

Planning (Wales) Bill

Response from The Llandaff Society

LLANDAFF SOCIETY NOTE IN RESPONSE TO ENVIRONMENT AND SUSTAINABILITY

COMMITTEE CALL FOR SUBMISSIONS ON THE PLANNING (WALES) BILL: 7 NOVEMBER 2014

1. Llandaff Society is a local civic society affiliated to the Civic Trust for Wales, representing over 250 members.
2. We have had recent experience of submitting an application for registration of Llandaff Meadow for village green status after an application for development of the land was submitted. We consider that we have a strong case for protection of community use of that land, but no decision has been made on our application to date. The attached article¹ gives a summary of events from our perspective.
3. The fact that we have experience of the process means that it was of great concern to see that the proposal in the Planning (Wales) Bill to limit the period for submission of an application, block applications if the land is subject to planning, and other measures which would impact adversely on the rights of individuals and communities in relation to land used for informal recreation for generations.
4. The number of applications for registration as a town or village green per year is estimated in the Explanatory Memorandum (EM) as 7.6 per Commons Registration Authority (ie local authority) [7. 1159]² only 40per cent of which are likely to be cases where development may be held up by the application. The EM states that [7.1185] that the planning process can “help() to reconcile any conflict between development and potential registration as a village green” but our application for village green status for the iconic Llandaff Meadow - which also provides a setting for Grade 1 listed Llandaff Cathedral very similar to that for Salisbury Cathedral - was ruled out as material when a planning application on the land³ was considered by Cardiff’s Planning Committee.
5. We challenge the benefits and costs given in the Regulatory Impact Assessment. The ‘benefits’ of the actions proposed in the Bill are claimed as being “more recreation land being brought forward” [7.1204], “less abortive work by LPAs (on development management)” [7.1205], and “(declarations) should encourage landowners to allow continued recreational use of their land by the public”[7.1209]. None of these is provable. Furthermore, the ‘cost’ in terms of loss of amenity and negative impact on physical and mental health and well-being of the community is clearly not valued by Welsh Government, as it is not mentioned at all in the EM.

Geoffrey Barton-Greenwood FRICS

Chairman, Llandaff Society

Footnotes: 1. Civic Trust for Wales web-site: “The Story of Llandaff Meadow”, Geoffrey Barton- Greenwood and Kay S. Powell: September 2014

2. References to paragraphs in the Explanatory Memorandum are in square brackets

3. For background see Cardiff Council web-site re Planning Application 13/01871/DCO

ANNEX: ARTICLE ON TOWN AND VILLAGE GREENS: THE STORY OF LLANDAFF MEADOW

by Geoff Barton Greenwood FRICS (Chairman) and Kay S. Powell MRTPI (Planning and Conservation Advisor), Llandaff Society

Llandaff Meadow, lying between Llandaff Cathedral and the River Taff, has been used by many local people for informal recreation for decades. However, few people outside Llandaff know of its existence. Originally part of the Bute Estate, it was sold to the City of Cardiff for use as “pleasure grounds”. Later, with other land fronting Western Avenue, it formed part of the grounds of Llandaff Technical College, which has since become the University of Wales Institute Cardiff and, more recently, Cardiff Metropolitan University.

During all this time the meadow has been accessible for people on foot and bicycle. From ancient time the footpath along its eastern edge formed part of the pilgrimage route that crossed the river at the nearby ford (no longer in use since the construction of Llandaff weir) and continued Llandaff to St David’s. It is still a tranquil place much used by local people for dog-walking, blackberrying and bird watching.

The meadow forms an important part of the Llandaff Conservation Area - incidentally the first such area to be designated in Cardiff. The meadow was part of a wider area of parkland turned over for use as allotments from the 1930s until the mid 1950s.

In the autumn of 2013 Cardiff Metropolitan University submitted a planning application to “reinstate” and install drainage for a natural turf football pitch. Llandaff Society submitted an objection which, among other things, pointed out that the meadow has never been used as a formal sports pitch. We also pointed to the strong policy in the 2006 Conservation Area Appraisal. Many people from Llandaff and other parts of Cardiff signed a petition and joined an on-line campaign to “Save Llandaff Meadow”.

Despite our objections, a few months later - and following submission of further supporting environmental information and witness statements by the Society and the applicants - Officers recommended approval. Our local member, Cllr Kirsty Davies, secured a site visit so that the Members could see the wonderful pastoral setting of Llandaff Cathedral from the banks of the River Taff for themselves. About 40 local people turned up at the site visit.

The Members were clearly impressed because, at Planning Committee in June this year members expressed concern about the impact of the development and asked Officers to bring reasons for refusal to the next meeting, indicating that they were “minded to refuse” the application. However, at the July several Committee members did an “about-turn” and the result was that planning permission was granted for the football pitch.

A few months prior to that, it was suggested that the Society might apply for registration of Llandaff Meadow as a Village Green. Our application followed the pattern of many similar ones submitted under a clause in the Commons Registration Act 1965 which allows an area proved to have been used “as of right” ie “without force; without subterfuge and without permission” for 20 years or more since 1970 for sports and pastimes to acquire the status of a village green.

TOWN AND VILLAGE GREENS: THE STORY OF LLANDAFF MEADOW cont'd

Aerial photos, witness statements and photographic evidence from the society's archives - including tree planting along the footpath in 1989 undertaken in conjunction with the City Parks Department - confirmed in our minds the validity of our application which was submitted in late March and accepted as valid by the Council in April. In due course the applicants submitted a detailed objection to our application, and we replied with a firm rebuttal of their arguments.

As the meadow is not in the City Council's ownership, the Council can take the final decision on registration. We are assured by the Council's Deputy Solicitor that this will not be compromised by the agreement between the Council and the Cardiff Metropolitan University for the latter to take over the sports development activities and a number of staff from the Council, as the decision on our application will not be made by the Cabinet but by the Council's Public Protection Committee.

Last autumn the Welsh Government Minister responsible for Planning, Carl Sargeant AM, Minister for Housing and Regeneration, issued a consultation paper "Positive Planning" which, amongst other things, proposed that the procedural rules be changed within the forthcoming Planning Reform Bill for Wales so that an application for registration as a Town or Village Green cannot be made if a planning application has been lodged for the land in question. The Draft Planning Bill has not been published as yet but is expected imminently and thus we wait to see whether a clause to that effect has been included. If so, it will be distinctly undemocratic and very sad, because it is a trueism that people don't appreciate what they've got until it is threatened.

September 2014