

Title: P-05-948 Save the green fields at Cefn yr hendy, Miskin

Y Pwyllgor Deisebau | 12 Mai 2020
Petitions Committee | 12 May 2020

Petition Number: P-05-948

Petition title: Save the green fields at Cefn yr hendy, Miskin

Text of petition: We call on the National Assembly for Wales to urge the Welsh Government to stop their plans to sell the green fields at Cefn yr hendy, Miskin for 460 houses. We ask that Welsh Government use their powers to not sell the land for house building and to desist in their plans for the development which they secured outline planning permission on in 2018. We ask that if they are not able to desist entirely from stopping the development, to leave some of the fields in their natural state. The land is owned by Welsh Ministers. We urge Welsh Ministers to take heed of the Climate Emergency they declared and adhere to the principles of the future generation act and withdraw, or significantly reduce, plans for building on these beautiful Welsh fields.

The fields border Coed yr hendy (ancient woodland), the River Clun and the Pant Marsh which is a site of nature conservation. The fields have 2 large Oak trees, hedgerows throughout and a good number of Oak saplings at it's northern parts. Any house building will damage the hedgerows and saplings. A large number of birds, small mammals and insects make Coed yr hendy and the fields their home, birds and bats are always swooping over the fields to feed - we should not take this away from them. Building on these fields will have a disastrous outcome for local wildlife and the local ecological system.

In light of this country's Climate Emergency it is also becoming more and more important to retain our trees, hedgerows and green spaces when you consider how they absorb and filter carbon dioxide, other air pollutants, they aid with rain water drainage and help with reducing soil erosion. Continuing to leave these fields for sheep farming would bring immense benefits to our environment in

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Miskin and beyond. This is an opportunity for Welsh Ministers to be climate smart and save this green field site.

Further information: The fields are in use for sheep farming by a tenant farmer who has farmed these fields for decades. They have also been used by local families for over 70 years for leisure & enjoying nature. A Village Green application was made in 2017 and while it met many of the legal criteria it was not ultimately successful but the Inspector noted that there was "clear evidence of the use of the site for lawful sports and pastimes".

There are traffic and infrastructure implications; local schools and health services are likely to suffer from unsustainable development. The A4119, running along the side of some of the fields has extremely high pollution. There is an air quality management area on the A4119 immediately neighbouring this site. The Rhondda Cynon Taff Council "Air Quality Progress Report 2019" shows that Nitrogen Dioxide (NO2) readings for this AQMA have been above the EU and UK legal limit for the last 12 of 13 years. There are thousands of homes being built within 10 minutes drive at Creigiau, Plasdwr, and Laniltid. We question the need for these fields to be built on. Adding c.1000 residents to Miskin's population is not sustainable to the small village (no shops, no health services and 1 Welsh medium primary school) and will lead to an enormous number of new trips by car to access services and schools with an additional 460 houses. There are concerns from local residents that the outline planning permission plans submitted for Welsh Ministers in 2017 also disregarded aspects of the Rhondda Cynon Taff Local Development Plan - notably by not committing to providing a school, by going over the 400 houses specified, by not including a grade separated interchange onto the A4119 and seeking to build on land directly opposite Ysgol Llantrisant (not within LDP). Building there will cause fumes from building works to discharge directly into the school and playground for years as well as increased traffic - causing more pollution and traffic hazards for children

Background

The Research Service cannot comment on individual cases or discuss the merits of individual planning applications.

Proposed development at Cefn yr hendy, Miskin

The documentation relating to the planning application for this proposed development can be seen on Rhondda Cynon Taf County Borough Council's (RCT CBC) website here: [Cefn yr hendy](#).

The planning process

Local Planning Authorities should make planning decisions in accordance with national and local planning policy plus other relevant issues, known as 'material considerations'.

The Welsh Government's national planning policy is set out in Planning Policy Wales (PPW) Edition 10.

Local planning policies are set out in the LDP for the area. The LDP sets out proposals and policies for the future use of all local land. It is the main document that planning applications should be determined in accordance with, unless material considerations indicate otherwise.

In principle, any consideration which relates to the use and development of land is capable of being a material consideration. It is ultimately for the courts to decide.

Once an application has been accepted for consideration by a Local Planning Authority, a statutory period of publicity and consultation commences. The extent of this depends on the type of application submitted and the policy of the Local Planning Authority. However the law requires it to give publicity to an application in various ways. This allows those who may be affected by it have the opportunity to make their views known.

When determining an application, all comments received must be taken into account. Once a decision has been made, all those who provided comment must be informed.

An applicant can appeal against either a refusal of planning permission or the conditions imposed by the Local Planning Authority as part of an approval. Appeals against planning decisions are normally handled by Planning Inspectorate Wales. There is no right of appeal by any other interested parties (known as third parties) affected by the application.

Welsh Government action

The Minister for Economy, Transport and North Wales, Ken Skates AM, wrote to the Committee Chair on 17 March 2020. His letter states the following:

- The property concerned is subject to a joint venture agreement between the Welsh Ministers and Talbot Green Developments Limited where the joint venture parties are obligated to jointly promote the property for residential development and to dispose of the property with the benefit of planning consent for residential development.
- This agreement is a legacy from agreements entered into by the former Land Division of the Welsh Development Agency.
- A public inquiry was held in March 2019 at Pontyclun to consider whether the fields should be registered as a Town and Village Green. The Inspector found that the statutory test for registration had not been met and therefore rejected the application.

- Outline planning permission was granted in February 2018 for approximately 460 dwellings, a primary school, local centre, open space and associated drainage and landscaping with all matters reserved (i.e. subject to a further more detailed application) other than access.
- The site is allocated in the adopted RCT LDP for residential development as part of a strategic site allocation.
- The permission is subject to 31 planning conditions including conditions requiring tree protection measures, a wildlife protection plan, a habitat management plan and a scheme of mitigation for protected species.
- An accompanying planning obligation (a section 106 agreement) secures an employment and skills plan, a park and ride financial contribution, provision of the local centre, implementation of a 25 year long habitat land management plan and woodland buffer zone management plan, provision of public open space and play areas and associated management, and 20% affordable housing.
- There is also a requirement for payment of a Community Infrastructure Levy which will be calculated at the time of the reserved matters approval.
- The illustrative masterplan shows that significant parts of the site will remain undeveloped, as well as areas of public open space within the body of the site. In total there will be 0.76ha of public open space, 3.3ha of informal open space and 0.65ha of woodland.
- Open fields adjoining the northern boundary of the site will be kept open and managed for ecology and public access purposes as part of the habitat land management plan.
- Natural Resources Wales and the RCT LPA ecologist each raised no objection subject to the conditions and section 106 agreement referred to above.

Further detail is contained in the Minister's letter.

National Assembly for Wales action

In October 2017 Andrew RT Davies AM asked a series of written questions relating to the proposed development. Ken Skates AM, the then Cabinet Secretary for Economy and Infrastructure, responded:

Regular meetings have taken place with the company which is now called Talbot Green Developments Limited to discuss and progress the proposed development. I am unable to confirm which companies were originally considered as development partners as it was a development agreement made between the former Welsh Development Agency and the company.

The Welsh Government has incurred professional fees for the completion of studies and the preparation and submission of a planning application, as has the company. In view of the fact that this is a joint venture with a private company the full financial details are considered to be commercially sensitive.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.