

# P-06-1198 Welsh Government Ministers should save the trees, hedgerows and fields in Cefn Yr Hendy, Miskin

Y Pwyllgor Deisebau | 4 Hydref 2021  
Petitions Committee | 4 October 2021

Reference: SR21/0988-1

Petition Number: P-06-1198

**Petition title:** Welsh Government Ministers should save the trees, hedgerows and fields in Cefn Yr Hendy, Miskin.

**Text of petition:** We urge the Welsh Government to stop their plans to sell the 49 acres of green fields they own in Miskin for 460 houses. We ask they do not sell the land for house building and to desist in their plans for the development. We urge Welsh Ministers to take heed of the Climate Emergency, to adhere to the principles of the Future Generations Act and withdraw plans for these fields. As no new school will be provided on the site, this will also cause increased traffic on the roads and pollution.

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 many trees that will be lost due to new road building for the new estate. 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 declared Climate Emergency it is essential to retain existing hedgerows, trees and green spaces when you consider how they absorb and filter carbon dioxide, other air pollutants, they aid with rainwater drainage and help with reducing soil erosion. Continuing to leave these fields for sheep farming would bring immense benefits to our environment in Miskin and beyond.

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

## 1. Background

In 2020, the petitioner submitted a very similar petition to the 5<sup>th</sup> Senedd's Petitions Committee. This related to the same site and raised the same issues. Due to a change of personal circumstances the petitioner asked for it to be withdrawn. This was agreed by your predecessor Committee.

### Development at Cefn yr hendy, Miskin

In 2018 outline planning permission was granted for the development of 460 houses at Cefn Yr Hendy, Miskin.

The documents relating to the outline planning application can be seen on Rhondda Cynon Taf County Borough Council's (RCT CBC) website.

### The planning process

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

Planning Policy Wales and Future Wales: the national plan 2040 set out the Welsh Government's principal national land use planning policies.

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.

## Outline planning permission

There are three main types of planning permission that can be sought – outline, detailed and full. In the case of outline permission, applications are made initially without full details of all design elements of the proposal. Outline planning applications therefore allow for a decision to be made on the general principles of a proposed development, prior to submitting a fully detailed proposal at a later date.

There are two types of outline approvals, those where all of the detailed design elements are ‘reserved’ for future approval and those where some elements have been included in the outline submission whilst others have been reserved.

In the case this petition relates to, outline planning permission was granted with all matters reserved other than access. Applications for the approval of these reserved matters are required to be submitted within three years of the outline permission being granted. However in May 2021 the developer was granted permission to extend this time period by a further three years.

The outline permission was granted 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.

Several applications have since been made by the developer to discharge some of these conditions (this seeks approval from the LPA that the condition has been met). For example in September 2020, the developer was granted permission that the condition to produce a wildlife protection plan could be discharged. This plan can be viewed as part of the documents relating to the application.

## 2. Welsh Government action

As outlined a similar petition was due to be considered by your predecessor Committee in 2020 before it was withdrawn. In March 2020, the then Minister for Economy, Transport and North Wales, Ken Skates, wrote to the predecessor Committee Chair. His letter provided further detail on the site and stated 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.
- The site is allocated in the adopted RCT LDP for residential development as part of a strategic site allocation.
- 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.
- 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.

In a letter to the Chair dated 27 September 2021, the Minister for Economy, Vaughan Gething, outlines that the Welsh Government owned land (to which the planning permission relates to) is subject to Joint Venture Agreement (JVA) with a private sector partner. The JVA dates back to 2014 and under the terms of this agreement the Welsh Government are contractually bound to proceed with the sale.

### 3. Welsh Parliament action

In October 2017 Andrew RT Davies MS asked a series of written questions relating to the development **including a question** on whether the Welsh Government had contributed any money towards agency, consultancy and management fees. Ken Skates MS, the then Cabinet Secretary for Economy and Infrastructure, responded:

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.

As outlined earlier, in 2020, the petitioner had submitted a very similar petition to the 5th Senedd's Petitions Committee which was withdrawn.

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.