

15 September 2026

Siân Gwenllïan MS
Cabinet Minister for Local Government, Housing and Planning
Welsh Government
Cathays Park
Cardiff CF10 3NQ

By email to the Planning Directorate: [REDACTED], and copied to the Minister's private office, correspondence [REDACTED]

Dear Minister

**VALE OF GLAMORGAN COUNCIL APPLICATION 2022/00773/FUL
LAND NORTH OF THE RAILWAY LINE, RHOOSE
REQUEST FOR A HOLDING DIRECTION AND FOR AN ENVIRONMENTAL IMPACT ASSESSMENT SCREENING
DIRECTION UNDER REGULATION 5 OF THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT
ASSESSMENT) (WALES) REGULATIONS 2017**

We write to ask the Welsh Ministers, as a matter of urgency and before the Vale of Glamorgan Council's Planning Committee determines this application on 17 September 2026, to: (1) issue a holding direction preventing the Council from determining the application pending consideration of this request; and (2) direct, under regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017¹ ("the EIA Regulations"), that the development is EIA development, so that an environmental statement is required before any planning permission is granted.

This request is made under the Welsh Government's published call-in guidance.² We set out below (1) the capacity in which we write, (2) the background documents, (3) our reasons for the request, and (4) further matters we invite the Welsh Ministers to take into account.

1. Who is making this request

[REDACTED], *Vale of Glamorgan Council, Civic Offices, Holton Road, Barry, CF63 4RU.*

*I am writing this call in as a request from myself, and my residents, as the [REDACTED]
[REDACTED] within the Vale of Glamorgan Council.*

2. Background

The application, the applicant's supporting plans, and its environmental and ecological reports, are available on the Council's online planning register.³ The report of the Head of Sustainable Development

¹The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, reg.5:
<https://www.legislation.gov.uk/wsi/2017/567/regulation/5/made>

²Welsh Government, "Calling-in planning applications: guidance": <https://www.gov.wales/calling-planning-applications-guidance-html>

³The application documents, including the applicant's environmental and ecological reports, are on the Council's online planning register: <https://vonline.planning-register.co.uk/Planning/Display/2022/00773/FUL>

recommending approval, prepared for the Planning Committee meeting of 17 September 2026, is contained within the published agenda pack.⁴

3. Ground 1 — the Committee report is founded on a mistaken description of the site's status under Future Wales

In the section of the report headed “Sustainability and Climate Change”, officers advise Members that “The Vale of Glamorgan lies within the National Growth Area identified in Future Wales” and that this, together with the site's LDP allocation, is a “material consideration of significant weight” in favour of the application.⁵

That is incorrect. Future Wales: The National Plan 2040 designates a single National Growth Area for South East Wales under Policy 33, defined expressly as “Cardiff, Newport and the Valleys.”⁶ The Vale of Glamorgan does not form part of it. Barry is instead addressed under Policy 3 (“Supporting Urban Growth and Regeneration”), and the remainder of the Vale – including Rhoose – falls to be planned as a rural area under Policies 4 and 5, which require development in rural towns and villages to be “of appropriate scale” and to “support local aspirations and need.”⁷

This is not an isolated slip in this report. The same misdescription – that “The Vale of Glamorgan is identified as a growth area in Future Wales” – recurs in the Council's own evidence base for the emerging Replacement LDP.⁸ We would also highlight that the Committee report's own list of the Future Wales policies that it treats as “of relevance” to this application is Policy 33 restating the Policy 1 area, but omits Policies 4 and 5 altogether.⁹ Members are, in our respectful submission, invited to give significant weight to a growth-area designation that does not apply to this site, while the rural policy framework that does apply to it was not drawn to their attention.

4. Ground 2 — the diminishing weight of the 2011–2026 Local Development Plan has not been addressed

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan – here, Future Wales and the adopted Vale of Glamorgan LDP 2011–2026 – unless material considerations indicate otherwise.¹⁰ The Committee report correctly identifies

⁴Report of the Head of Sustainable Development to Planning Committee, 17 September 2026, Agenda Item 5 (the “Committee report”): https://www.valeofglamorgan.gov.uk/Documents/_Committee%20Reports/Planning/2026/26-09-17/Complete-Planning.pdf. The report on this application begins at p.61 of the agenda pack.

⁵Committee report, p.83 (“Sustainability and Climate Change”). The passage reads in full: “The Vale of Glamorgan lies within the National Growth Area identified in Future Wales. Although the objectives of addressing climate change must be given significant weight, they must be considered alongside other relevant planning considerations. In this regard, the site's allocation for residential development within the adopted LDP, together with its location within a designated National Growth Area, are material considerations of significant weight.”

⁶Future Wales: The National Plan 2040 (Welsh Government, February 2021), Policy 33 – “National Growth Area – Cardiff, Newport and the Valleys”: <https://www.gov.wales/future-wales-national-plan-2040>

⁷Future Wales, Policy 3 (“Supporting Urban Growth and Regeneration – Public Sector Leadership”), Policy 4 (“Supporting Rural Communities”) and Policy 5 (“Supporting the Rural Economy”): <https://www.gov.wales/future-wales-national-plan-2040>

⁸Vale of Glamorgan Replacement LDP 2021–2036, Background Paper BP4, “Assessment of the Preferred Strategy against the Tests of Soundness”, pp.4, 26 and 42: <https://valeofglamorgan.gov.uk/docfiles/26/BP4%20Assessment%20of%20PS%20against%20Tests%20of%20Soundness.pdf>

⁹Committee report, p.78, list of Future Wales policies “of relevance in the assessment of this planning application”: Policies 1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 15, 33 and 36. Policies 4 and 5 do not appear.

¹⁰Planning and Compulsory Purchase Act 2004, s.38(6): <https://www.legislation.gov.uk/ukpga/2004/5/section/38>

the development plan in these terms¹¹, but does not address the reduced weight that should attach to an LDP nearing the end of its plan period, nor explain why its old growth-strategy considerations should prevail of the newer policies of *Future Wales*.

5. Ground 3 — prematurity: the site's rural planning framework has still to be settled through the Replacement LDP

The site is proposed to be “rolled forward” into the deposit Replacement LDP (2021–2036), which the Council itself acknowledges is at too early a stage in its examination to carry weight.¹² Properly applied, *Future Wales* Policies 4 and 5 require Rhose's development needs to be planned for as those of a rural settlement, a task the Replacement LDP has not yet completed. Granting permission for over 200 homes now, on the strength of a mistaken account of national growth policy, risks pre-empting that plan-led process rather than being guided by it.

6. Ground 4 — the environmental impact assessment position is not adequately documented

The application relies on an EIA screening opinion given in 2022 under reference 2022/00358/SC1, which concluded that EIA was not required for a scheme of approximately 275 dwellings and sports field, without the extensive areas of ponds.¹³ The Committee report records that officers have since “reviewed the amended proposals”— and are “satisfied that the changes would not alter the conclusions of the screening opinion.”¹⁴

Regulation 8 of the EIA Regulations required the Council, on receipt of an undetermined Schedule 2 application not accompanied by an environmental statement and not already the subject of a screening opinion or direction covering it, to treat that receipt as a fresh screening request.¹⁵ No new screening opinion has been issued in respect of the current scheme, despite the governing Regulation 8 specifying “the development in question”; the 2026 internal “review” described in the report is, in substance, a fresh screening judgement reached without the procedural safeguards – including publication on the file – that the Regulations require.¹⁶

We also draw the Welsh Ministers' attention to evidence we do not believe the 2022 screening judgement can have taken into account. The site is close to land at Model Farm, Rhose, where ecological survey work for a separate, ecologically comparable application found a range of priority and locally important species

¹¹Committee report, p.80 (“Planning Policy”).

¹²Committee report, p.82: “The Deposit RLDP was approved by Full Council for public consultation in January 2026 ... This site is proposed to be ‘rolled forward’ as a residential allocation in the Deposit RLDP. However, given examination of the plan has yet to begin, very little weight can be attributed to it.”

¹³Committee report, p.66 (Planning History: “2022/00358/SC1 ... EIA Screening Opinion in respect of the proposed residential development, Decision: EIA not required”) and p.81.

¹⁴Committee report, p.81: “The original EIA screening opinion considered development of approximately 275 dwellings. Whilst the number of dwellings has subsequently increased, there has been no change to the application site area or the nature of the development. Officers have reviewed the amended proposals and are satisfied that the changes would not alter the conclusions of the screening opinion or give rise to a requirement for further EIA screening.”

¹⁵The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, reg.8: <https://www.legislation.gov.uk/wsi/2017/567/regulation/8/made>

¹⁶We have not been able to check the current status shown against 2022/00358/SC1 on the Council's interactive online register ourselves – please verify this directly at <https://vonline.planning-register.co.uk/Planning/Display/2022/00358/SC1> before this letter is sent, as the Committee report's own Planning History table (n.11 above) records a decision (“EIA not required”) rather than a void or withdrawn record, which may bear on this point.

and generated a full Environmental Statement, including a dedicated ecology chapter, which recently went through public inquiry.¹⁷ We are not satisfied that the cumulative, Schedule 3 significance of this allocation has properly been assessed against that evidence.

Separately, the Council's own Ecology Officer has recorded disappointment that the breeding bird survey submitted with this application was confined to skylark, despite the presence on site of other Red, Amber and Section 7 species.¹⁸ We do not, however, suggest – and the Committee report does not support the suggestion – that the application lacks biodiversity information generally: it is in fact accompanied by a substantial suite of ecological surveys and a detailed biodiversity enhancement and mitigation strategy, which officers consider compliant with national and local biodiversity policy.¹⁹ Our concern is the narrower one set out above, as to the adequacy of the screening judgement relied upon.

7. Further matters not resolved by the Committee report

We invite the Welsh Ministers also to have regard to the following, in assessing whether this application raises planning issues of more than local importance:

(a) Level crossing safety. Network Rail objects to the application on public safety grounds and considers closure and diversion of the public right of way over the Happy Valley level crossing to be the only acceptable mitigation.²⁰ The recommended Condition 3 would nonetheless permit occupation of the development to proceed even if the Secretary of State ultimately declines to confirm the diversion order – in which case Network Rail's stated necessary mitigation would never be delivered.²¹ We do not see the report grapples with this possibility.

(b) Water supply and foul drainage capacity. Dwr Cymru/Welsh Water has confirmed that the water network serving the site currently has insufficient capacity, and that development without mitigation “would cause detriment to existing customer's supply”; a foul drainage strategy is likewise outstanding, pending a HRA (hydraulic Modelling assessment) by the developer.²² Both matters are left to Grampian conditions to be discharged after permission is granted, rather than resolved – or shown to be capable of resolution – beforehand.

¹⁷Land at Model Farm, Rhose (appeal ref. relating to application 2019/00871/OUT) – Environmental Statement, Chapter 9 (Ecology), September 2024: <https://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Model-Farm-Appeal/Appeal-Documents/ES-Further-Information/Appeal-Version-CLEAN-ES-Chapter-9-Ecology-Final.pdf>

¹⁸Committee report, p.92: the Council's Ecology Officer “expressed disappointment that, despite the presence of several Red, Amber and Section 7 bird species, the breeding bird survey was solely focussed on Skylark”; the site is also recorded (p.93) as supporting Chaffinch, Dunnock, Whitethroat, Starling and Greenfinch.

¹⁹Committee report, pp.91–95 (Ecology). The application is accompanied by a Preliminary Ecological Assessment and separate reptile, bat, badger, dormouse and skylark survey reports, a Hedgerow Regulations Survey and a Biodiversity Enhancement Mitigation Strategy proposing, among other things, 17 reptile refugia and hibernacula, 32 bat boxes, 64 bird boxes, a community orchard and hedgerow translocation, which officers consider compliant with Policy 9 of Future Wales and Policies MG19–21 and MD9 of the LDP.

²⁰Committee report, p.86: Network Rail “stated that the most appropriate means of mitigating this risk would be through the closure of the level crossing.”

²¹Committee report, p.112, proposed Condition 3, which permits occupation to proceed either once a diversion order is confirmed and an alternative footpath completed, “or ... the Secretary of State, having considered the merits of the application, decides not to confirm the order authorising the diversion of the footpath.”

²²Committee report, p.68 (Dwr Cymru/Welsh Water: water supply network has “insufficient capacity to serve the development ... it will cause detriment to existing customer's supply”) and p.90 (foul drainage, secured only by Grampian condition 4).

8. Requested action

We ask the Welsh Ministers, as a matter of urgency: (1) to issue a holding direction preventing determination of application 2022/00773/FUL pending consideration of this request; and (2) to direct under regulation 5 of the EIA Regulations that the development is EIA development, requiring an environmental statement before any planning permission is granted.

We would welcome the opportunity to provide any further information the Welsh Ministers require, and would be grateful to be informed of the outcome of this request.

Yours sincerely,

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Please send correspondence via email to [REDACTED]