



VALE OF GLAMORGAN COUNCIL

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended)**

Section 78 Appeal

STATEMENT OF CASE

**Appeal by Coastal Oil and Gas Limited,
Site at Unit 1, Llandow Industrial Estate, Llandow**

STATEMENT OF CASE IN ACCORDANCE WITH PARAGRAPH 6 OF
THE TOWN AND COUNTRY PLANNING (DETERMINATION BY INSPECTORS)
(INQUIRIES PROCEDURE)(WALES) RULES 2003

PLANNING INSPECTORATE REF. NO: APP/Z6950/A/11/2167112

VALE OF GLAMORGAN REF. NO: 2011/00812/FUL

**Hayley.I.Kemp BSc (Hons) MSC
Senior Planning Officer (Enforcement and Appeals)**

**Vale of Glamorgan Council,
Dock Office,
Barry Docks,
Barry.
CF63 4RT**

1. INTRODUCTION

- 1.1 This appeal relates to the decision of the Vale of Glamorgan Council to refuse planning permission (2011/00812/FUL) in respect of Drill and test the insitu lower limestone and associated strata for the presence of gas at Unit 1, Llandow Industrial Estate, Llandow.

2. THE APPEAL SITE AND SURROUNDING AREA

- 2.1 At the Inquiry the Local Planning Authority will describe the appeal site and its relationship with its surroundings. In support of this, various documents will be referred to including a site location plan and a number of photographs, including aerial photography.

3. THE PLANNING APPLICATION

- 3.1 The nature of submissions in respect of planning application (ref: 2011/00812/FUL) will be outlined at the Inquiry, including specific reference to the supporting information submitted at application stage.

4. PLANNING HISTORY

- 4.1 At the Inquiry, the Council will make reference to the planning history relating to the appeal site.

5. RELEVANT PLANNING POLICIES

- 5.1 At the Inquiry, the Council will make reference to national planning guidance issued in the form of **Minerals Planning Policy Wales MPPW (2000)**.
- 5.2 Reference will also be made to the Development Plan for this area which has, which comprises the **Vale of Glamorgan Adopted Unitary Development Plan 1996-2011**, which was formally adopted by the Council on 18th April, 2005. The following policies are of relevance to this appeal:
- ENV27 – DESIGN OF NEW DEVELOPMENTS
 - ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY
 - MIN1 – MINERAL EXPLORATION

6. THE COUNCIL'S CASE

- 6.1 At the Inquiry, the Council will contend that at the time of determination of the application, insufficient information was submitted by the appellant to demonstrate that the quantity and quality of groundwater supplies within the vicinity of the site would be protected from the development. The Council will contend that, due to this lack of information, it was not satisfied that the development will not cause unacceptable impact or otherwise damage or adversely affect water resources. As such, the Council will maintain that the development failed to satisfy criterion (vi) of Policy MIN 1 regarding its unacceptable impact on surface water and ground water resources as well as Policy ENV29 - Protection of Environmental Quality where the proposed development is liable to have an unacceptable effect by releasing pollutants into the water and soil on or off the site.
- 6.2 In support of the above contentions, the Council will refer to correspondence from Dwr Cymru Welsh Water as the statutory consultee with regard to the potential impact of the development on groundwater resources. Evidence will be provided of the stance taken by Dwr Cymru Welsh Water at the time of dealing with the application. Evidence will also identify Dwr Cymru Welsh Water's nearby groundwater sources and will demonstrate that at the time of determination of the application, despite the technical information submitted by the appellant to alleviate Dwr Cymru Welsh Water's concerns, they were still not satisfied that the potential risk to ground water resources would be eliminated.
- 6.3 At the inquiry the Council will also contend that in refusing planning permission, Members chose to adopt the precautionary approach emphasised in MPPW on the basis of the unsatisfied concerns of the statutory consultee, Dwr Cymru Welsh Water.
- 6.4 Subsequent to the consideration of the application, and during the course of drafting this Rule 6 Statement, a further letter has been received by Dwr Cymru Welsh Water (letter dated 10th February 2012). The letter is advising of ongoing discussions with the appellant. The letter continued to identify a risk of contamination and advises that they are currently in discussion with the appellant, which could result in their concerns being satisfied prior to the inquiry. However, the letter does outline the fact that concerns were raised prior to determination of the application and referral to this will be made at the inquiry.

7. APPELLANT'S GROUNDS OF APPEAL

- 7.1 The Council will comment on the various factors put forward by the appellant in favour of the development, but remain of the view that these are not of sufficient weight to justify granting planning permission.

8. DOCUMENTATION TO BE REFERRED TO AT INQUIRY

Documentation to be referred to may include:

1. Minerals Planning Policy Wales (2000)
2. Vale of Glamorgan Unitary Development Plan 2005
3. Ordnance Survey Plans, Photographs and Aerial Photography.
4. Relevant planning/appeal decisions
5. Dwr Cymru Welsh Water letter dated 10th February 2012.

ADDITIONAL INFORMATION

The Council reserve the right to expand upon and add to this statement and to make reference to any other such material and information as may be considered necessary in response to any matters raised by the appellant or any other interested parties.