



## **Additional evidence to the Wales Environment and Sustainability Committee** **Thursday 11 December 2014 – Impact of Village Green Applications.**

### **Barratt Homes Land at Merton Green Caerwent, Monmouth**

The Council disposed of the land to Barratt on 15 October 2007.

Outline permission was issued on 23 June 2006 (reference MM09253).

Full planning permission was granted by the Council on 18 June 2008 (under reference DC/2007/00986) for the development of 147 new dwellings

On 1 February 2010 the Council issued an 'Approval of Reserved Matters' (reference DC/2009/00725) thereby authorising a substitute scheme encompassing the construction of 132 dwellings and associated works on the site.

An application, signed by Mrs Spooner, was submitted on 23 July 2009 by the Merton Green Action Group.

A public inquiry was held at Caerwent Village Hall on 16 and 17 November 2010.

Decision 7 July 2011 village green status granted.

Decision taken to the High Court and judgment received in February 2011.

The planning permission was lawful notwithstanding the registration of the land as a TVG so the development was able to go ahead.

In summary a delay of four years, total cost unknown but interest payments on the cost of the land were £2m.

### **Meadow Street, Treforest, Pontypridd.**

The following example is not on a scheme with planning approval but does show how protracted tvg applications can be and frustrate future development potential of sites.

Site history.

The site area is approximately 20 acres and was subject to a Master Plan for a larger area of 34 acres for expansion by University of Glamorgan as it was known at the time. This Master plan was a comprehensive development of student accommodation, teaching facilities, incubation units and office earmarked for CADW.

We purchased the site in October 2004 with a view to developing student residential accommodation of up to 1,000 beds. Discussions took place with the University over the potential to provide the student beds and a JV agreement was entered into by ourselves and Macob Projects Limited.

In February 2010 we received an approach from RCT asking if we would consider selling some of the land for the Tonteg to Treforest Community Cycle Route. Discussions took place over several months and an agreement was reached early 2011 for the route across our land. The scheme was sponsored by the Big Lottery Fund in the sum of £1m and to be undertaken by Sustrans with the full support RCT. In addition the University fully supported the scheme as they saw the potential benefits of pedestrian and cycle links from the development site to the University. Furthermore there was a fully prepared scheme and programme to build the bridge.

We welcomed the bridge and saw it as an integral step towards bring forward the development proposals on our land for the university. This was a multimillion pound development scheme, providing untold number of local jobs, finance into the local economy, enhanced education and faculty space.

Subsequently a tvg application served by Treforest Residents' Association dated 3<sup>rd</sup> March 2011 and was stamped as received by RCT CBC on 23<sup>rd</sup> March 2011. The application was lodged as follows:-

- 1) It was made under s.15(2) of the Commons Act 2006.
- 2) The justification was stated to be that The Bute is a pleasant open space.
- 3) 20 years of use was claimed by local people.

The main objective was to prevent the cycle route being delivered and coming into Meadow Street on its journey through this south Wales valley.

On 9<sup>th</sup> October 2012 , 19 months after the application was lodged we heard from RCT that there were initial legal issues which had been raised needed to be resolved. I will not go into the legal arguments but an Inspector was finally appointed and a Public Enquiry was set for 15<sup>th</sup>-18<sup>th</sup> October 2013; 12 months later.

On 21s April 2014 the Inspectors decision was made and recommended the application be rejected because the available evidence does not demonstrate that all the statutory conditions have been met , in particular the use has not shown to be "as of right" for a 20 year period between 23 March 1991 to 23 March 2011.

Please note that the Record of Delegated Officer Decision was made on 17<sup>th</sup> June 2014 when we were notified.

In summary:-

Date of tvg 23<sup>rd</sup> March 2011

Date of Enquiry 15-18<sup>th</sup> October 2013. Delay of 32 months.

Decision date 17<sup>th</sup> June 2014

Decision issued by RCT 19 th June 2014. Delay of 8 months

Overall time period - 3 years and 4 months.

The 40 month delay has had the following effect;-

- 1) Our development plans were sterilised.
- 2) The JV agreement with Macob Projects expired.
- 3) The funding for the Community Cycle Route was lost and spent elsewhere.
- 4) Lost opportunity to work with the university to bring forward the development scheme.
- 5) Lost jobs and revenue to the local economy. The list goes on.

Cost.

A conservative figure of £100,000 to defend the application.

Mark Harris

Planning and Policy Advisor Wales HBF