 'species of principal importance' in the emerging Wales Biodiversity Action Plan [NAW 2002]. They appear to be part of a dispersed breeding population which also use the nearby Penlline and Newton Moors (Plan H/1). Lapwing tend to be 'site faithful' to such large areas, but not to individual fields.
- 8.5. Part of the arable field used by lapwing would be affected by the housing and link road and its disturbing impact and loss of open habitat would render the remainder unsuitable for their use. Consequently, in consultation with the RSPB an alternative nesting site has been found nearby (Plan H/4). This is larger than the existing area, has similar physical characteristics, would be less likely to be disturbed, and would be crop managed to make it suitable for nesting lapwing. This would include some removal and coppicing of trees and hedgerows (Doc 69). The undertaking for provision and management of the alternative site has been formalised in a section 106 Agreement which has been approved by the RSPB who have withdrawn their objection to the proposed development (Doc 48). The mitigation area could be incorporated into the Council's proposed SINC, if they proceed with that designation. There has been no objection from the Council to the mitigation strategy and the land would be kept permanently for lapwing habitat, unlike Darren Farm where there is no guarantee that a suitable farming regime will continue.
- 8.6. Other mitigation measures would be taken to retain and improve habitats, plant new hedgerows and reinstate the historic field pattern, and create woodland and wildflower meadow, to provide an overall wildlife benefit for the area (Plan H/5).

CASE FOR CLRG

The main points were:

- 8.7. The response of the Appellant to wildlife concerns originally raised by residents and CCW, RSPB, CPRW and other groups (Doc 55, RESPE12 – 16) is noted, with no evidence being found of dormice despite sightings by residents in former years. PPW places great importance on biodiversity and wildlife conservation (PPW sections 5.1 – 5.4). There is a particular concern about nesting lapwing despite the proposed mitigation scheme. There can be no guarantee that the lapwing will use that land (Doc 55, RESPE13A) and habitats will be affected by the presence of the new housing estate and the link road. The Local Biodiversity Plan notes the decline in lapwing populations and specifies the site at Darren Farm for protection. It also makes the point that lapwing tend to be 'site faithful,' so mitigation schemes may not be successful (Doc 55, RESPE17, pages 46/7).

9. LANDSCAPE AND COUNTRYSIDE.

CASE FOR THE APPELLANT

The main points were:

- 9.1. As part of the background to consideration of the proposal's impact on the rural landscape, it is acknowledged that policy EV3 of the SGSP seeks to restrict development outside built-up areas in the countryside and policies 1 and 2 of the CLP and policy ENV1 of the UDP contain a similar approach. The appeal site is currently outside the urban area of Cowbridge and so is treated as 'countryside'. However, it is important to read this historic situation with the advice in PPW where suitable settlement extensions are considered appropriate. It is not sought to argue that the development complies with the existing policies, but it is contended that it would be consistent with national policy and so contributes to a sustainable pattern of development. In view of the very limited housing opportunities within Cowbridge as highlighted in the UCS, the extension of the settlement is appropriate. Moreover, the scheme provides the link road as a viable alternative to the long overdue Llysworney by-pass.
- 9.2. Against that background, the Appellant has assessed the impact of the development on the character and appearance of the countryside and found that this would be acceptable. The design and layout of the development have been 'reserved' and the means exists at the detailed stage, in conjunction with a development brief, to ensure that the overall design respects its environs. It is, therefore, the Appellant's case that the appeals site is suitable for a well designed and carefully considered development.
- 9.3. In reaching that conclusion various factors have been considered, starting with 3 historical matters. First, the Darren Farm site has not been the subject of any landscape protection policy in any statutory planning document for at least the past 15 years, until its recent inclusion in the proposed SLA as part of the UDP modifications. Second, the UDP Inspector concluded that there were no overriding landscape constraints to development of the appeals site and he recognised that the link road would provide a defensible boundary to Cowbridge, offering an opportunity to 'soften' the existing hard urban edge. His conclusions are clearly at odds with the Council's approach to the appeals (Doc 24/3).
- 9.4. Third, the site lies within the extensive Colwinston Lias plateau landscape character area in the LWVG (Doc 24/6, App 6ii [Fig 11] & LCA No.7; Plan G/L04), which has a visual strategy to restrict development because of high intervisibility in a rural area and a role as the western setting for Cowbridge. It is given a 'modest' visual intrinsic value (Doc 24/6, App 6iv) and there is no indication that the site is special in any way or deserves protection. However, the appeals site is at the very edge of the plateau where there are steeper slopes, hills and woods which provide a character which could quite easily be regarded as a separate landscape character sub-area or type (Plan G/L01). This would encompass the western environs of Cowbridge, reflecting the similarly defined Character Area 13 on the opposite valley slope entitled 'Cowbridge Eastern Environs and Stalling Down' (Doc 24/6, App 6ii [Fig 11]). Such an approach might be seen as reflecting the suggestion in the CCW LANDMAP document for dealing with situations of complexity or boundary resolution within an extensive area (Doc 24/6, App 6viii). Whatever the correct identification, the appeals site area is not special in any way nor does it warrant special protection.
- 9.5. A further associated matter on which it is necessary to comment is that the recent decision of the Council to include the site within a SLA as part of the UDP modifications is difficult to understand. As well as the LWVG they have referred to supplementary guidance on SLAs as showing how such areas are defined, but this is not yet available. There appears to be no correlation between the boundary aspects mapping used in the LWVG and the proposed SLA boundary. Applying normal criteria to the boundary, it would be expected to examine common attributes and in the Thaw Valley it would normally extend to the valley crests ending at the break of the slope. Instead, the proposed SLA generally follows roads and includes land which

does not merit SLA designation. Given these conclusions and the comments of the UDP Inspector, it would be surprising if the SLA boundaries currently proposed endure into the final UDP.

- 9.6. Turning to the details of the site's contribution to the landscape, its context has been studied (Plan G/L03 & Photo 1) and a visual assessment of the area carried out (Plan G/L05), taking account of aspects such as topography (Plan G/L01), urban growth and form (Doc 24/1 & Plan G/L02); components such as trees and hedgerows, roads and footpaths (Doc 24/2; Plan G/L03 & L05); and conservation features (Doc 24/4 & 5; Plan G/L03). The first matter to consider is that despite the UDP Inspector's recommendations for the appeals site, the Council's deemed reasons for refusal insist that the development would have an unacceptable impact on Cowbridge's settlement character.
- 9.7. A townscape assessment of Cowbridge has been undertaken for the Appellant (Doc 25(a) and Plan G/L08), including its different character areas. From this it is concluded that the distinctive character of the town stems from its attractive townscape around High Street; that most of the modern housing in Cowbridge is designed and laid out with no regard to the tradition of the town, with the prominent lower valley slopes which form the town's immediate setting as developed since 1919 being of lower intrinsic quality; that the distinctive topographical rural features at Llanblethian Hill, Penllyn Castle, Stalling Down and St Hilary Down act as a backdrop to the town and enhance its character; and that the appeals proposal would not impinge on the distinctive character of Cowbridge and is not visible from the key Conservation Area viewpoints. The site's visual influence is limited mainly to local views and where other views are available they are not of overriding importance.
- 9.8. A visual analysis has been carried out and the site's zone of visual influence assessed (Plan G/L06 and Photo 1). This shows the majority of the site lacks distinctive character (Photo 1, Nos. 8, 9, 11-13), with only some variety on a small scale displayed along the valley bottom (Photo 1/18). The urban edge of Cowbridge is visually harsh and the site can be seen from several locations (Plans G/L05 & L06; Photo 1, Nos 9, 12 & 16). The A48 and Darren Close impact on the site, with the former intrusive and the latter having an urbanising influence on the appeal site (Photo 1, Nos. 7, 9, 12 & 16). Llanblethian Hillfort and the slope to the Llantwit Major Road are part of an Area of High Importance in the 1986 CLP (see Plan G/L04) and relevant to its setting (Photo 1, Nos. 13-15). It follows that the lower slopes of the appeals site could be developed without harm to the setting of the hillfort and provide a softening effect through tree planting. St Brynach's Church is set within its own isolated 'cell' and is visually divorced from the appeals site (Photo 1, Nos. 10, 11 & 12; Plan G/L07). The link road tree planting and provision of new hedgerows would ensure that any impact of the development on the Church is slight. Penllyn Castle has wide views across the Thaw Valley and Cowbridge (Photo1, Nos. 1, 2, 4, 8 & 22). The appeal proposal within its shallow valley will not affect the setting of the Castle which ends to the south along a belt of protected woodland (see Plan G/L04).
- 9.9. Local views of the site are available from the Llantwit Major Road (Photo 1/12) and a limited view from footpath 29 to the north-east of the site (Photo1, Nos. 14 & 15). The longer views of the site are limited as the site is enclosed by the ridge route of the A48 (Photo 1, Nos 7, 8 & 16); by existing development to the east (Photo 1, Nos. 12, 16, 18 & 23); to the west by landform and vegetation; and from the A48 itself by the roadside hedge. Between 1.7km – 5km away to the east there are some distant views from the far side of the Thaw Valley, but any impact would be very slight. The visual impact in distant viewpoints would be slight; there would be moderate impacts from the A48, the B4270 and from footpath 51; a change in the nature of footpath 50; and slight impact on footpath 29. Overall, there would be no key significant impacts and local views would be mitigated by existing development and the benefits of new planting.
- 9.10. The appeals site is already affected by the proximity of the Darren Close development and the

A48, has a partly degraded landscape character and would provide a number of potential benefits as identified by the UDP Inspector. The layout of the site would incorporate the design principles illustrated in the Master Plan (Plan G/L07) including an interesting succession of spaces and views, a variety of buildings and streetscapes, people friendly roads and distinctive public spaces, use of traditional materials, a new linear park along the valley floor; and substantial planted areas which would enhance the development and provide a soft and defensible edge to Cowbridge. Housing would be confined to some 4.83ha of the site and formal open space to a further 0.85ha, including a play area. The visual impact of the A48 is significant and the appeals development would benefit the locality in reducing views of traffic and lights, with a corridor belt of tree planting along its northern edge. A design brief would be prepared for the development and discussed with the Council, which could be the subject of a condition.

9.11. With regard to the potential for a Llysworney By-pass and the alternative of the proposed Darren Farm link road (Plan G, L10a & L10b), that village is a designated Conservation Area in an attractive rural setting (Photo 1, Nos. 25 & 28). Its importance is emphasised in 'Conservation Areas in the Rural Vale' (Doc 16, CD41, paras. 6.19.2, 6.19.3 & 6.19.9; & Plan G/L09). The potential line for the by-pass would have a harmful impact on its character and setting by involving substantial earthworks, cutting across the grain of the landscape and severing the historic field pattern (PlanG/L10a). This would detract from the setting as described in the forgoing document (Doc 16, CD41, para. 3.4.1). The alternative of the link road at Darren Farm would run down the northern valley side almost at grade and across the valley bottom. Compared to the Llysworney By-pass it would have much less visual and environmental impact (Doc 25b).

9.12. The landscape and visual issues were fully aired at the UDP inquiry and it is submitted that there is no reason to reach a different conclusion to that of the UDP Inspector. It is obvious that the development of any greenfield site will involve change, but the proposals in the illustrative plan (Plan G/L07) show how planting and landscaping would satisfactorily mitigate the impact. The site has never been identified as having any special landscape merit and is enclosed by housing to the east and roads to the north and south. The planting will provide an attractive scene to replace the denuded open character of the site and the harsh edge of Darren Close. The link road will form a strong and defensible boundary to the west. It follows that the proposal would have no significant adverse effect on the character and appearance of the countryside and landscape.

CASE FOR THE COUNCIL

The main points were:

9.13. Consideration of the appeals proposal has involved an appraisal of the site's location, surrounding landform and its landscape context. The wider background to its landscape character is found in the 1999 LWVG document which sought to establish a landscape strategy for the Vale (Doc 14). It identified a need to conserve both rural character and tranquillity and historically and ecologically sensitive landscapes. Various initiatives were identified, including one for the A48 corridor (Doc 14, Vol 1, pages 42/43). Broad Landscape Character Areas were identified in the LWVG which show the site within Area 7: Colwinston Lias Plateau, which has high intervisibility. It is stated to provide a western setting for Cowbridge, has historic interest, and that there is a need to protect the A48 Roman Road linear feature and other historic areas and their settings. There is a network of footpaths serving the area, with No. 50 which passes through the site forming part of the Cowbridge Circular Walk promoted by Valeways (Doc 37).

9.14. The landscape context of the site and the surrounding area is predominantly open rural farmland made up of a patchwork of fields and areas of woodland (Doc 38B & PlanI/L1). A visual appraisal of the appeal site has been undertaken (PlanI/L2) which includes a series of

photographs which illustrate the topography and views (Photo 3). Also, an appraisal of the site within its surroundings has been carried out using photographs to show near, middle and long distance views. These demonstrate its relationship with Cowbridge and the surrounding rural area (Photo 4). The appraisal shows that to the west of Cowbridge distinct character areas can be identified within the wider area shown in the LWVG study. These can be described as Penllyn Castle and Parklands of high landscape value, Llysworney/Stembridge Brook Farmlands of moderate value, and Llanblethian Hill and Farmlands of high to outstanding value (Plan I/L3).

- 9.15. The visual and landscape analysis shows that the site boundaries are well defined on 3 sides, but not to the west, and that there are middle and long distance views into it from the south, north-west and east. It is accepted that the existing western built edge of the town is seen, but it serves to clearly define the contrast between that area and the countryside. The visual envelope of the site is contained to the north and south by high ground around Penllyn Castle and Llanblethian Hill, whilst to the west and east it extends for several kilometres from the higher parts of the site to include areas such as the Stembridge Brook Valley to the west and Stalling Down and St Hilary Down to the east. There are numerous vantage points which provide open views of the site and it is generally seen as part of the extensive area of open farmland countryside extending up to the edge of Cowbridge, with visually exposed valley sides within the site. In some local views on the A48 and B4270 the site is seen as part of the setting of Cowbridge. In long distance views the site is seen as part of the rural backdrop to the town and contributes to the settings of the town, Llanblethian Hill and St Brynach's Church.
- 9.16. Using methodology adapted from 'Guidelines for Landscape & Visual Impact Assessment' (Doc 38A), it is concluded that if the development proceeds it would have a moderate to substantial visual impact on near views and from within the site, with a substantial change to the existing landscape of the site and the countryside setting of the town. The existing views from the site towards Llanblethian Hillfort, St Brynach's Church and Penllyn Castle would be lost, to the detriment of the visual amenity and landscape character of the area. In the middle to long distance views to the north, west and east, the housing would be seen as encroaching out into the countryside, resulting in a loss of part of the rural setting and backdrop to the town. In similar views the development would become part of the built-up area and significantly change the town's visual relationship with Llanblethian Hillfort and Penllyn Castle.
- 9.17. With regard to the UDP Inspector's comments on the site, it is contended that he underestimated its value. He commented on the overall category of Area 7 in the LWVG study, but did not acknowledge the higher visual quality sub-areas within it or their historic and cultural value, which is sufficient to warrant protection from development. He was also unable to see the site from the larger number of vantage points which the Council's survey has now explored or to fully appreciate the role of the site as part of an historic setting.
- 9.18. The Appellant stresses the adverse impact of Darren Close on the landscape, but no more than 8 of its houses are seen from the west due to the existing belt of trees along part of its boundary. It is disproportionate to suggest some 145 dwellings and a link road can be justified to screen them. The Appellant accepts that the proposals would result in a loss of countryside and that the existing rural character would be suburbanised. The proposals would be an irreversible consumption of a non-renewable, dynamic and multi-purpose resource which should be conserved, as indicated in paragraph 2.4.5 of PPW. They would represent an unacceptable extension of development into the countryside which would be harmful to the setting of Cowbridge and the character and appearance of the countryside. It follows that the proposal would conflict with policies EV12 and H8(ii) of the SGSP, and policy 37 of the CLP.

CASE FOR CLRG

The main points were:

- 9.19. The residents support the Council's case and would emphasise that the hillfort environs are much used by local people to experience the views from it (Photos 1/8, 4/3 & 6) and the landowner does allow them access to walk the area. The development would seriously intrude into the aspect from that locality. Similarly, the quiet rural character and setting of St Brynach's Church and footpath 50 would be irreversibly altered (Doc 55, RESPE34A & B). The impact of the proposals on the countryside and historic sites means they conflict with environmental protection and housing location policies in the development plan and the emerging UDP. The Appellant argues that the alleged harsh urban edge of the town would be 'softened' but this does not warrant the substantial degradation of vistas and rural and historic character. It is also the case that Darren Close residents have planted trees in their back gardens over the years so the edge of the town is being softened over time.
- 9.20. The Appellant has proposed landscaping to attempt to mitigate the landscape destruction, but this would take many years to mature and is not a substitute for the existing landscape and habitats, as recognised in TAN6, paragraph 4 (Doc 55, RESPE29) and as enjoyed using local rural footpaths (Doc 55, RESPE35). The importance of protecting the historic environment and landscape is emphasised in PPW, paragraphs 5.1.2, 6.1.1 and 9.3.4.

10. HISTORIC ENVIRONMENT & ARCHAEOLOGY

Introduction.

- 10.1. This section deals with the archaeological investigation of the appeal site and the implications of the proposed development for the wider historic environment. Although it is convenient to deal with the latter matter separately from the landscape character issues, both must be considered together in terms of the overall assessment of the effect of the appeal proposals on visual amenity and environmental quality. I have also included in this introduction references to some of the photographs put in by Mr A J Croft purely to assist in identifying the general appearance of the main individual historic sites referred to by the parties.
- 10.2. The main historic sites referred to are as follows (Doc 24/5 & 39C). Just to the south of the site is the large scheduled ancient monument known as Llanblethian Hillfort (Photo 5/HE02). It dates from the Iron Age and was occupied into the Romano-British period. It lies atop a hill and is enclosed on 3 sides by a series of banks and other earthworks. On its north side facing the appeal site the ground drops steeply as a wooded slope (Coed Gribb). On the eastern side of the hillfort are the remnants of a small medieval castle (Caer Dynnaf). About 300m south-east of the hillfort on the edge of Llanblethian village is another scheduled monument known as Llanblethian or St Quintin's Castle. This is a medieval stone castle and bailey. A significant amount of the curtain walls and the gatehouse of the castle remain.
- 10.3. To the north of the site beyond the A48 is Penllyn Castle which is a Grade II listed building (Photo 5/HE14). This is a late 18 century mansion, on the site of a medieval castle, set within parkland. The A48 follows the line of part of a major Roman Road and medieval 'Portway'. To the west of the appeal site is the restored 12/13 century St Brynach's Church which is a Grade B listed building (Photo 5/HE07). It is well preserved with a square tower and a series of stone coffin stiles link it with the footpath route to Penllyn. Some archaeology of buildings which may have been part of a deserted medieval settlement have been found nearby. Mention is also made by the Council of 3 prehistoric round barrows alongside the Llantwit Major Road some 1.4km west of the appeal site near Breach Farm (Photo 5/HE16).
- 10.4. Cowbridge itself lies on the site of a linear Roman settlement and still retains parts of its 13

century town walls and gates. It expanded during the 19 century but its development along the sides of the Thaw Valley did not take place until the 20 century. The older parts of the town are a designated Conservation Area (Doc 16, CD30 & CD37) which extends to the west to include part of the Darren Farm yard and Llanblethian Hill Down.

- 10.5. An extensive archaeological investigation in the area of the appeal site was undertaken for the Appellant in 2002. The area had been the subject of a geophysical survey and trenches were excavated to test the anomalies. A report of the findings was published in December 2002 (Doc 10, CD23). This showed that most of the anomalies were the result of geological processes and fissures, with considerable disturbance of the ground by ploughing. The most significant find was a 60m diameter ovoid enclosure ditch, possibly characteristic of the late Bronze Age or early Iron Age (Doc 10, CD23, page 10 & Fig 4). The report was considered by the Council's advisors GGAT who commented on it in a letter to PINS dated 19 February 2003 (Doc 26). They concluded that apart from the prehistoric enclosure no significant archaeological features had been found and that feature was not of sufficient importance to warrant refusal of development on archaeological grounds. They offered no objection to the development subject to a condition requiring a 'watching brief' to be maintained during construction.

CASE FOR THE APPELLANT

The main points were:

- 10.6. The archaeological evaluation undertaken for the Appellant complies with policies ENV16 and 17 of the UDP and national advice on retaining remains *in situ*. The only feature of interest which has been found was not considered to be more than local to regional significance. Even so, the Appeal B scheme does re-align the link road to avoid the feature and any other matters can be controlled by condition, as the Council have acknowledged.
- 10.7. The Council's evidence on historic character should be treated with caution as it never formed part of their case prior to the inquiry, as can be seen from the deemed reasons for refusal. The only reference is to the historic settlement of Cowbridge. The only other comment is in a letter from the Council's advisors GGAT sent to them in 1999 (Doc 16, CD40) prior to the UDP inquiry. The outcome of the archaeological field work on the site has been that GGAT have no objection to the appeal proposals, subject to an appropriate condition, which presumably supersedes their 1999 advice.
- 10.8. The setting of an archaeological site is not easy to define, but it is a recognised issue as indicated in WOC60/96, paragraphs 8 and 17, and PPW paragraph 6.5.1, as is the setting of listed buildings. In the context of the wider historical landscape LWVG offers only a very broad approach and is of limited value in assessing the effect of the proposed development. It is noted that the appeals site is not included within the CADW Register of Landscapes of Special Historic Interest (Doc 1, para 6.4.10).
- 10.9. It must not be forgotten that the matters now raised by the Council were largely dealt with at the UDP inquiry and the Inspector recommended that the appeals site be allocated for housing. Even so, the Council have referred to various cultural heritage features and the perceived effects on them which the Appellant does not accept. With regard to Cowbridge its historic linear form can be seen on a plan of the town in 1919 (Plan G/LO2), but it has grown outward substantially since then including the development of Darren Close. The historic core of the town is not visible from the appeals site, nor is the village of Llanblethian, so they would be unaffected. Both settlements will effectively remain within a similar setting to that which they currently enjoy if the development goes ahead. It is accepted that the appeals site can be seen from part of footpath 51 within the Conservation Area, but it is not included in the Conservation Area Appraisal (Doc 16, CD37) which indicates open landscape areas of value to the setting of Cowbridge and Llanblethian. Although the appeals development would

continue the extent of the breach of the west side of the Thaw Valley already established by Darren Close, this is a negligible or minor effect and does not change the relationship of the historic town with its surroundings. This means that no mitigation is necessary although it is intended there will be planting along the Llantwit Major Road north of the edge of the Conservation Area (Plan G/LO7).

- 10.10. The Council suggest that the A48 road is a dramatic linear feature, which is supported by the comments in LWVG. However, the Cowbridge By-pass already compromises the historic line and its dual carriageway section ends where the proposed northern roundabout for the link road would be sited. Tree planting is proposed alongside the road which would tend to emphasise the linearity of the feature and the magnitude of change would be negligible. Such planting would be a visual benefit and not affect the views of the hillfort. The A48 Roman Road context was also considered at the UDP inquiry (Doc 6, para C7.1.6).
- 10.11. In respect of the Llanblethian Hillfort setting, this was considered by the UDP Inspector who clearly took the view that there was no harm. CADW do not actually oppose the proposal and their views were given without knowledge of the proposed planting for the site. The 1986 CLP identified areas of High Landscape Importance which included the land between the monument and Llantwit Major Road. The development would not encroach uphill beyond the Llantwit Major Road and would not box in the hillfort as has been suggested. The boundary of the CLP Area of High Landscape Value stops at the road which is stated to include "*the rural setting of Llanblethian Hill Down and Caer Dynnaf...*" (Doc 3, CD11, para 8.6), so obviously the appeals site was not considered to be part of it. The 1995 Conservation Area Appraisal did not change this situation. It is submitted that this is a correct approach to the setting of the hillfort as it is on the higher slopes and divided from the lower land within the appeal site by the Llantwit Major Road. Also, the northern side of the hillfort is tree covered and there is no public right of way over it. Consequently, very little of the monument can be seen from outside and its views to the north are very restricted. The view from footpath 51 by the edge of the monument (Photo 1/8) would show the new housing behind and at the side of Darren Close, but the existing hard edge of the Close would be softened by new tree planting. The new built development would be below the line of the A48. The overall magnitude of change and effect on the hillfort would be negligible.
- 10.12. The impact on Llanblethian Castle would also be minimal (Photo 5/HE03) and even if the tops of some houses near the southern end of the development could be seen they would eventually be screened by the new tree planting. There would be virtually no effect on the intervisibility between the Castle and Penllyn Castle.
- 10.13. St Brynach's Church is generally unobtrusive (Photo 5/HE08 & HE09). Eventually, the proposed planting along the link road would reduce any impact of the development and the restoration of the old field pattern near to the church would re-emphasise its rural setting. The church was also considered by the UDP Inspector who stated that the new planting would "*help to enhance the setting of the church*" (Doc 6, para C7.1.6). From the church footpath 50 would be improved to become more useable than it is now with mud and waterlogging. The effect of the development on the church and its setting would be minor.
- 10.14. In the case of Penllyn Castle it is over 1km from the nearest part of the appeals site and it is its parkland which forms its setting as a listed building. The Council suggest there is a visual corridor between the Castle and Llanblethian Hillfort some 2km away. In fact, very little of the new housing would be seen from in front of Penllyn Castle beyond the beech woodland along its parkland edge. The intervisibility between Penllyn and Llanblethian Castles would not be affected, and views from the parkland would be towards the new tree planting along the A48. The Council have also mentioned the Breach Farm round barrows, but these are some 1.4km west of the site so are clearly unaffected by the development. Any increase in traffic would have no effect on the setting of the barrows and could be of slight benefit as more people would see them as they passed by.

10.15. The Appellant believes that the use of suitable mitigation strategies will facilitate any necessary preservation and enhancement of the historic environment. The effect on the historic landscape, listed buildings and scheduled monuments will be minimal and would not contravene national or local policies and guidance.

CASE FOR THE COUNCIL.

The main points were:

10.16. It should be noted that the Council requested a detailed archaeological evaluation at the application stage of the proposals but on-site investigations had not been completed at the time of the non-determination appeals. It was only in February 2003 that GGAT were able to formulate comments on the results of the evaluation which removed the need to proceed with the objection which is the subject of deemed refusal reason 3 (Doc 35/18).

10.17. GGAT expressed concern about the implications of development of the appeal site during the inquiry stage of the UDP in respect of the setting of monuments and the historic landscape (Doc 16, CD40). Also, in their response to the appeals applications CADW point out that the setting of ancient monuments is a material consideration. They felt that the proposals would be an unwelcome intrusion into the rural setting of the Llanblethian Hillfort and contribute to boxing in that site by development (Doc 16, CD38 & Photo 5, HE02 – 05)).

10.18. The Council's assessment has taken account of the Vale of Glamorgan Landmap Project: LWVG (Doc 14) which was a pilot scheme in Wales, later developed in the manual prepared by CCW (Doc 16, CD36), so is acknowledged to be of a general nature only (Doc 39E). Within LWVG the appeal site lies within historic component VG/H/7 – The Bro which is an extensive area characterised by the rural farming Vale with its component historic features which make up a nationally important historic landscape. It also emphasises the importance of the linear feature of the A48 along the line of the Roman road and of Cowbridge itself (Doc 14, Vol 4, Sect 7, Areas VG/H/7, 8, 10, 11). The Council believe that the area containing the appeals site has a combination of monuments and other historic features which form a rich and detailed historic landscape of high intrinsic value. The appeals site is at the heart of this complex multi-period landscape and plays an important role as an open rural component which links a number of heritage assets whose visibility and intervisibility allow people to appreciate the processes behind the formation of the local historic environment (Plan J, 4.1).

10.19. Using the illustrative Master Plan of the development as a guide (Plan G/L07) its impact has been assessed on the basis of the significance of the resource and the magnitude of change (Doc 39B). Cowbridge and Llanblethian and their associated Conservation Areas are of national significance. Cowbridge has historically been a small, rural town set within the confines of the Thaw Valley (Plan J, 4.2). The only development to breach the west side of the valley has been Darren Close which although small scale has begun to alter the relationship of the town with its historic rural setting (Plan J, 4.3). The appeal proposal would extend the town well outside the confines of the Thaw Valley and adversely affect its setting (Plan J, 4.5, 4.6). This would be a medium adverse change with a major adverse effect and be contrary to the policy in paragraph 6.5.15 of PPW and policy ENV15 of the deposit UDP in respect of the setting of areas of special historic interest. The development would impact on the linear character of the A48 road and its relationship with the Llanblethian Hillfort (Photo 5/2, 5/4 & 5/5). The northern roundabout would disrupt the historic linearity of the road line. The line of the A48 and the hillfort are visually linked back to the Roman landscape. This would be partially obscured by the development and result in a moderately adverse effect on the setting of both the hillfort and the route of the Roman road.

10.20. The hillfort itself (Plan J, 4.7) has a dramatic presence and is widely seen in its open agricultural setting which is probably similar in function to that which existed in the Iron Age and Roman periods. It also has strong visual links to and from Penllyn Castle (Plan J, 4.9) and

its parkland, Llanblethian Castle (Plan J, 4.4), St Brynach's Church and Cowbridge. The southern part of the housing area and the link road would intrude onto the lower slopes of the hillfort and reduce its dominance in the landscape, resulting in a major adverse effect. The effect on its setting would be similar and the views of CADW are supported (Doc 16, CD38) as the monument would become suburbanised contrary to its historic role and significance. The development would also directly affect and screen views between the A48 and the hillfort. The proposed development would also adversely impact on the visual linkages between the hillfort and Penllyn Castle and St Brynach's Church which contribute to the understanding of the historic development of the landscape (Photo 5, HE03, HE06 & HE10 – 13). Although the development would be at the edge of the visual envelope of Llanblethian Castle, the northern side of the proposed housing would increase the built clutter within its setting and between it and Penllyn Castle (Photo 5, HE03 & HE06).

10.21. St Brynach's Church has an isolated rural setting which relates to its history and links with Penllyn and Cowbridge (Plan J, 4.8). The development would demean its sense of place and sever the historic link with Cowbridge along footpath 50 which forms part of the Western Cowbridge Circular Walk (Doc 37 & Plan J, 4.6). Some of the characteristic views of the church from footpaths 50 and 51 would be compromised (Photo 5, HE08 & HE09). The UDP Inspector saw some benefit in the proposed planting along the link road and reinstatement of hedgerows to the west (Doc 6, para C7.16), but it is considered this would be minor compared to the major harm to the historic setting of the church which is a listed building. The development would intrude into the views from Penllyn Castle and affect its associated designed landscape which offers a direct vista towards Llanblethian Hillfort. This would be a moderately adverse effect on the Castle's setting. The increase in traffic using the Llantwit Major Road would have a minor adverse effect on the setting and amenity of the Breach Farm Round Barrows. Taking all the effects together it is concluded that the development would result in a major adverse effect on the historic environment.

10.22. It is concluded that there is a subtle interplay between the site and its surroundings. It obviously forms part of the visual and topographical setting of Cowbridge, but also lies between various features which represent different stages in the historical evolution of the area, the castles, the hillfort, the Roman and medieval road and other archaeological features. These points have been barely touched on in the Appellant's evidence which suggests that the site can be developed without any adverse effect on nearby historic sites. The comments of CADW about the setting of the hillfort were not acknowledged until just before the inquiry and they had not been consulted when the Appellant's 'Master Plan' was prepared. The evidence for the Appellant is contradictory in respect of intervisibility between historic sites, screening of the A48 route and any link between hedgerow restoration and St Brynach's Church. The Master Plan is a new design which does not provide a 'sense of place' which responds to that which already exists, contrary to policies H8(ii) and (iv) of the SGSP; and ENV15 and ENV25 of the amended deposit UDP.

CASE FOR CLRG.

The main points were:

10.23. It is a major concern of residents that the proposed development would destroy a greenfield site within unspoilt countryside which is part of the central setting for a multi-period historic and archaeologically important landscape. Not only the setting itself but also views of important features, such as St Brynach's Church, Llanblethian Hillfort and Penllyn Castle, would be affected (Doc 55, RESPE34B & C & RESPE 33).

10.24. The setting would be changed to a large housing scheme with 600m long link road, with a 7.8m wide carriageway and 3 roundabouts. The road would be raised on an embankment for most of its length. It would also have an adverse effect on the quiet ambience around St Brynach's Church arising from traffic noise. It is of note that the LWVG study refers to the

Colwinston Lias Plateau within which the appeals site is located as being of ‘modest’ visual and vegetation value, but of being ‘high’ historical and ‘outstanding’ cultural value. Letters from the Local History Society and the Vale of Glamorgan Conservation Advisory Group show their opposition to the proposals (Doc RESPE31/A-C & RESPE60) and GGAT have commented on the historic landscape (Doc 55, RESPE32ii). The importance of protecting the historic environment is emphasised in paragraphs 6.1.1 and 6.1.2 of PPW.

11. OTHER REPRESENTATIONS.

Introduction.

- 11.1. In addition to the evidence of CLRG and the tenant of Darren Farm, the issues raised by other interested parties and the responses thereto have been subsumed within the individual topic sections of the report. The following is a brief summary of the main points made in oral evidence by those Authorities, organisations and individuals.

Cowbridge with Llanblethian Town Council.

- 11.2. The Town Council have consistently opposed the development of Darren Farm in their comments to the Vale of Glamorgan Council throughout the application stages of the proposals (Doc 64). The Council regard the use of a ‘greenfield’ site and the consequent loss of agricultural land as the primary objection to the proposal. They consider that existing ‘brownfield’ land at Llandow should be used first. They share the concern of others about the potential for flooding which arises from spring water running from St Brynach’s Church through the Darren Farm land, together with the likelihood that the sewage works would become overloaded. They support the objections from the tenant of Darren Farm. The Council do not believe the link road offers any significant benefit to Cowbridge. It would be an elevated and detrimental feature in the landscape; and exacerbate the traffic problems on the Llantwit Major Road, particularly around the dangerous Cross Inn junction and Nash Corner. The development would increase traffic in Cowbridge which already suffers from a lack of parking and its residents would be unlikely to walk, cycle or use buses in preference to their cars.

Cowbridge & Llanblethian Residents Group (CLRG).

- 11.3. The various objections of CLRG are set out in detail under the topic headings, but it is appropriate here to summarise the Group’s background statement.
- 11.4. The CLRG has been organised to represent the views of local people opposed to the appeal proposals which it is claimed have generated more interest than any other matter in the town in recent years. This was shown by the petition with 1,270 signatures which opposed the development and the 230 letters of objection written to the Council. It has a membership of about 338 people who attend meetings, contribute funds and provide voluntary aid to support its programme. It is run by a committee of 12 local people. The Group wish it to be noted that the Darren Farm site was only considered at the UDP inquiry as a result of an objection to non-allocation under policy HOUS1. Consequently, as CLRG had not submitted a ‘duly made’ objection to the UDP they were not allowed to make representations on the matter at that inquiry (Doc 71, App 2 letter). The section 78 appeals inquiry has been, therefore, their only opportunity to express local opposition.

The Ramblers Association.

- 11.5. The Association has 131,000 members nationally and some 2,000 in the Glamorgan area, of which there are about 500 in the Vale of Glamorgan. The development at Darren Farm would be detrimental to the countryside and detract from recreational enjoyment of the rights of way in the locality within and near the site, including views from them. The likely impact on

footpaths is a material planning consideration. It is currently possible to walk around Cowbridge in the countryside and experience its beauty and heritage features. The proposed link road would intrude into the skyline, mar the setting of St Brynach's Church, and the development would replace a pleasant stroll across meadows with inappropriate urbanisation.

Llandow Community Council.

- 11.6. The council's area includes the villages of Llandow and Llysworney and the Llandow business and industrial areas. They fully support the provision of the link road. The traffic problems of Llysworney are well known, particularly that caused by HGVs, and the Council are concerned about the safety of residents and motorists. These problems can only increase as the Llandow business and industrial areas are expanded as proposed in the UDP. There is no realistic possibility of a Llysworney by-pass being built during the UDP plan period and, even if there was, no doubt it would attract objections on environmental grounds. The only alternative is that associated with a housing development such as Darren Farm. The Council believe the link road would help to divert HGVs from Cowbridge High Street as well as those in Llysworney. They agree with the UDP Inspector who supported the provision of the link road as a sensible solution to a long standing problem and also agree with him that Cowbridge is an excellent service centre for the western Vale which could sustain additional housing.

Llysworney Road Action Group.

- 11.7. The Group estimate that they have the support of at least half of the households in Llysworney and point to past actions of the Community Association there to promote a by-pass scheme for the village, including a report in 1998 which concluded that as no public funds are likely to be available, an alternative funded by private development was the only viable option (Doc 29/8). The Group therefore support the appeal proposals. It is considered that Cowbridge is a suitable location for further development as it has a good range of services and that it is not possible for all new development to be on 'brownfield' land. There can be no doubt that the proposed link road would have significant safety and environmental benefits for the area which outweigh the limited adverse impact.

Mr John Smith MP.

- 11.8. The Member of Parliament considers that the proposal is too large for the attractive town of Cowbridge and would have an adverse effect on the quality of life there. There is a danger that it would place too great a strain on local facilities and services, such as education and drainage. Also, the development of 'brownfield' sites should take precedence over 'greenfield' sites such as this. Mr Smith has campaigned for a Llysworney by-pass, not only to relieve that village but also to assist with the wider issue of the north-western access into the Rural Vale. The proposed link road is not a suitable alternative and will itself eventually become congested. It would also place too much traffic on the Llantwit Major Road which is not of an acceptable standard. The housing strategy in the UDP is generally supported by local people and the need in the rural area settlements is for small scale affordable housing for young people and the elderly, not large speculative schemes such as the appeal proposal.

Ms Jane Hutt AM.

- 11.9. The proposals lack sustainability as advocated in PPW and are widely opposed throughout Cowbridge. They do not meet current need as there is over 8 years of housing land supply available in the area. Given the availability of 'brownfield' sites the proposals contravene paragraphs 2.3.2 and 9.1.1 of PPW and also its conservation objectives in respect of local heritage and the countryside. The attraction of Cowbridge relies on its character as a small scale, historic market town together with its setting. Further significant development would detract from its character and is not necessary to maintain its service function for nearby rural settlements. The overall context for housing policy in the Rural Vale is reassessed in the proposed modifications to the UDP, including sites within the revised town boundary, and a

decision on the Darren Farm site in isolation could prejudice the proper consideration of the modifications and the representations on them, including those of the Appellant.

- 11.10. The housing development proposed would result in further commuting by car and the surrounding topography is unlikely to encourage local travel by non-vehicle means. The link road is not an ideal solution and would make any proper by-pass scheme for Llysworney untenable. There is a concern over the potential for flooding from the site.

Mr Owen J Thomas AM.

- 11.11. Mr Thomas outlined the history of the Glamorgan area since the Industrial Revolution which resulted in tremendous change. Despite the changes elsewhere, the Rural Vale has maintained its idyllic character, with the beautiful and unspoilt ancient borough of Cowbridge at its centre. The town and its easily accessible surrounding countryside is a unique cultural and historic attraction to local people and visitors from far afield which must be safeguarded. The development of Darren Farm on a greenfield site and remote from the main centres of employment would diminish the town's special character and setting.

Mr David Melding AM.

- 11.12. There is an adequate housing supply in the Vale, so there is no need to identify additional housing sites at present, especially a 'greenfield' site not identified in the UDP. With regard to the link road, the highways infrastructure in the western Vale needs upgrading, particularly from the Llandow industrial areas to the A48 and to the International Airport at Rhoose. The link road would make it more difficult for a strategic solution to the problems to be achieved. A further feature of the appeal proposals is the huge public opposition to them and it is important that this is taken fully into consideration.

Mr J Readman.

- 11.13. Mr Readman is a County Councillor, but was making representations in a personal capacity. He shares the views of other objectors, but particularly draws attention to the effect of the link road route on the Llantwit Major Road. The section of that road from Nash Corner to Cross Inn is quite unsuitable for two-way heavy goods traffic and would require expensive upgrading to be of any use in promoting suitable access to the A48.

Mr G H Haynes.

- 11.14. Mr Haynes is concerned about the effect of the proposal on the capacity of Cowbridge Comprehensive School. As at September 2002 it was over-subscribed by 158 pupils and new children coming into the area are being refused entry (Doc 75A). There are plans to build a new school, but much of this will be to replace existing sub-standard accommodation, particularly the Lower School (Photo 8), and work is unlikely to start before late 2006 at the earliest (Doc 75B). It is estimated that the Darren Farm proposal would generate about 135 children equating to a need for 5 extra classrooms at primary and secondary level (Doc 75 C & D). This would eliminate the small amount of spare capacity in the primary school and could not be catered for at the secondary school, so to proceed with the housing project would be irresponsible. It should be noted that apart from the Darren Farm scheme the primary and secondary schools need to cater for increases in pupil numbers over the next few years (Doc 75E).

Mr G Cox and Mrs S M Cox.

- 11.15. Mr Cox is a County Councillor representing the Cowbridge Ward and Mrs Cox is a Town Councillor. Mr Cox spoke in a personal capacity only as he has close friends affected by the development. As the site is in the countryside outside the built-up area of Cowbridge it is an inappropriate 'greenfield' development in conflict with local and national policies for controlling development in the countryside. Both Mr and Mrs Cox are concerned about the

potential for flooding in the Westgate area of the town if Darren Farm is developed as a result of surface water run-off. In 2000 the area was flooded and a similar situation was only just avoided in 2001 (Photo 9) when water flowed towards Darren Farm from the locality of St Brynach's Church. Given the facts about flooding it is difficult to accept the claims that ground permeability is adequate for drainage. Adequate provision for ongoing maintenance of any storage systems is also a cause for concern and sustainable drainage systems are unlikely to be taken over by Welsh Water.

11.16. Further objections to the development and the link road are made on the basis that the Llantwit Major Road is not suitable, that the Comprehensive School is over-subscribed, and water supplies and sewage treatment works are at capacity. It is also contended that residents on the new housing would rely on their cars and increase traffic in Cowbridge, whilst at the same time traffic calming measures as proposed by the Appellant would not enhance the Conservation Area. It is not likely that more than a very small proportion of the houses would be 'affordable', as executive dwellings would be essential to fund all the purported benefits the Appellant is proposing.

Mr M J Lewis.

11.17. Mr Lewis expressed concern about the welfare of local badgers. Although he did not believe there were any setts on the appeal site, there were 3 nearby. Consequently, the site is used for foraging and its loss would affect their food supply. The proposed link road would block their west – east movement and create a hazard for them from passing traffic.

Written representations.

11.18. As stated in paragraph 11.4, a substantial number of objections and a petition were submitted to the Council at the applications stage. At the appeals stage over 70 written representations were submitted, of which all but 3 objected to the appeal proposals. The objections and supporting letters generally covered the same range of topics which were discussed at the inquiry and it is not necessary to repeat them here.

12. CONCLUSIONS & RECOMMENDATIONS.

Conclusions.

12.1. This section sets out my conclusions on the various individual topics in the report, followed by my overall conclusions on both appeals and my recommendations.

The Development Plan, Housing policy & supply, and Prematurity (3.1 – 4.60).

12.2. Paragraph 3.1.2 of PPW quotes section 54A of the 1990 Act which requires that where in determining planning applications regard is to be had to the development plan, the determination shall be made in accordance with the plan, unless material considerations indicate otherwise. It then goes on to say that applications which are not in accordance with relevant policies in the plan should not be allowed unless there are material considerations which justify permission. In this case, there are other material considerations to consider, but the development plan is the starting point.

12.3. The statutory development plan for the Vale of Glamorgan comprises the 1989 South Glamorgan Structure Plan (Alteration No. 1) and the 1986 Cowbridge Local Plan. Although the Local Plan pre-dates the Structure Plan there is no evidence to suggest it is not considered to be in general conformity with it. Clearly these plans are of considerable age and certain provisions such as the housing supply calculations are out of date, but it is important to appreciate that they remain in force until the UDP becomes operative and must be accorded due weight. I have also borne in mind that there is a duty under section 19 of the Local Government (Wales) Act 1994 to seek achievement of the general objectives of the Structure Plan when determining planning applications.

12.4. Another important consideration is the emerging Vale of Glamorgan UDP. Paragraph 3.5.1 of PPW states that the weight to be given to emerging UDP policies will increase as successive stages are reached in the procedure towards adoption. However, this can be affected by the situation arising where there have been objections to the policies. The UDP has reached its Modifications stage and so should be accorded significant weight, but in this instance it is affected by the objections to policies HOUS1 and TRAN2.

12.5. An added factor is that the Council have formally approved the UDP Proposed Modifications document, which excludes the appeal site, for use for development control purposes. I consider that some weight must be given to that document as a form of Supplementary Planning Guidance. Since it has been subject to public consultation as part of the UDP process and a council resolution then its weight increases, as indicated in paragraph 53 of Planning Guidance (Wales): Unitary Development Plans.

12.6. A major feature of the inquiry evidence was the debate over the UDP Inspector's Report. The Appellant is aggrieved that the Inspector's recommendations to allocate Darren Farm for housing and to provide the proposed link road instead of the Llysworney By-pass, have been rejected by the Council in setting out their Proposed Modifications to the UDP. They contend that as the appeals site was considered at the UDP inquiry, then the Inspector's Report should be given substantial weight in these appeals.

12.7. The issues raised by the *Jeantwill* and *Ravebuild* cases quoted by the parties (Doc 66) are matters of law for the Assembly, but my conclusions about the status of the Inspector's Report are as follows. As a preliminary point I note that those cases were distinguished from each other largely on the basis that the Inspector's recommendation in the *Jeantwill* case had been treated as "dead and buried." This would not appear to be correct as the Local Plan concerned had not been finally adopted and so there was still a possibility of Government intervention which might have upheld the Inspector's views.

12.8. Even so, I regard the issue in these appeals as more akin to the *Ravebuild* case in terms of the

stage which has been reached in the UDP process. There is still an opportunity for the appellant to persuade the Council through the Modifications procedure that their site should be allocated and it is also still possible for the plan to be 'called-in'. Furthermore, even if the plan proceeds to adoption unchanged and the Appellant is still aggrieved by the adequacy of the Council's reasons for rejecting the Inspector's recommendation they could mount a High Court challenge to the UDP under section 287 of the 1990 Act. The current situation is that the Council have considered the Inspector's Report and decided what action to propose in the light of it, as set out in their Statement of Decisions and the Proposed Modifications (Docs 7 & 8). It remains for them to decide whether to adopt the proposals as modified or to further modify the plan prior to adopting the UDP. Their discretion is unfettered so long as they have had regard to all the considerations and their decision is not perverse.

- 12.9. I consider that if the merits of the appeals site are revisited during the remaining UDP process that is largely a separate issue from the development control decision on the appeals, as it would take place in a wider forward planning context and without a need to refer to the existing development plan or other current policies. As far as the issues of these section 78 appeals and the weight to be accorded to various considerations are concerned, I regard the Inspector's Report as material insofar as it is a recent examination of some, but not all, of the matters affecting the appeal site (Doc 6, sects. C7.0, C7.1 & 6.5). However, in deciding on the amount of weight to accord to it, it must be remembered that there are differences in the balancing exercise he would have used in reaching his recommendations and that which applies in these appeals. Apart from not having to take account of the existing development plan or attach weight to it, the UDP Inspector did not have to deal with the issue of prematurity. He also did not appear to consider the implications for the Darren Farm tenant, or nature conservation issues, or deal with all aspects of the historic environment. In addition, there have been some changes in national guidance and housing data since his report. I would add that, of course, the Council's response to his report is a further matter for me to take into account.
- 12.10. The essential point is that there is nothing to prevent a decision being made on these appeals which differs from either the emerging UDP or the Inspector's recommendation, as the case may be, providing that they have been properly taken into account as material considerations, with the weight to be attached to them a matter for the decision taker.
- 12.11. Turning to housing location and supply issues, the first matter to consider is the policies in the development plan as they affect the principle of development on the appeals site (Doc 6, CD11 & 12). SGSP policy H8 identifies Cowbridge as suitable for limited housing within and adjoining the town, subject to several criteria which are the subject of other topics in my conclusions. The Secretary of State's letter approving the SGSP stated that Local Plans should be the appropriate vehicle for examining the detailed issues involved, but the CLP predated the SGSP and no further Local Plan was adopted prior to the preparation of the deposit UDP. It is, therefore, necessary to consider whether the appeals proposal can be regarded as 'limited' housing development. Applying the ordinary and natural meaning of the words, I consider that the scale and extent of the proposal goes well beyond anything which could be regarded as 'limited' or indeed 'adjacent' to the town. The parties debated this matter further in the context of the Structure Plan Explanatory Memorandum (Doc 60). That is not part of the SGSP, but I accept that where further explanation is sought then it might be of assistance. The Memorandum suggests that 'limited' means a site of up to 2ha, whereas the appeals sites are around 8 times greater than that area. I conclude that the proposal does not comply with policy H8.
- 12.12. This brings policies H10 and EV3 into play. Policy H10 presumes against the erection of dwellings in the open countryside other than for agriculture or forestry and policy EV3 restricts development outside built-up areas and areas identified for urban development. At present, the appeals site is undoubtedly part of the open countryside which extends away from

the urban edge of Cowbridge and I consider that its development would conflict with those policies. In the CLP, policy 1 generally confines new housing to allocated or infill sites and policy 2 resists new dwellings in the countryside. Development of the appeals site would conflict with those policies.

- 12.13. It follows that the appeals proposal is not in accord with the housing policies of the existing development plan and I consider this represents a substantial objection.
- 12.14. The deposit UDP sets the seed of the differences between the Council and the UDP Inspector with regard to the Rural Vale and Cowbridge. It suggests that because the town had accommodated a great deal of development in recent years it was not the intention to allocate further residential land as it would adversely affect its setting and character (Doc 4, paras 2.2.8 and 4.1.6), although limited development within the settlement would be allowed. The residential allocations in policy HOUS 1 only included 2 small sites within the town and HOUS9 allowed for some additional development on other sites. Policy HOUS 2 resisted new dwellings in the countryside. As the appeals site is outside the settlement boundary drawn for Cowbridge its development would conflict with the deposit UDP which broadly followed a similar approach to the town to that in the current development plan. Since that time the UDP has proceeded through its objections inquiry and Proposed Modifications stages, but the development of the appeals site still conflicts with the UDP as proposed for modification.
- 12.15. The advice in paragraph 3.5.1 of PPW about the weight to be attached to emerging UDPs specifically refers to their 'policies' and does not mention the Inspector's Report. As there have been objections to relevant policies the weight to be given to the UDP is lessened, but this does not alter the fact that the appeal proposals do not accord with policies for housing location in either the emerging UDP as it currently stands, or the existing development plan. Of course, that does not preclude examination of the Inspector's Report as a material consideration in its own right, as I have already indicated.
- 12.16. With regard to housing supply there are 2 matters to consider. The first is whether the proposal gains any support from the requirement to provide a 5 year supply of housing, as indicated in paragraph 9.2.5 of PPW, bearing in mind that paragraph 24 of TAN1 allows for use of emerging UDP figures where an existing development plan figure is time expired. However, the adequacy of supply is usually considered for the local authority area as a whole and not for sub-areas or individual settlements. There was no dispute among the parties that the Vale of Glamorgan has about an 8 year supply of land available, so there is no overall shortfall to be met to which the appeals scheme could contribute.
- 12.17. The second matter concerns the approach of the UDP to provision in the Rural Vale and Cowbridge in particular. The UDP Inspector was firm in his view that whilst he fully supported the strategy of concentrating most development in the Waterfront Strip, he felt that the Council had failed to make adequate provision in the Rural Vale. This was coupled with his concern about the range and choice of sites and a need to increase the overall housing requirement. His conclusion was that about 250 dwellings should be allocated for Cowbridge, including Darren Farm (Doc 6, para C7.0.7). His recommendation did not specify the number of units to go there, but the figure of 145 currently indicated was also referred to at the UDP inquiry. Apart from 4 dwellings which he felt could be located at Llanblethian Farm and 12 units already allocated within the town, he felt that the balance of the 250 units could be sited north of the Town Hall (Doc 6, para C7.4.9) within the modified settlement boundary, to be provided towards the end of the plan period. This would suggest he envisaged about 90 units being located on the site north of the Town Hall.
- 12.18. In considering the Inspector's Report the Council have followed his recommendations on the need to increase the overall housing requirement figure, but the sites for this have been found in the Waterfront Strip area. In searching for additional sites I accept the Council's point that

they have discretion in selecting sites to meet the need, as recognised by the UDP Inspector. In respect of his criticisms affecting the Rural Vale settlements, the Council say they have revised settlement boundaries and given greater flexibility to policies HOUS2 and ENV1 to facilitate more small scale development. As the UDP process is still ongoing I do not consider it is necessary for me to express an opinion on the merits of the modifications, other than in respect of Cowbridge itself. As I have already indicated, there is provision to challenge the plan if the adequacy of the Council's response to the Inspector's Report is doubted. Whether or not their response is considered adequate, I do not think it can be said that the Council have failed to address the points made in the Inspector's Report.

12.19. Of particular relevance to these appeals is the Inspector's views on the appeals site and Cowbridge. With regard to his acceptance of the 145 unit figure for the appeal site and 250 units for Cowbridge as a whole, I believe it is relevant to note that the Council have attempted to ascertain how he came to decide on those figures. The only response has been that it was a "planning judgement." That being the case I consider it presents some difficulty in making an assessment of the suggestion for 250 units in the absence of detailed technical data to support the need for that figure. There is speculation that the Inspector applied past building rates in the town in the period from 1982 which was about 18 units per year (Doc 32/14, page 3) to arrive at the number of about 250 units by 2011. Apart from his view of a lack of sufficient sites in the rural area, he also suggested that further development in the town was desirable to maintain its important service function and that the lack of allocations was patently too restrictive for such a vibrant small town. He also cited its public transport links with nearby rural villages and the potential to serve the Llandow business areas. It is not clear to me why the Inspector concluded that further housing was required to maintain the function of Cowbridge as a service centre. There is evidence which shows it is a viable and attractive district centre, with no appreciable signs of decline, so it must be assumed that the existing population levels are capable of sustaining it, at least for the foreseeable future. It would be a different matter if it was intended, for example, to expand its retail threshold, but there is nothing to show that is the case. There is also some doubt about the extent to which Cowbridge would support the housing needs of the proposed business expansion at Llandow having regard to market forces, and the planned rail link at Llantwit Major might offer better commuting facilities for those working in the Barry and Cardiff areas.

12.20. I must conclude that the basis and the justification for the actual figure of 250 units for Cowbridge is unclear, although in the Proposed Modifications for the UDP it does seem that the Council now accept that the town should take some additional development. It is the amount that is still in dispute and where it should be located. If the amount is considered on the basis of past building rates, I find it a little unusual for an average over such a long period of time to be used. If building rates for the past 5 years to 2002 were used instead of those since 1982, then the requirement would only be about 5 units per annum, that is a total of only 70 units; or 13.5 per annum over the past 10 years, which would total 189 units over the period 1998 – 2011. Also, there seems to be little information on the degree of local housing need as opposed to the undoubted demand to live in such an attractive town.

12.21. As many as 11 sites, including those already allocated, have been identified in the UCS prepared for the Appellant and some or all of these could be allocated rather than left as possible 'windfall' sites. The capacity for Cowbridge was assessed at 63 units, taking account of likely constraints (Doc 11B). If commitments are included, this figure rises to 80 units and I estimate from the UCS study that the sites have an unconstrained capacity of between 180 – 190 units. This is close to the CLRG estimate. If that was used with the past 5 year and 10 year averages I have mentioned above then it could be possible to meet demand from land within the settlement. On the basis of a past completion rate in Cowbridge of 18 units per annum, there would still be a reasonable prospect of between 4 – 5 years supply of land if a figure of 80 units is used, or around 10 years if the unconstrained figure is applied which would probably be well into the period for review or replacement of the UDP. Given that

some of the uncertainty with the category 3 UCS sites relates to market forces and land assembly rather than purely physical constraints, I believe that it is feasible for some of those to come forward quite quickly if they are encouraged to do so.

12.22. Although I appreciate that the foregoing exercise is far from precise, I believe it is sufficient to show that there is the potential to provide land within the settlement boundary of Cowbridge to at least go some way to meeting the concerns about lack of supply in the town, especially when taken with the other measures for greater flexibility in the rural areas and the overall increase in land supply which the Council are now proposing in the UDP Modifications. I believe that the question of what constitutes a sufficient amount and which sites should be allocated is a matter to be resolved through the UDP process, taking account of the overall strategy on need, location and supply. For the purposes of these appeals I am satisfied that the case for further development on the scale recommended in the UDP Inspector's report providing in part for a significant extension of the settlement into the countryside is not sufficient to outweigh the policies in the existing development plan and the UDP which militate against this.

12.23. I find some difficulty in assessing the question of prematurity raised by the Council. In the early stages of a plan, decisions on the scale and location of development which are still evolving might be predetermined by certain applications. However, in this case the appeals proposals have, in effect, already been considered in the UDP context. The plan is now at an advanced stage, with the main issues affecting the preparation of its overall housing objectives and strategy having been addressed by the Council. On the other hand, the matter of accommodating the residual housing requirement of 1,010 units referred to in the Proposed Modifications (Doc 7, page 67) is still uncertain, given that there have been objections to the sites proposed. If some of the objections are accepted then it is possible that the appeals site could be re-assessed and it is quite a large site compared to most of those currently listed to meet the residual requirement (Doc 7, page 75). Even so, if the appeals proposal for about 145 dwellings was allowed, I do not consider it is so substantial that it would seriously undermine the general strategy on the location and scale of housing in the plan area as a whole which would still be concentrated on the Waterfront Strip; and there is no cumulative effect involved. It is my conclusion that the proposals do not go to the heart of the plan.

12.24. The other aspect of prematurity is where a proposal would have a significant impact on an important settlement with an identifiable character. The impact of the site's development on Cowbridge in the context of the UDP has been considered, albeit with differing views reached by the UDP Inspector and the Council, so I do not consider there is a prematurity issue in terms of plan preparation. However, I do have a concern about the link road element of the appeals proposal. Policy TRAN2 of the UDP specifically provides for land protection and the construction of the Llysworney By-pass. If the appeals are allowed it is virtually certain that the by-pass would not go ahead, thereby rendering nugatory that policy. This would pre-empt the full consideration through the UDP process of the merits of that policy and the by-pass, which involve development which is not within the appeals site or part of the proposals before the NAW.

The Darren Farm agricultural holding (5.1 – 5.26).

12.25. The national policy background for assessing the development as it affects the farm holding is found in TAN6 and PPW. Paragraph 7 of TAN6 indicates that farms with development close to them tend to suffer from trespass and disturbance which may affect their efficiency and upkeep. Paragraph 8 states that the loss of part of a holding can have important implications for the remainder and the effect of severance upon the farm may be relevant. Paragraph 4.1.6 of PPW states that the personal circumstances or hardship of occupiers or difficulties of business which are of value to the local community may be material considerations.

- 12.26. At Darren Farm there is little doubt that the appeals proposal would result in the demise of the dairy unit as it currently operates there. This would seriously affect the way of life of the tenant family and could affect the continued occupation of the house and farm buildings if permission is given. With regard to the alternative beef based methods of farming suggested by the Appellant, the tenants state they are not interested in them and their agent believes that they would not be profitable. The evidence for the Appellant suggests they would not offer more than a modest profit.
- 12.27. There does seem to be a measure of agreement between the parties that the existing dairy enterprise could be relocated to Top Yard and the tenants do not rule this out in principle. However, no formal offer or agreement has been made, so this prospect is beset with uncertainties. These include the financing of any scheme, whether the estimates of the Appellant or the tenant are used; the need for and prospect of obtaining planning permission for any new house and possibly some of the buildings and access; and resolution of the desire of the tenant to be given more land. The Appellant also concedes that it would be unlikely to be able to retain all the Adams partners in employment; and there must be a degree of doubt over whether the tenants and the landlord could agree on a proposal.
- 12.28. My conclusions are as follows. I consider that if the tenancy aspect is ignored there would be no reason why Darren Farm could not be subsumed within the larger Home Farm of the estate or reorganised in some other way to provide a viable enterprise, so that there was no significant adverse impact on agricultural interests. However, the personal circumstances of the tenant family cannot be ignored and the proposals would undoubtedly seriously harm their particular farming practices and way of life, as well as raising a concern that they could be asked to quit the holding. These are factors which represent a significant objection to the proposals. I note the various alternatives put forward by the Appellant, including re-location of the dairy unit, but in the absence of any secure arrangements in place for implementation if the development is approved I feel unable to place much credence on them.

Highways & Traffic (6.1 – 6.31).

- 12.29. The major issues surround the proposed link road and the traffic and safety benefits which the Appellant believes it would provide. However, there are 2 preliminary matters to mention. First, although the link road and the housing areas must be considered together as parts of the same application, there is no evidence to suggest that the road as proposed is necessary solely to serve the housing areas. The housing could easily be accessed by a shorter road to a lower design standard, whether that came off the A48 road or the Llantwit Major Road. Clearly the main function of the link road is to provide some relief from through traffic, particularly in Llysworney.
- 12.30. The second matter is the status of the Llysworney By-pass scheme. This has been in existence for over 20 years and it remains a firm proposal in the Local Transport Plan and the emerging UDP. Although I acknowledge that there is pressure at the local and national level to bring a scheme forward, I must agree with the Appellant that currently there seems to be little realistic prospect of funding and there are other much more substantial proposed schemes which are being given greater priority in the Vale of Glamorgan.
- 12.31. Even so, the By-pass remains a policy proposal being considered in the emerging UDP and I do not consider it would be appropriate to speculate on the possible line or impact of it, or to engage in a detailed comparison exercise between it and the link road. I consider it is sufficient in the context of these appeals and the highways/traffic issues to simply note that the main benefit of a By-pass is that it would be able to remove all through traffic from Llysworney and maintain the direct route to the A48 and M4 from the south. Apart from that consideration, my approach is to concentrate on the merits of the link road itself.
- 12.32. The main benefit claimed for the proposed link road is that it offers a feasible alternative to

the Llysworney By-pass proposal and would relieve that village of HGV through traffic, including that from the Llandow business parks. Other significant benefits which are suggested by the Appellant include a reduction of some traffic flows on Cowbridge High Street and on Llantwit Major Road between the site and Gibbet's Hill; and a reduction in speed on the A48 due to the proposed new roundabout there, thereby improving safety.

- 12.33. Looking first at the claimed benefit of diversion of HGV and some other traffic from Llysworney which is a Conservation Area, I believe this would undoubtedly be a significant improvement for the local environment and amenity, bearing in mind that the Llandow business area to the south is due to expand under UDP proposals. However, at the same time, as HGVs only make up about 10% of the total volume of movement through the village it must be acknowledged that the vast majority of traffic and the associated safety and pollution problems would remain.
- 12.34. The second matter to consider is the effect on Cowbridge High Street. I accept that the link road route would reduce the current flows along that road, particularly westbound through traffic. This would be especially beneficial in the case of HGV movement. The westbound traffic could be reduced by up to 25% in the afternoon peak when the flow in that direction is much greater than in the morning. However, it appears that the overall reduction in 2 way flows would be closer to 4% in the morning and 11% in the afternoon (Doc 40, Table 3.1), which is less than the 15% referred to in the UDP Inspector's report (Doc 6, para 6.5.9). This is still a significant improvement, but of course it does not take account of the traffic generated by the proposed new housing itself. If this is also considered there would be likely to be a significant net increase in morning peak hour traffic and a slight decrease in the afternoon peak. The resulting overall peak hour effect would be a net increase in traffic arising from the impact of the combined link road and housing package.
- 12.35. In respect of eastbound traffic there would be a small improvement in the existing situation in that traffic would be diverted onto the link road from the 0.5km stretch of the B4270 passing in front of Darren Close, Tyla Rhosyr and Geraints Way.
- 12.36. The third perceived benefit is that traffic on the A48 would have to slow down to negotiate the proposed roundabout at the northern end of the link road and that this would improve safety. However, it is well known, as for example recorded in the Government's Design Manual for Roads & Bridges TD41/95, that there is a significant correlation between mean accident risk and added junctions, including roundabouts, and I have been given no firm evidence to support the claim that overall safety would necessarily be improved.
- 12.37. I now turn to other matters which affect the link road proposal. First, it is important to appreciate that the link road itself would only form part of the proposed new route for vehicles diverting from Llysworney. Lorries currently travelling through Llysworney to or from the A48 and M4 motorway would have to use the proposed new route which I estimate is some 3km longer if they are heading to or from the west or just over 1km longer if travelling to or from the east. This obviously has journey time and cost implications for drivers. It is not known how this would be viewed by commercial users of the new route or whether they would raise any objection to a weight restriction being imposed in Llysworney.
- 12.38. Second, the route to be used would involve diversion of traffic from the length of the B4268 between Nash Corner and Pentre Meyrick to an almost similar length of the B4270 between Nash Corner and the link road. On the B4268 around 20 properties have frontage access onto the road. During my site visits I noted that although those frontage properties in Llysworney must suffer considerably from traffic disturbance the main part of the village is hidden away to the west of the road and the 2 areas are distinguished in the description of the Conservation Area (Doc 16, CD41, paras. 6.19.4 and 6.19.5). CLRG have pointed to concerns of residents along the B4270 about the width of the road in places and road safety; and there are some 15 properties on that road with frontage access. It follows that the benefits of removing lorry

and some van traffic from Llwynsworney would be offset to some extent by the disturbance to those living along the B4270.

- 12.39. Concern was expressed by CLRG about the alleged dangers of the junctions at Nash Corner and Cross Inn, together with accident record along the B4270 and B4268 roads. Although there was some dispute about the accuracy of the accident data I accept that the rate on both roads is below the national average. I consider that for safety reasons and to better facilitate right turning traffic onto the B4270 a mini-roundabout scheme would be appropriate at Nash Corner. The total costs would be £230,000 (Doc 68) of which the Appellant has offered to contribute £100,000 (Doc 78). With regard to Cross Inn, I consider the visibility there is very restricted and does require improvement, although the scheme submitted at the inquiry does not improve conditions for those turning right by Pinklands Cottages. However, unlike Nash Corner, any improvement to that junction is not needed as a direct result of the appeal proposals, so the Appellant's offer to contribute to improvements there must be seen only as a voluntary gesture.
- 12.40. Although the site is further from the town centre than the existing housing areas of Cowbridge, there would be some access to bus services. In respect of cycling to and from the town centre, which is about 1km or more away depending on which part is being visited, I consider that the site is within a reasonable return trip cycling distance. In the case of walking, I believe that the centre is too far away and the gradients too steep for comfortable trips to and from there on an everyday basis, especially for activities such as family shopping. The eastern end of the town's retail area would also be somewhat remote. I believe that most trips would be made by car and that the site's location is not sufficiently accessible to provide the positive encouragement for walking and public transport use which is sought in Chapter 8 of PPW.
- 12.41. I do not regard the foregoing findings as representing an overriding objection to the proposal in itself, but I am also aware of the emphasis in PPW that, where possible, housing should be accessible to employment by modes other than the car and that the aim should be to reduce the need to travel by car. I appreciate the desire of the UDP Inspector to minimise commuting in respect of the expanded Llandow Business Areas when he recommended further development in Cowbridge (Doc 6, para. C7.0.6), but I have reservations about this approach in practice. There is no evidence to show that the socio-economic profile of most residents buying houses at Darren Farm would be substantially different from the existing Cowbridge population or that the house prices would be lower than existing, apart from the affordable element which might be included. This has 2 potential implications. First, the type of employment activity and worker incomes (Doc 59) at Llandow mean that many workers there would probably find it difficult to afford to live in Cowbridge. It follows that the appeal development would probably not greatly assist in providing a source of houses for those commuting to Llandow. Second, as recognised by the UDP Inspector, Cowbridge does not have a significant employment base and around 75% of people commute away by car to work in areas such as Cardiff (Doc 72A). This is not compatible with the aims described at the beginning of this paragraph. The Appellant has made efforts to seek improvement to the bus services which might serve the site using the link road, as well as the Llantwit Major Road, but their lack of frequency especially at peak hours makes it unlikely that they would be a preferable alternative to the car.
- 12.42. It is my conclusion that although the diversion of mainly HGV traffic onto the link road would produce some environmental and safety benefits for Llysworney and Cowbridge, as a high percentage of other traffic would remain this must substantially undermine the degree of overall improvement which could be achieved. Also, the link road scheme would require some public expenditure on aspects of the route affecting the Llantwit Major Road, it would be a longer and more expensive journey for some traffic than they undertake at present, and the amenity of some persons living along the B4270 would be affected.

Infrastructure Provision & Capacity (7.1 – 7.14).

- 12.43. With regard to water and drainage capacity considerations, the Council and Welsh Water are satisfied that their original concerns can be overcome by conditions. I accept this to be the case and I believe that, with suitable on-site storage arrangements, the development itself would not add to the flood risk downstream and might be beneficial in regulating the rate of surface water run-off. I agree with CLRG that any major aquifer under the site should be protected from contamination, but can see no reason why measures cannot be put in place in consultation with the appropriate authority to achieve this.
- 12.44. I appreciate that some of the schools accommodation in Cowbridge may be at capacity, but the Appellant has negotiated a commuted financial sum to provide additional classroom space, so I see no overriding objection to the proposal on such grounds. I acknowledge the general concern of local residents about the ability of the town's services to cope with additional demand and it might have been beneficial to expand the Urban Capacity Study to deal with this matter. However, there is no firm evidence to support the claims about medical and other services. CLRG have also mentioned car parking facilities which I noted are very well used, but I have no survey evidence to show their capacity would be overloaded as a result of the development. It is my conclusion that, subject to suitable conditions and obligations, there are no cogent objections to the proposals on infrastructure capacity grounds.

Nature Conservation (8.1 – 8.7).

- 12.45. The Council have raised no significant objections on nature conservation grounds and have not suggested that the area of land to the west of the link road which is proposed for wild flora, woodland and new hedgerows does not offer adequate mitigation for the areas proposed to be developed. I agree that the mitigation scheme is acceptable subject to proper management provisions and would only make one comment in respect of the hedgerows. This is that although the new hedgerows may provide some wildlife diversity and visual benefit in themselves, I do not consider it follows that they should also be seen as an adequate substitute for stretches of 'important' hedgerow lost to development, having regard to paragraphs 1.6 and 7.3 of the Hedgerows Regulations: Guide to the Law & Good Practice [DoE/Welsh Office/MAFF 1997].
- 12.46. The only matter of significant concern relates to lapwing which frequent part of the site. The Council have considered whether to include that part of the site within a SINC, but in response to my questions the Council's Head of Planning indicated that this would be unlikely to proceed providing a mitigation area was established. Such an area has been proposed by the Appellant and is the subject of a unilateral undertaking on which I comment later. The proposal for that area has led to withdrawal of the objection by the RSPB, subject to an appropriate Agreement (Doc 48), but CLRG still maintain their concern that lapwing might not use the new area.
- 12.47. The mitigation area is close to a main road and is crossed in one corner by a footpath, but the existing habitat within the site is also affected by a road and nearby footpaths. It is also a similar distance from other areas used by lapwing, so I see no objection in terms of the location of the mitigation land. However, given the comments in the RSPB letter to CLRG of 5 July and in the Local Biodiversity Action Plan (Doc 55, RESPE 13A and 17iii) about lapwing being site faithful, I understand the doubts expressed by CLRG. The appellant's evidence is that this may apply to a large area, but not to individual fields and there is no guarantee that a particular farming regime favourable to lapwing would always be followed on the appeals land, whereas the mitigation site offers that safeguard. On balance and having regard to the position of the RSPB, it is my conclusion that the mitigation measures proposed would be likely to succeed.
- 12.48. My overall conclusion is that there are no cogent objections to the proposals on nature

conservation grounds, subject to the implementation of appropriate conditions and Agreements as discussed later in my conclusions.

Landscape, Countryside and the Historic Environment (9.1 - 10.24).

- 12.49. It is obvious that the existing character and appearance of the appeals site both in itself and taken with its surroundings would change if it is developed. To a large extent the acceptability or otherwise of this change must be assessed against the degree of need, if any, to extend the settlement beyond its current limits, which is dealt with elsewhere.
- 12.50. I have noted the comments of the UDP Inspector in his report under the heading of 'Landscape' which concentrated on vehicle bound views from the A48 and B4270 roads. He also records that the site is not designated as being of any special landscape importance, although I consider that all countryside has some conservation and heritage value, as recognised in paragraphs 2.4.5 and 5.1.1 of PPW. The role of the countryside in providing, among other things, enjoyment, inspiration and recreation, is also acknowledged in PPW. I consider that regard must be had to the contribution and features of the site in all the foregoing respects.
- 12.51. A further matter associated with the UDP is the recent proposal to include the appeals site within a SLA, which the appellant criticises. I have taken account of the site's character and appearance in the context of these section 78 appeals, but I do not consider it is appropriate or necessary for me to comment on its potential contribution to an SLA which is an extensive 'broad brush' designation which should properly be examined through the UDP process. Although the LWVG study has been referred to in these appeals, I am not aware of all the details of the type advocated in paragraph 5.3.11 of PPW which should underpin the proposed designation and the supplementary guidance on development in such areas has not yet been prepared (Doc 7, page 209).
- 12.52. Although I accept that the site is not of special visual or landscape quality in itself, it does have some value in both a localised context and as an integral part of the wider countryside landscape. In the local sense, I believe its footpaths are important recreational features and the effect of the proposals on them is a material consideration, as stated in Annex D, paragraph 2 of WOC5/93. Footpath 50 proceeds through the valley bottom area of the site where there are some interesting marsh, scrub, tree and hedgerow habitats, together with ornithological interest. It is quite convenient for access from the urban area and forms an essential part of the Western Cowbridge Circular Walk. Another path leads from near the western edge of the site across the B4270 road and up the side of Llanblethian Hill. Although the routes of these paths could be retained in the new development, their quiet rural character would be seriously harmed, particularly where users of footpath 50 would have to negotiate the noise and traffic of the link road. The views from the footpaths would also be changed by the introduction of development extending west and north from Darren Close (e.g. Photo 1/11, 17, 18 and Photo 3/A – E).
- 12.53. Within the wider rural landscape the site includes parts of the lower slopes and shallow valley bottom which extend westward from Cowbridge. The slopes rise up to the north around Penllyn and to the south along Llanblethian Hill. I believe these landscape and topographical elements must be seen in combination as a whole and can still be appreciated as such, despite the disruptive man-made elements of roads and Darren Close, especially in the various views over the site from higher ground.
- 12.54. The loss of openness to the development would affect various views, but in particular it would seriously impinge on the northern views from footpath 51 and to a lesser extent from the hillfort itself where CLRG say local people are allowed to walk (e.g. Photo 1/8, Photo 4/3, Photo 6). Although I accept that the elevated dwellings in Darren Close are already an

intrusive projection which detracts from the rural fringe and local vistas, the new development would extend that area to the west and also encroach up the slope towards the A48 road. This would inevitably harm the various views towards Penllyn and Llanblethian Hill by consolidating the built development and seriously reducing and curtailing the current dominance of the open countryside and its links with the landscape features to the north and south. This would include northern views out from the edge of the Cowbridge Conservation Area near the junction of footpaths 51 and 52.

- 12.55. In some of these views the link road which would be raised on an embankment along parts of its length would be particularly obtrusive as it would be out of keeping with existing ground levels and cut across the valley contours.
- 12.56. Moving away from consideration of the existing landscape scene, the appellant has indicated an intention to provide substantial new tree planting, other landscaping and open space as part of any detailed scheme. At present, of course, the proposal is in outline only so I am unable to comment in detail on the purely illustrative plan which has been put forward (Plan G/LO7) which may be changed. It shows a linear parkway extending roughly east – west through the site and an extensive area of open space between the housing areas and the link road. In addition, it is proposed to improve the conservation and wildlife interest of the fields extending across to Llanfrynach Lane.
- 12.57. I accept that over time it would be possible to provide an attractive layout for the site based on the principles shown on the illustrative plan, following the implementation of appropriate conditions. However, this would still not alter the fact that it would be an urban environment with its associated paraphernalia, lighting, traffic, noise etc., which would alter both the appearance and character of the existing scene. It is not clear why so much open space is shown on the illustrative plan other than part of an attempt to ‘soften’ the site’s appearance. If implemented, it would far exceed any provision directly required to serve the amount of housing which is suggested and is somewhat remote for use by other residents of Cowbridge. It is a policy objective in PPW, paragraph 2.3.2 to minimise land-take and the overall area of the site does seem excessive for the number of dwellings which the Appellant intends to provide.
- 12.58. Another matter on which it is convenient to comment here is the perceived benefit which the Appellant and UDP Inspector felt would accrue from providing a firm and defensible boundary to Cowbridge by means of the landscaped link road and adjacent open space. I agree that when approaching from the west much of Darren Close does present a somewhat harsh edge which is only softened slightly by its distant backdrop of down-land to the east of the town. The link road would certainly provide a firm boundary and with its associated trees and other landscaping it would have the potential to provide a ‘softer’ edge to the town, although it would take many years to mature. However, when approached from the west much would depend on the success of roadside planting and the degree of intrusion of any lighting columns. One further point is that I do not regard the link road as being any more ‘defensible’ from further development than the existing Darren Close. This is simply because there can be no doubt that Darren Close marks the end of the built-up area and the countryside begins, unlike some settlements where sporadic housing at their edge prevents such a clear demarcation. The appellant has also sought to compare the visual impact of the link road with the possible line of the Llysworney By-pass (Plan G/L10a & L10b). However, as no By-pass line has been formally identified or independently assessed I regard this as speculation which should not detract from consideration of the link road on its own merits.
- 12.59. As I have indicated in the main body of this report, the countryside and landscape issues must be considered in conjunction with the historic environment in terms of assessing the character and appearance of the rural area containing the appeals site. I now turn to consider the main historic components of the area which have been referred to by the parties.

- 12.60. I am satisfied that the archaeological investigation of the site has been satisfactory and that the studies commissioned by the appellant show that there would be no unacceptable impact on underground archaeological remains arising from the appeal proposals. The Council no longer pursue any objection in that respect. I note that the appeal A link road would affect an enclosure ditch which is not of national importance, but the Appeal B scheme avoids it altogether. I consider it is desirable to seek to retain it, if possible, in the spirit of paragraph 10 of WOC60/96 so the Appeal B scheme is preferable in that respect. Apart from that consideration, I find there are no objections to the appeal proposals on archaeological grounds and any further interest can be safeguarded by means of a watching brief during construction. This can be dealt with by means of an appropriate condition.
- 12.61. Turning to the wider historic environment, PPW states that it should be preserved and enhanced, with recognition given to its contribution to the quality of life. I consider this includes recreation, education, and enjoyment of the familiar and cherished local scene incorporating any distinctive features which contribute to its sense of place. Against this background it is necessary to consider the effect of the development on monuments and listed buildings, including their settings. The development does not physically affect any monument or listed building and it is the issue of ‘setting’ which is important. WOC60/96, paragraph 17, contains a presumption against development which would have a significant impact on the setting of visible archaeological remains; and it is also a statutory requirement that regard must be had to the desirability of preserving the setting of a listed building. Unfortunately, there is no definition of ‘setting’ and only limited guidance on how to interpret that term. I believe that it is reasonable to apply it both in its statutory context in respect of its immediate surroundings and views and also in the wider sense of a monument or building’s contribution as an element of the character and appearance of the countryside.
- 12.62. Some of the factors which might be relevant in this exercise can be gleaned from Government advice. Annex 3 of WOC60/96 mentions that the value of a scheduled monument can be enhanced by its association with contemporary monuments or those of different periods. With particular regard to Llanblethian Hillfort, CADW whilst not formally objecting to the appeals proposals, do contend that it “will inevitably represent an unwelcome visual intrusion into the rural setting of the monument” (Doc 16, CD 38). In the case of listed buildings, WOC61/96, paragraph 11, recognises the importance they can have to the wider town or country scene which may also be considered as part of their setting. It adds that their value can be affected if they become isolated from their surroundings by new development.
- 12.63. With regard to the impact of the development on the various historic features and areas my conclusions are as follows. I consider the site is too distant and screened from the key features and areas of the Cowbridge and Llanblethian Conservation Areas to adversely affect them or Llanblethian Castle. Also, the site is remote from the Breach Farm Round Barrows and I do not accept the Council’s suggestion that they might be harmed to any perceptible extent by an increase in traffic. The historic linear form of the A48 road is experienced to the west of the Cowbridge By-pass and the new northern roundabout would merely provide a punctuation mark between that modern dual carriageway and the straight single carriageway to the west, so would not unduly affect its historic significance. I do not regard the suggested tree planting along the A48 as being of any significance in terms of the historic environment and the new housing would be confined to the area south of the modern dual carriageway.
- 12.64. St Brynach’s Church has an extremely attractive, isolated and partly hidden location in a generally quiet setting of trees and fields. I consider the intervening fields between it and the link road provide a sufficient buffer to avoid unacceptable harm to its historic setting, but the encroachment of development towards it would reduce its special sense of place and some of the views of the tower would be lost. Penllyn Castle would be largely hidden from the appeals site by topography and tree screening so I do not consider its views towards Llanblethian Hillfort would be significantly affected.

- 12.65. My main concern lies with Llanblethian Hillfort itself and its associated views. The southern edge of the appeals site varies between 140 – 200m from the designated boundary of the monument and the Conservation Area. The Hillfort is a prominent feature in vistas from the north and along the Llantwit Major Road near Cowbridge (e.g. Photos 5/HE02 and 1/1) and its rural setting assists the appreciation of the origins of its siting and its dominance of its surroundings. Although the scheduled area of the monument itself stops short of the Llantwit Major Road, I consider it is reasonable to regard the continuing slope of the hill down to the drainage channel alongside footpath 50 as part of its physical setting. I consider the development of housing and the link road would unbalance the visual context in which the monument can be appreciated. In respect of views from the edge of the hillfort towards Penllyn Castle (e.g. Photo 5/HE04), the development would disrupt the visual association between them.
- 12.66. The proposal would conflict with policy 1 of the CLP which generally resists housing on unallocated sites with the intention to control growth and protect the countryside setting of Cowbridge. That countryside protection is reinforced by policy 37 where its text refers to the countryside to the west of the town being enhanced by historic features.

Conditions & Agreements.

- 12.67. A numbered list of conditions along the lines discussed at the inquiry is contained in Appendix A and regard has been had to WOC35/95, including the tests in paragraph 14. Numbers 1 and 2 are standard outline conditions. Condition 3 reflects the discussion about the appearance and layout of the site largely based on the illustrative master plan (Plan G/L07). I accept that the overall design and details of the site are important and that it is sufficiently sensitive in visual and environmental terms for a brief to be prepared to ensure that the overall design is comprehensive and fully integrated. However, I consider it would be too inflexible to pre-empt the full and proper consideration of a detailed brief by requiring it to be based on that illustrative plan or a specific figure of 145 dwellings. I can understand concern that an attempt might be made to substantially increase the scale of the development, but I consider a restriction on the area to be developed for housing would provide sufficient control in that regard. Access is not a reserved matter, but the details provided are confined to the link road. I therefore consider it necessary in the interests of safety and traffic movement to require details of internal roads and footpaths, as in condition 3. The Council suggested that a separate condition should be imposed in respect of parking provision, but I believe a scheme should be provided as an integral part of the development brief in accordance with the Council's adopted guidelines.
- 12.68. Although the archaeological investigation of the site found no significant remains, the area would appear to be of sufficient interest to maintain a 'watching brief' in case material is discovered during the construction period, as set out in condition 4 and indicated in paragraph 81 of the Circular. Condition 5 is required to control surface water drainage, having regard to paragraph 13.4.2 of PPW. Given the sloping nature of the site, details of levels are required under condition 6 to ensure the heights of buildings and surfaces are not unduly intrusive in relation to their surroundings in the interests of visual amenity and privacy. Condition 7 is necessary for visual amenity and privacy reasons to take account of the slopes of the site and views over it from higher ground; and to safeguard the safety of users of the open space.
- 12.69. Condition 8 deals with the construction of the link road and accords with paragraph 62 of the Circular. In order to provide access into the site from the A48 road during the construction period it would be necessary to provide the northern half of the link road. This only needs to be constructed to base course level for that purpose, but in the interests of safety and free flow of traffic on the A48 the northern roundabout itself would need to be completed and surfaced. The full completion of the link road is required before the houses are occupied to ensure that the whole of the link road is provided to deliver the through traffic benefits which have been

claimed to justify it. In the interests of nature conservation and in line with paragraph 118 – 120 of the Circular, condition 9 requires badger tunnels to be provided to maintain access to the foraging areas beyond the link road.

- 12.70. With regard to conditions 10 – 14, the inquiry discussions showed that foul drainage and water supply facilities are inadequate, but due for upgrading in the near future. The Appellant was willing to contribute to these proposals and where appropriate to bring the planned works forward. The negative wording of the conditions follows advice in paragraphs 39 – 41 of the Circular. Condition 10 is intended to meet the need to upgrade the water pressure and supply system to serve the development and reflects the policies in paragraphs 12.3.1 and 12.4.1 of PPW. Conditions 11 – 14 follow the guidance in paragraphs 12.1.4 and 12.4.2 of PPW.
- 12.71. During the course of the inquiry the Council and the Appellant discussed the submission of bilateral section 106 Agreements in respect of various issues, but had not reached a satisfactory conclusion by the end of the inquiry. Instead, the Appellant handed in 2 unilateral undertakings (Docs 77 and 78). However, both parties expressed confidence that bilateral Agreements could still be made and I agreed to allow a short period for this to be further explored after the close of the inquiry and any fresh Agreements or further representations submitted. This was subject to a strict deadline, as set out in a letter from PINS dated 1 July 2003. In the event, the parties failed to reach agreement and the following comments refer to the unilateral undertakings only. It should be noted that in considering them I have only taken account of any further representations submitted within the deadline set in the letter of 1 July.
- 12.72. I must first of all note that the Agreements presented to me only refer to the Appeal B site. It follows that the Appeal A scheme does not fully overcome objections relating to schools capacity, public transport, nature conservation interests, and certain highways matters, or make any provision for affordable housing. I also note that there are references in the Agreements which suggest the Council is a party to them when they are not.
- 12.73. With regard to the Lapwing Agreement (Doc 77), I consider its provisions for mitigation land meet the original concerns of RSPB in principle and accord with paragraph B11 of WOC 13/97, but I find there are problems with the timing. In Schedule 1, obligations 2 – 8 are to be undertaken following commencement of the development. This suggests that the arable/grassland breeding and rearing areas might not be available for the lapwing before the appeal site habitat is lost. The timing of action in 2(v) and 4(ii) and (iii) support this view. Also, I am not certain that the Steering Group's ability to agree amendments to the measures in the Agreement extends to ongoing maintenance of the grassland breeding area ditch and sluices.
- 12.74. On the main undertaking (Doc 78) affecting various aspects of the proposals, I have the following comments. First, there may be concerns about the wording of the Agreement in respect of binding interests in the land and fulfilling some obligations which are legal matters for the NAW on which I make no comment.
- 12.75. The provision of a 20% element of affordable housing under Part A of Schedule 1 of the Agreement accords with policy HOUS13 of the UDP modifications and the guidance in paragraphs 9.2.14 and 9.2.15 of PPW. I consider that the education and bus provision financial contributions in parts B and C are reasonable in respect of the costs of improving or providing necessary facilities for the development. Similar remarks apply to part D on the principle of providing open space, subject to my previous comments on its scale. I have no comment on the ecological management plan under part E. I see no objection to the inclusion of part F, but I consider the matter of footpaths has been dealt with under condition 3. The matter of the need for the road works under part G have been considered in the Highways section of this report. The part H highway works for the link road are important and necessary for the development to go ahead, particularly the timing in clause 1.2. However,

clause 1.1 does not allow for the northern roundabout to be fully constructed and this matter is dealt with in condition 8 of Appendix A.

Overall conclusions.

- 12.76. My conclusions on Appeal B which is the preferred scheme of the Appellant are as follows. First, in terms of both the existing development plan and the emerging UDP, the proposal would represent an unnecessary extension of urban development into open countryside contrary to housing location and countryside protection policies. Second, it would harm the livelihood and amenity of the tenant of Darren Farm. Third, the proposed link road would undermine the policy proposal for the Llysworney By-pass set out in policy TRAN2 of the UDP. Fourth, there would be a substantial change to the character and appearance of the appeals site from a rural to an urban scene. This would adversely affect the visual and recreational experience currently enjoyed and affect the setting of the Llanblethian Hillfort. In the context of policies in both the existing and emerging development plan this would be detrimental to the character and appearance of the countryside. Finally, there is no need for the housing proposal on the basis of a lack of supply in the Vale as a whole.
- 12.77. Support for the proposal arises from the recommendation of the UDP Inspector that the development of the site is justified to contribute to meeting existing and future housing pressure in the Rural Vale and to maintain the important service function of Cowbridge; and that the link road is a realistic substitute for the Lysworney By-pass scheme. I have found some merit in these benefits, but not to the extent claimed by the Appellant and I do not consider they are sufficient to outweigh the cumulative harm to the interests contained within the objections. Accordingly, I shall recommend that Appeal B is dismissed.
- 12.78. I have reached the same conclusion with regard to Appeal A for the reasons given in respect of Appeal B, with the addition of further objections. These are that there would be some adverse impact on archaeological remains and that no arrangements have been put forward to mitigate the various concerns referred to in paragraph 12.72. I shall recommend that Appeal A is also dismissed.

Recommendations

12.79. I recommend that:

- (1) Appeal A: PINS ref: APP/Z6950/A/1096305.

The appeal be dismissed and planning permission refused.

- (2) Appeal B: PINS ref: APP/Z6950/A/03/1108352.

The appeal be dismissed and planning permission refused.

- (3) If the foregoing recommendations are not accepted, any permission should be granted subject to the conditions contained in Appendix A.

Inspector

CONDITIONS

(Note: The conditions suggested for both Appeals A and B are identical, other than condition 8 where separate versions are shown).

1. Approval of the details of the siting, design and external appearance of the buildings and the landscaping of the site (hereinafter called ‘the reserved matters’) shall be obtained from the local planning authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission. The development shall be carried out in accordance with the plans and particulars of the reserved matters so approved.
2. The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
3. Before the commencement of development and the submission of the details of the reserved matters a Development Brief shall be prepared for the site and agreed in writing by the local planning authority. The brief shall include, among other matters, details of the range and choice of housing, design components, public open space, landscaping, parking provision in accordance with Council guidelines, and access and movement throughout the site to include construction details and layout of all internal roads and footpaths. Within the brief the area of land to be developed for residential purposes shall not exceed 4.88 hectares. The subsequent details of the reserved matters and other elements of the development shall be in accordance with the agreed Development Brief.
4. No development shall take place until the appellant (or their agents or successors in title), has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority and shall allow him or her to observe the excavations and record items of interest and finds.
5. No development shall take place before a scheme of details for dealing with surface water run-off has been submitted to and approved in writing by the local planning authority. The scheme shall make provision for the implementation and future maintenance of a surface water regulation system, including any compensatory flood storage. No part of the development hereby permitted shall be brought into use until all the drainage works have been completed as approved, and the surface water regulation system shall be implemented before the construction of any impermeable surfaces draining into it.
6. Details, including appropriate cross-sections, of proposed finished floor levels of all buildings and of the finished levels of dwelling plots, roads and open spaces, shown in relation to existing ground levels shall be submitted to and approved in writing before development commences. The development shall be carried out in accordance with the details of levels so approved.
7. All means of enclosure to be provided within the site as part of the development, including any retaining walls, shall be in accordance with a scheme of siting, height, materials and, if appropriate, type of planting material, together with a timetable for implementation, which has first been submitted to and approved by the local planning authority. The scheme shall include all means of enclosure to be provided between the areas of open space and the adjoining

highways. The means of enclosure shall be provided in accordance with the scheme and its timetable for implementation.

8. (*Appeal A*) The section of the link road on plan reference C7860 H100 Rev. B, between the A48 road and the proposed roundabout interchange to provide access into the housing area, including that roundabout interchange itself, shall be constructed to base course level; and the proposed roundabout interchange on the A48 shall be constructed and completed to final surface standard in accordance with a scheme agreed in writing by the local planning authority; prior to the commencement of the residential development hereby permitted.

(*Appeal B*) The section of the link road annotated as 'link road (road A)' on plan reference C7860 H100 Rev. C, between the A48 road and the proposed roundabout interchange to provide access into the housing area, including that roundabout interchange itself, shall be constructed to base course level; and the proposed roundabout interchange on the A48 shall be constructed and completed to final surface standard in accordance with a scheme agreed in writing by the local planning authority; prior to the commencement of the residential development hereby permitted.

9. Badger tunnels shall be provided underneath the link road and at its junction with A48 road and the B4270 road. The tunnels shall be constructed to a timetable, specification and in precise positions to be agreed in writing by the local planning authority before development commences.
10. Before development commences a scheme for the provision of water supply facilities to serve the site and for connection from the site to the high pressure water main located adjacent to the Cross Inn Public House (as shown on The Welsh Water 'Off-site Reinforcement Main' plan – Drg. No. 001: Issue 01 dated 9.6.03), and for the upsizing of pumps from 128 cu.m. per day to 181 cu.m. per day at Sigginstone Water Pumping Station, shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved scheme of water main and pumping station improvements has been completed.
11. No building or structure shall be erected within 3 metres of the public sewer crossing the site.
12. All foul drainage shall be connected to a foul drainage system and all surface water drainage shall be connected to a surface water system, unless otherwise agreed in writing by the local planning authority.
13. Before development commences a scheme for the provision of foul sewerage for connection to the public sewerage system in accordance with either of the options identified in Montgomery Watson Harza Report RT-CA-494 (July 2002) and Drawing No: Figure 1, Revision A, or any variation agreed as part of the scheme, shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved foul sewerage scheme has been completed.
14. No dwelling shall be occupied prior to 31 March 2005 or until the programmed improvements to the Llanblethian Sewage Treatment Works have been completed and confirmed in writing to the local planning authority, whichever is the sooner.

APPEARANCES

For the Appellant.

Mr Adrian Trevelyan Thomas of Counsel instructed by Boyer Planning Ltd.

He called:

Mr J P Cooper BSc(Hons) DipLD FLI Managing Director, Cooper Landscape Partnership.

Mr D Slatcher BA(Hons) MA MIFA Project Manager, John Samuels Archaeology Consultants

Mr D K Clements BSc(Hons) CBiol MIB
MIEEM FRES Principal, David Clements Ecology.

Mr T Kernon BSc(Hons) MRAC MRICS
MBIAC Principal, Kernon Countryside Consultants.

Mr R Kelly BSc(Eng) CEng MICE MIHT Regional Director, Jubb Consulting Engineers.

Mr D Lander MRTPI Managing Director, Boyer Planning Ltd.

For the Local Planning Authority.

Ms Morag Ellis of Counsel instructed by Director of Legal & Regulatory Services, Vale of Glamorgan Council.

She called:

Mr P Kerr BA(Hons) MSc(Eng) DIC MRTPI Principal Consultant, Atkins Civil Engineers.

Mr A J Croft BA(Hons) MA

Senior Heritage Planner, Chris Blandford
Associates.

Mr D H Williams BA(Hons) DipLA(Hons) MLI

Associate Technical Director, Chris
Blandford Associates.

Mr D R Thomas BSc(Hons) MSc MRTPI

Head of Planning & Transportation, Vale of
Glamorgan Council.

For Cowbridge with Llanblethian Town Council.

Mr A Davies

Town Clerk.

For Mr David Adams (Darren Farm)

Mr S Leach, Solicitor

of Burgess Salmon, Narrow Quay, Bristol.

He called:

Mr R G Williams FRICS FAAV

Senior Partner, Williams Parry Richards, Chartered
Surveyors, Ross-on-Wye.

Mrs M Hughes

Darren Farm, Cowbridge.

For Cowbridge & Llanblethian Residents Group (CLRG).

Miss Irena Sabic of Counsel

instructed by C & L Residents Group.

She called:

For Llandow Community Council

Clr J Vince, c/o Clerk to the Council, Treetops, Castle Precinct, Llandough, Cowbridge.

For the Ramblers Association.

Mr D Field, Glamorgan Area Countryside Secretary.

For Llysworney Road Action Group.

Ms J Shaw, Chairperson of Rosedew, Llysworney, Vale of Glamorgan.

Interested persons.

Mr John Smith MP – Member of Parliament for the Vale of Glamorgan.

Ms Jane Hutt AM – Assembly Member (Vale of Glamorgan).

Mr Owen J Thomas AM – Assembly Member (South Wales Central).

Mr David Melding AM – Assembly Member (South Wales Central).

Mr J Readman, 36 Grange Gardens, Llantwit Major.

Mr G H Haynes, St Quentin's House, Llanblethian.

Mr G Cox, 27 St John's Close, Llanblethian.

Mrs S M Cox, 27 St John's Close, Llanblethian.

Mr M J Lewis, 14 Campbell Drive, Windsor Quay, Cardiff.

DOCUMENTS

(**Note:** Where appropriate, the Document numbers are followed by the prefix CD and number which corresponds to the list of Core Documents CD1 – CD43 used at the inquiry).

Doc 1 Planning Policy Wales (NAW March 2002) (CD1) [Not submitted with inquiry documents].

Doc 2 Core Document list.

Doc 3 CD2 – TAN1: Joint Housing Land Availability Studies.

CD3 – TAN2: Planning & Affordable Housing.

CD4 – TAN5: Nature Conservation & Planning.

CD5 – TAN6: Agriculture and Rural Development.

CD6 – TAN12: Design.

CD7 – TAN15: Development and Flood Risk (+ NAW 2001 interim guidance note).

CD8 – TAN 18: Transport.

CD9 – Unitary Development Plans (NAW 2001)

CD10 – Strategic Guidance for S.E. Wales (Volumes 1 and 2).

CD11 – Cowbridge Local Plan (1986).

CD12 – South Glamorgan Structure Plan Alteration No. 1 (1989).

Doc 4 CD13 – Vale of Glamorgan deposit Unitary Development Plan (1998).

Doc 5 CD14 – Vale of Glamorgan deposit UDP: Proposed Changes (Jan. 1999).

CD15 – Vale of Glamorgan deposit UDP: Further Proposed Changes (April 1999).

Doc 6 CD16 – Inspector's Report on objections to the UDP (Nov. 2000), with addendum reports.

- Doc 7 CD17 – Vale of Glamorgan deposit UDP: Proposed Modifications (February 2003),
with draft Proposed Modifications and Maps (August 2002).
- Doc 8 CD18 – Vale of Glamorgan deposit UDP: Statement of Decisions (February 2003),
with draft Statement of Decisions (August 2002).
- Doc 9 CD19 – Vale of Glamorgan ‘Relevant Policies’ document.
CD20 – Proof of Evidence (C280) of Vale of Glamorgan Council for UDP inquiry.
CD21 – Proofs of evidence on behalf of Bellway Homes submitted in connection with
their UDP objection.
- Doc 10 CD22 Planning applications 00/00826/OUT (*Appeal A*) and 02/01617 (*Appeal B*):
associated drawings; submitted documents & information, including TIAs.
CD23 Archaeology Trial Trenching Report (JSAC December 2002), submitted to
GGAT on 7 February 2003.
- Doc 11 (A) CD24 – Darren Farm Urban Capacity Assessment Report (GVA Grimley:
February 2003).
(B) Urban Capacity Addendum – May 2003 (put in by D Lander).
- Doc 12 CD25 Council committee and cabinet reports:
(a) Planning – 7 February 2001.
(b) Planning – 8 May 2001.
(c) Planning – 6 September 2001.
(d) Planning – 17 April 2002.
(e) Cabinet – 25 June 2002.
(f) Planning – 26 June 2002.
(g) Environment & Economy Scrutiny – 2 July 2002.
(h) Cabinet – 16 July 2002.
(i) Planning – 18 December 2002.
(j) Environment & Economy Scrutiny – 7 January 2003.
(k) Cabinet – 15 January 2003.

- Doc 13 CD26 Vale of Glamorgan Local Transport Plan 2001/2 – 2005/6 (August 2000).
 CD27 Vale of Glamorgan Transport Plan Annual Progress Report (June 2002).
- Doc 14 CD28 Landscapes Working for the Vale of Glamorgan (Vols. I – IV) (Jan. 1999).
- Doc 15 CD29 Annual Retail Surveys 2000 – 2002.
- Doc 16 CD30 Cowbridge Conservation Area boundaries.
 CD31 School Organisation Plan 2003 – 2008.
 CD32 Joint Housing Land Availability Survey 2000 – 2002 (WDA).
 CD33 Illustrative Master Plan – *see Plan G (LO7)*.
 CD34 WOC 60/96.
 CD35 WOC 61/96.
 CD36 ‘The Landmap Information System’ (2001) (CCW/Wales Landscape Partnership).
 CD37 Cowbridge Conservation Area Appraisal.
 CD38 Letter from CADW to Council dated 31 January 2003.
 CD39 Letter from CADW to Council dated 21 February 2003.
 CD40 Letter from GGAT to Council dated 27 June 1999.
 CD41 Council’s Supplementary Guidance ‘Conservation Areas in the Rural Vale’ (Approved January 1999).
 CD42 Committee report re: application 98/00227/FUL – Barns conversion at Darren Farm.
 CD43 Committee report of 8 May 2003 concerning initial results of UDP Proposed Modifications Process.
- Doc 17 PINS letter dated 13 August 2002 recovering the appeals for determination by the NAW.
- Doc 18 Inquiry notice.
- Doc 19 Pre-inquiry Meeting Note.

- Doc 20 Inquiry attendance lists.
- Doc 21 Statement of Common Ground (Site description; Archaeology; Policies; Conditions; Core documents; Drainage; Planning history; Housing land availability; Urban capacity) and Appendices 1 – 8f.
- Doc 22 Statement of Common Ground – Agricultural matters.
- Doc 23 Statement of Common Ground – Transportation.
- Doc 24 Appendices 1 – 6 of Mr J Cooper:
- (1) Historic Ordnance Survey plans.
 - (2) Tree Preservation Orders.
 - (3) Extracts from Structure Plan, Local Plan, UDP and Inspector’s Report; proposed modifications for SLA.
 - (4) Conservation Areas.
 - (5) Scheduled Monuments and Listed Buildings descriptions.
 - (6) Extracts from ‘Landscapes Working for the Vale of Glamorgan’ and Landmap information.
- Doc 25
- (a) Townscape Assessment of Cowbridge (Cooper proof pages 20-21).
 - (b) Comparison of Link Road/Llysworney by-pass (Cooper proof page 32).
- Doc 26 Letter from GGAT to PINS dated 19 February 2003 re archaeological evaluation.
- Doc 27
- (a) Appendix 1 of Mr D Clements – Definitions of site values.
 - (b) CCW objection of 24 April 2003; response from Mr D Clements of 30 April 2003; and revised CCW objection dated 9 May 2003.
- Doc 28 Appendices KCC1 – KCC10 of Mr T Kernon:
- (KCC1 – CV.)
 - KCC2 NAWAD consultation response.
 - KCC3 Butler Sherborn report.
 - KCC4 Objection by Tenant.
 - KCC5 Plan of Darren Farm boundaries (*see Plan K1*).

KCC6 (*see Photo 2*)

KCC7 Extract from the Water Code.

KCC8 Budgets 1 – 3.

KCC9 Source data used in Budgets.

KCC10 Comparison tables KCC S1 and KCC S2 of new dairy unit costs with those of Mr R G Williams/Morgan's of Usk (with estimate enclosed with Burges Salmon letter of 16 May 2003.)

Doc 29 Appendices (RWK) of Mr R W Kelly:

1. Site location.
2. Link road (Appeal A).
3. Link road (Appeal B).
4. Traffic assessment and supplementary report.
5. ATC data (June 2002).
6. Through traffic in Cowbridge.
7. Llysworney by-pass.
8. Llysworney Action Committee.
9. Rural Vale Local Plan 1989.
10. – 13. South Glamorgan TPPs 1982 – 96.
14. Vale of Glamorgan LTP 2001/2 – 2005/6.
15. Vale of Glamorgan APR (August 2002).
16. NAW Transport Grants 2003/4.
17. Vale of Glamorgan UDP – Report on objections (extract).
18. Cross Inn junction.
19. Pedestrian routes.
20. Bus routes.
21. Flood risk investigation (*including Fig. 3 – storm water storage missing from proof*).
22. Ground test letter, with Fax of 26 November 2002 giving percolation test results (*as handed in at inquiry*).
23. Foul drainage.
24. Weight restrictions – Llysworney.

- Doc 30 Extract from R W Kelly Supplementary Evidence No. 1 – HGV flows & PCUs.
- Doc 31 Extract from R W Kelly Supplementary Evidence No. 2 – Accidents (including RWK/25 plan).
- Doc 32 Appendices 1 – 16 of Mr D Lander:
1. Appeals site plan.
 2. Extract from UDP Inspector’s report.
 3. Cowbridge facilities.
 4. Employment Land Register extract (2000).
 5. Report on housing market in Cowbridge (2003).
 6. Joint Housing Land Availability Study (April 2001).
 7. Residential Land Availability in the Vale of Glamorgan (April 2002).
 8. Correspondence on Environmental Impact Assessment.
 9. Planning Committee Report (2 October 2002).
 10. Planning Committee Report (5 February 2003).
 11. Map of omission sites in Cowbridge considered by UDP Inspector.
 12. Supplementary paper submitted to Planning Committee on 25 June 2002.
 13. Draft Statement of Decisions – Table 1/Policy HOUS1.
 14. Appendix A prepared for Cabinet on 16 July 2002.
 15. Minute of Cabinet meeting of 16 July 2002.
 16. Revised draft Statement of Decisions (extract).
- Doc 33 (a) Comparison of housing sites between deposit UDP and modifications stage put in by Mr D Lander.
- (b) Public transport/journey to work information put in by Mr D Lander
(*Note: Agreed revisions in Doc 72*).
- (c) Mr Lander’s comments on UDP Inspector’s Report (pages 26-29 of proof).
- Doc 34 (a) Urban Capacity Assessment – Project Chronology (Mr D Lander), with LPA response.
- (b) Commentary on R D Allin written submission by Mr D Lander.

- Doc 35 Appendices DRT1 – DRT20 of Mr D R Thomas:
1. Original core document list.
 2. Planning Committee Report of 2 October 2002, with appendices.
 3. Planning Committee Report of 5 February 2003, with appendices.
 4. Judgement of Mr Justice Richards relating to 98/00227/FUL.
 5. Bellway Estates UDP representations.
 6. Extracts from UDP Inspector's Report.
 7. PINS clarification letter of 9 October 1999.
 8. 'Relevant Local Planning Policies' (*as Doc. 9, CD19*).
 9. Inspector's cover letter on UDP Report.
 10. Vacant premises surveys.
 11. Letter to Boyer Planning re Urban Capacity Study.
 12. Correspondence re Llysworney by-pass.
 13. Correspondence from Assembly Members Jane Hutt and David Melding.
 14. Letter to Capita Gwent Consultancy of 18 February 2003.
 15. Information on Llandow Business Park.
 16. Housing supply table 1 April 2000.
 17. Housing supply table 1 April 2001.
 18. Letter of 5 March 2003 to Boyer Planning re various inquiry issues.
 19. Letter from Welsh Water of 10 March 2003.
 20. Statement of Council's agricultural consultant re Darren Farm.
- Doc 36 (A) Summary of Council's consideration of UDP Inspector's Report (D R Thomas proof section 3.3).
- (B) List of sites proposed by Council to meet UDP housing supply shortfall.
- Doc 37 Western Cowbridge Circular Walk (Appendix E of Mr D H Williams).
- Doc 38 (A) Guidelines for Landscape & Visual Impact Assessment (LI/IEMA 2002) (Appendix G of Mr D H Williams).
- (B) Landscape context extract (paras. 3.1 – 3.8 of Mr D H Williams proof).
- Doc 39 Appendices A – E of Mr A J Croft:
- A. Bibliography.

- B. Criteria and Methodology for Assessment.
 - C. Descriptions of Monuments and Listed Buildings (with maps).
 - D. Western Cowbridge Circular Walk (*as Doc. 37*).
 - E. Letter from C Hill re Landmap.
- Doc 40 Table 4.5 of proof of Mr P Kerr; and Tables 2.1 – 2.4, 3.1 and 3.2, 4.1; and Appendix 1 in his supplementary proof.
- Doc 41 Appendices 1 – 4 of Mr P Kerr:
- 1. Existing traffic flows.
 - 2. Cycle Audit and Review.
 - 3. South Wales Parking Guidelines.
 - 4. Forecast of trip distribution from Darren Farm proposals.
- Doc 42 Extract from PPG13: Transport and A Guide to Better Practice (put in by Mr P Kerr).
- Doc 43 Extracts from Accessibility Report for the NAW (*referred to in note 9 of para. 2.5.3 of PPW*).
- Doc 44 (a) Number of dwellings fronting B4270 and B4268 roads agreed by main parties.
(b) Table of distances and list of dwellings fronting to B4270 and B4268 put in by CLRG.
- Doc 45 (a) Letter from Welsh Water dated 22 May 2003 commenting on Urban Capacity Study.
(b) Letter from Welsh Water dated 22 May 2003 conditionally withdrawing their objection (with list of suggested conditions).
- Doc 46 Letter from Environment Agency dated 8 May 2003 re Bridge Garage, Cowbridge.
- Doc 47 Letter to Mr R Kelly from First Travel dated 6 May 2003 re bus services.
- Doc 48 Letter from RSPB dated 15 May 2003 re section 106 Agreement and withdrawing objection (with copy of draft Agreement).

- Doc 49 Alternative budgets 1 – 3 (with Appendix) of Mr R G Williams to those of Mr T Kernon.
- Doc 50 Response by Mr R G Williams to Mr Kernon’s KCC10 re costs of Top Yard buildings.
- Doc 51 Appendices 2 – 7 of Mr R G Williams:
2. Tenancy Agreement and 1997 arbitrator’s award.
 3. Letter from Council to Burgess Salmon dated 17 August 2000.
 4. Letter from Burgess Salmon to the Council dated 18 September 2000, with enclosures.
 5. Extract from committee report on proposed barns conversion at Darren Farm.
 6. Extract from UDP Inspector’s Report.
 7. Extracts from Planning Committee report of 2 October 2002.
 8. Top Yard soil classification.
- Doc 52 Appendices 1 – 2 of Mrs M Hughes:
- (a) Letter from Mr T Kernon dated 6 December 2002 (with sketch plan).
 - (b) Correspondence with Mr J Homfray in February 2003.
- Doc 53 ‘Surveyors Acting as Expert Witnesses’ Practice and Guidance Note (RICS 2001).
- Doc 54 Extracts from ‘The Agricultural Budgeting & Costing Book Account’ (ABC May 2003).
- Doc 55 List of references and Addendum to the Cowbridge & Llanblethian Residents Group (CLRG) statement of case, comprising a 150 page document of written material, photographs and plans referenced and numbered RESPE 01 – RESPE 83. RESPE 84 containing traffic flow data which was handed in at the inquiry is also included. (*Also see Doc 56*).
- Doc 56 Letter to Mr D Lander from CLRG dated 13 May 2003 concerning documents omitted

from Addendum, together with additional accident figures (RESPE 41); bus journeys (RESPE 48; and a tourism leaflet for Cowbridge (RESPE 49) (*Note: Also incorporated into Doc 55*).

- Doc 57 Statement and Appendices 1 – 14 of Mr R D Allin MSc MRTPI MICE MIHT DipTE (RESPE 51).
- Doc 58 Statement and letters from Ms R Exley FGS dated 17 April 2003, 15 May 2003 and 28 May 2003 commenting on the Appellant’s Flood Risk Assessment.
- Doc 59 Opinion survey of Vale Business Park occupiers by Mr C Pedersen (Letter of 21 May 2003).
- Doc 60 Extract from Structure Plan Proposed Alterations 1985 explanatory memorandum re policy H8.
- Doc 61 Letters of objection from Dr R M Jones, Dulce Domun, Llanblethian and Mrs B Rogers, 16 Cefn Coed Gardens, Cyncoed, handed in at the inquiry.
- Doc 62 Brief given by Council to Chris Blandford Associates for Appeals dated November 2002.
- Doc 63 (1) Welsh Water Appendix A – Water pressure data.
(2) Welsh Water Appendix C – Sewerage Impact Assessment.
(3) Welsh Water Appendix D – Llanblethian STW Feasibility Study.
- Doc 64 Extracts from minutes enclosed with letter from Cowbridge with Llanblethian Town Council to PINS dated 25 April 2003.
- Doc 65 Extract from ‘UDPs: A Guide to Procedures’ (paras. 4.1 – 4.7) (NAW 2001)
- Doc 66 Legal cases:
Jeantwill Ltd v SSE & Cherwell DC (QBD 1992) – JPL 445/1993.
Ravebuild Ltd v SSE & Hammersmith & Fulham LBC (QBD 1994) – JPL107/1994.
Cooper v SSE & Harlow DC (QBD 1995) – P & CR 529/1996).

- Doc 67 A. Note on Agricultural Holdings Law (Mr S Leach for Mr D Adams).
B. Summary of *R v Vale of Glamorgan DC ex parte Adams* (QBD 2001) – JPL 93/2001.
- Doc 68 Council fax and plan re Nash Corner dated 12 June 2003 with supplementary evidence No. 3 from Mr R W Kelly (including Apps. RWK/26/1 and 2).
- Doc 69 Appellant’s comments on trees on lapwing habitat mitigation land.
- Doc 70 Appellant’s response to badger evidence of Mr M J Lewis.
- Doc 71 Additional information on rural housing development; road safety; accident data; and UDP participation put in by CLRG dated 16 June 2003.
- Doc 72 Letter to Boyer Planning from Council dated 18 June 2003 concerning (A) public transport times; (B) UDP chronology; and other unresolved matters including open space and bus shelters; with Boyer Planning’s reply dated 20 June 2003.
- Doc 73 Bundle put in by Council made up of :
1. Emergency resolution clarifying deemed refusal reasons.
 2. LEAP play area specification.
 3. Correspondence on conditions.
 4. Council letter of 18 June 2003 with Note on Structure Plan history and policy H8 (including enclosures).
- Doc 74 (A) Response from Mr R D Allin to Doc 34(b).
(B) Comment by Mr R D Allin on possible Cross Inn and Nash Corner road improvements.
- Doc 75 Appendices of Mr G H Haynes:
- (A) Letter from Dr & Mrs R Jones.
 - (B) Letter from Director of Learning & Development.
 - (C) Note from Mr A J Alden.

(D) ONS Regional Population Trends (extract).

(E) Extract from Schools Organisation Plan.

Doc 76 Draft section 106 Agreements in Council's possession and still under consideration at close of inquiry.

Doc 77 Unilateral undertaking for lapwing mitigation dated 26 June 2003.

Doc 78 Unilateral undertaking for affordable housing; education contribution; bus service contribution; open space; ecology; footpaths; and traffic & highways matters dated 26 June 2003.

PLANS

Plan A Drawings for application 01/00826/OUT [Appeal A] – C7860/H100B; H101B; H102B; and C7860 Land plan revision A (also includes Cooper plan 824/06 for illustration only).

Plan B Drawings for application 02/01617/OUT [Appeal B] – C7860/H100C; H101C; H102C; and C7860 land plan revision B.

Plan C Site plan of 37ha originally submitted for application 01/00826.

Plan D General location plan of Cowbridge (Mr P Kerr Figure 1).

Plan E General topography of appeal sites and surroundings (Mr P Kerr, Figure 2)

Plan F Contour and footpaths map put in by the Council.

Plan G Plans of Mr J Cooper:

LO1 Topography.

LO2 Growth of Cowbridge.

LO3 Landscape context.

LO4 Landscape designations and character areas.

LO5 Visual Assessment.

LO6 Zone of visual influence.

LO7 Illustrative Landscape Master Plan .

LO8 Townscape.

LO9 Growth of Llysworney.

L10a Llysworney by-pass.

L10b Proposed link road (Appeal B).

Plan H Plans of Mr D Clements:

1. Possible SINC.
2. Habitats and vegetation.
3. Ecological Evaluation
4. Lapwing mitigation area.
5. Hedgerows & other habitats proposals.

Plan I Plans (DHW) of Mr D H Williams (Appendices A – C):

- L1. Landscape Context.
- L2. Appeal site appraisal.
- L3. Landscape character.

Plan J Plans of Mr A J Croft (Figures 4.1 – 4.9):

- Fig. 4.1 – Historic environment context.
- Fig. 4.2 – OS First Edition of Cowbridge area.
- Fig. 4.3 – Current OS map of Cowbridge area.
- Fig. 4.4 – Llanblethian Castle in 1741.
- Fig. 4.5 – Elements of historic setting and resources.
- Fig. 4.6 – Extract from 1799 map of County of Glamorgan.
- Fig. 4.7 – Llanblethian Hill Fort.
- Fig. 4.8 – Penylline Parish roads 1847.
- Fig. 4.9 – Penllyn Castle in 1786.

Plan K (1) Darren Farm tenanted and rented land (App. KCC5 of Mr T Kernon).

(2) Plan of Darren Farm (App. 1 of Mr R RG Williams).

Plan L Public Rights of Way definitive map (D H Williams Appendix E).

Plan M Current bus services in Cowbridge (Mr P Kerr Figure 2.1).

Plan N Public sewers (Welsh Water Appendix B).

Plan O Cowbridge – Facilities and Services.

Plan P General location map (1:50000).

PHOTOGRAPHS

Photo 1 Appendix 7 of Mr J Cooper – Photographs 1) – 28)

[Locations within 1km on Plan G/LO3 and over 1km on Plan G/LO1].

Photo 2 Appendix KCC6 of Mr T Kernon – Darren Farm layout with photos 1 – 4.

Photo 3 Appendix D of Mr D H Williams (Site appraisal DHW/P1 – Photos A - F) [Locations on Plan I/L2].

Photo 4 Appendix F of Mr D H Williams (Site context photographs DHW/P2 Photos 1 – 14, with written description) [Locations on Plan I/11].

Photo 5 Photographs HE01 – HE16 (with Fig. P1) of Mr A J Croft.

Photo 6 Winter photographs of views from Llanblethian Hill Fort (Photos 1 – 3 of CLRG).

Photo 7 Photographs of bus stop activity on B4270 by Penyrheol Terrace.

Photo 8 Cowbridge Comprehensive Lower School (App. F of Mr G H Haynes).

Photo 9 Figures 1 – 4 of Mr G Cox – Flooding.