

## **LIST OF APPENDICES**

1. Letter from Dwr Cymru Welsh Water received on 10<sup>th</sup> February 2012
2. E-mail from Dwr Cymru Welsh Water received on 27<sup>th</sup> February 2012
3. Committee report dated 1<sup>st</sup> March 2012
4. Letter sent from Local Planning Authority to The Planning Inspectorate, Appellant and Rule 6 Party on 12<sup>th</sup> March 2012
5. Letter from Dwr Cymru Welsh Water received on 22<sup>nd</sup> March 2012

APPENDICES

# APPENDIX 1



Dŵr Cymru  
Welsh Water

Developer Services  
PO Box 3146  
Cardiff  
CF30 0EH

Gwasanaethau Datblygu  
Blwch Post 3146  
Caerdydd  
CF30 0EH

Tel: +44 (0)800 917 2652  
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E.bost: developer.services@dwrcymru.com

The Vale of Glamorgan Council  
Dock Office  
Barry Docks  
Barry  
CF63 4RT

Your ref 11/00115/FUL  
Our ref DS/MDE/VOG/20  
Enquiries Maria Evans  
Telephone: 0800 917 2652

For the attention of Mrs Hayley I. Kemp

0143452 300

Paul

10<sup>th</sup> February 2012

Dear Madam

**Re: Unit 1 Llandow Industrial Estate, Cowbridge CF40 1SJ  
Drill and test the insitu lower limestone shale and associated strata**

I thank you for your letter dated 26 January 2012, regarding the above which was addressed to Maria Evans and has been forwarded to me to respond.

I would like to re-iterate that we have not objected to the planning application reference 2011/00812/FUL. This was confirmed in our letters of 22 March 2011 and 11 October 2011.

We did however express concern in our letter of the 19 October 2011 regarding a small potential risk of contamination of our reserve ground water sites in the Vale of Glamorgan from the proposed exploratory drilling. We expect the Environment Agency to consider the vulnerability of our groundwater sources and the wider impact upon the water environment as part of their permitting process.

We are currently entering discussions with Coastal Gas and Oil and providing that they continue to satisfy us that there is an insignificant risk of future transport of drilling fluid towards our reserve ground water sources, by such means as:

- Minimising the risk of the loss of drilling fluid to the formation during the drilling process
- And ensuring adequate monitoring for any loss of drilling fluid

glas

Glas Cymru Cyfyngedig

Welsh Water is owned by Glas Cymru - a 'not-for-profit' company.  
Mae Dŵr Cymru yn eiddo i Glas Cymru - cwmni'nid-er-elw.

We welcome correspondence in  
Welsh and English.

Dŵr Cymru Cyl, a limited company registered in  
Wales no. 2386777. Register office, Pentwyn Road,  
Nelson, Treherms, Mid Glamorgan CF46 6LY.

Rydym yn croesawu gohebiaeth yn y  
Gymraeg neu yn Saesneg.

Dŵr Cymru Cyl, cwmni cyfyngedig wedi gofrestru yng  
Nghymru rhif 2386777. Swyddfa gofrestrddig, Heol Pentwyn,  
Nelson, Treherms, Morgannwg Ganol CF46 6LY.

Then it is likely we would not pursue the matter further and be content for the Environment Agency to protect our groundwater resources in the area. The resolution of our concerns could result in us not attending the public inquiry.

We will also write to the applicant under separate cover regarding this matter.

I hope this letter is self explanatory and we very much hope to continue, what we believe to be, a good working relationship with you in the future.

Yours faithfully

  
PP. Tony Harrington  
Director of Environment

Paul Henderson was. 24/2/12 11.35

07884 361 058

# APPENDIX 2

**Goldsworthy, Marcus J**

**From:** Henderson Paul [Paul.Henderson@dwrwymru.com]  
**Sent:** 27 February 2012 16:06  
**To:** Goldsworthy, Marcus J  
**Cc:** Evans Maria; Harrington Tony  
**Subject:** FW: Unit 1 Llandow Industrial Estate, Cowbridge Application 2011/00812/FUL

Marcus,

I received the mail below from Maria after we spoke on the phone on Friday so it is perhaps worth restating our position for clarity:

- Fundamentally we did not object to the planning application by Coastal Oil & Gas.
- At this time we have no plan to attend the appeal hearing.
- We are meeting with Coastal Oil & Gas this week to discuss the concerns we raised during the application process.
- We would very much hope that the matter can be resolved through application of suitable conditions attached to any permission. It is the role of EA to ensure that suitable safeguards for protection of the environment are in place and we are consequently reliant upon such conditions to safeguard the quality of our water resources.

Paul Henderson  
Dŵr Cymru

**Subject:** FW: Unit 1 Llandow Industrial Estate, Cowbridge Application 2011/00812/FUL

All

Please see email from Marcus Goldsworthy (VoG's Operational Manager Development Control) in relation to our last letter. I would appreciate your advice on how to proceed/respond.

Kind regards  
Maria

**From:** services developer  
**Sent:** 22 February 2012 08:13  
**To:** Evans Maria  
**Subject:** FW: Unit 1 Llandow Industrial Estate, Cowbridge Application 2011/00812/FUL

Hi Maria

Please see below.

Regards  
Sharon

**From:** Goldsworthy, Marcus J [mailto:MJGoldsworthy@valeofglamorgan.gov.uk]  
**Sent:** 21 February 2012 17:07  
**To:** services developer  
**Cc:** Thomas, Rob; Kemp, Hayley I; Davies, Geraint E  
**Subject:** Unit 1 Llandow Industrial Estate, Cowbridge Application 2011/00812/FUL

FAO Mr. Tony Harrington/Maria Evans

27/02/2012

With reference to your letter to the Vale of Glamorgan Council dated 10<sup>th</sup> February 2012 concerning Welsh Waters stance in respect of the above planning application for test drilling. You advise that you have not objected to the above planning application but rather that you did express 'concern' at the potential risk of contamination of your reserve ground water. These concerns were reported to the Vale of Glamorgan's Planning Committee at the time it made the decision on this planning application and it was noted that even though the applicant (Coastal oil and gas) did attempt to re-assure you in respect of the protection of ground water reserves, your concerns remained.

In your latest letter you state that you are currently entering discussions with the applicant and providing that they continue to satisfy you that there is an insignificant risk to your reserves through

- Minimising the risk of the loss of drilling fluid to the formation during the drilling process
- And ensuring adequate monitoring for any loss of drilling fluid

Then it is likely WW would not pursue the matter and be content for the Environment Agency to protect groundwater resources in the area. You advise that the resolution of your concerns could result in you not attending the public inquiry.

This response is both vague and unhelpful to the Council and it is essential that you to advise categorically if this matter could be resolved through the application of conditions to any permission, requiring the submission of satisfactory details for agreement by the Council in consultation with WW and the EA. This has a fundamental bearing on the Council's case in this appeal and furthermore it is essential that you confirm whether a representative of WW will be available to attend the appeal or not. This needs to be confirmed ASAP as this matter will need to be reported to the Council's Planning Committee next week in order that the Council can decide if it wishes to continue to offer any evidence in respect of this appeal.

Marcus Goldsworthy  
Operational Manager Development Control  
Director's Office - E&ER  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 704661  
mob / sym: 07976112326  
e-mail / e-bost: [MJGoldsworthy@valeofglamorgan.gov.uk](mailto:MJGoldsworthy@valeofglamorgan.gov.uk)

Visit our Website at [www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)  
Ewch i'n gwefan yn [www.bromorgannwg.gov.uk](http://www.bromorgannwg.gov.uk)

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*Consider the environment. Please don't print this e-mail unless you really need to.  
Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

\*\*\*\*\*

Fe all fod gwybodaeth freiniol a/neu gyfrinachol a/neu ddeunydd dan amodau hawffraint y neges e-bost yma. Os nad y chi sydd i fod gael y neges, neu'r un sy'n gyfrifol am ei throsglwyddo, rhaid i chi beidio a'i chopio na'i throsglwyddo i neb un arall na'i defnyddio mewn unrhyw fodd o gwbl. Mae gwaharddiad ar i chi wneud hynny ac efallai y byddech chi'n torri'r gyfraith trwy wneud hynny. Dinistriwch y neges yma acanfonwch neges e-bost at y sawl a'i hanfonodd i roi gwybod iddo fe. Dydy Cyngor Bwrdeistref Sirol Bro Morgannwg ddim yn cymeradwyo unrhyw farn, casgliad na gwybodaeth sy heb fod yn ymwneud a'n materion swyddogol ni.

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# APPENDIX 3



THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 1 MARCH 2012

REPORT OF THE DIRECTOR OF ENVIRONMENTAL  
AND ECONOMIC REGENERATION

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2011/00797/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 11/2167940  
Appellant: Mr. Paul Bryant,  
**Location:** **Pant Caredig, Llysworney**  
Proposal: Rear extension comprising kitchen and bedroom  
plus internal replanning  
Start Date: 6 February 2012

L.P.A. Reference No: 2011/01052/ADV  
Appeal Method: Written Representations  
Appeal Reference No: H/12/2169238  
Appellant: Lidl UK GmbH,  
**Location:** **LIDL UK, Cennin Pedr, Barry**  
Proposal: Wall mounted billboard  
Start Date: 24 January 2012

L.P.A. Reference No: 2011/00927/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 12/2168669  
Appellant: Mr. & Mrs. S. & G. Tuck,  
**Location:** **1, Elfed Avenue, Penarth**  
Proposal: New dwelling at the rear of 1, Elfed Avenue, Penarth  
Start Date: 17 January 2012

L.P.A. Reference No: 2011/01156/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 12/2168945  
Appellant: Mr. J. & Mrs. J. Webb,  
**Location:** **The Jays, 7, Wick Road, Ewenny**  
Proposal: Erection of dwelling  
Start Date: 19 January 2012

L.P.A. Reference No: 2010/00657/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 12/2169348  
Appellant: Mr Chris Burrige  
**Location:** **Former Post Office Sorting Office, Llanmaes  
Road/Station Road, Llantwit Major**  
Proposal: Development of 16 no. affordable residential units  
with associated works  
Start Date: 26 January 2012

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(b) Enforcement Appeals Received

L.P.A. Reference No: ENF/2011/0264/PC  
Appeal Method: Written Representations  
Appeal Reference No: C/11/2166673  
Appellant: Mr. Mark Jones  
**Location: Land and buildings at 11, Coldbrook Road West, Barry**  
Proposal: Without planning permission, the erection of eight CCTV cameras in total attached at eaves level to the front, sides and rear elevations of the dwelling  
Start Date: 30 January 2012

L.P.A. Reference No: ENF/2011/0302/PC  
Appeal Method: Hearing  
Appeal Reference No: C/12/2169604  
Appellant: Amoretto Design Limited  
**Location: Unit 3, Arcot Lane North, Penarth**  
Proposal: Without the benefit of planning permission, the material change of use of the Premises to a use for the purpose of vehicle body and interior repairs, including paint spraying, falling within use Class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended)  
Start Date: 2 February 2012

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(c) Planning Appeal Decisions

The Following 4 appeals were dealt with jointly by the Planning inspectorate as they relate to the same site:

L.P.A. Reference No's: 2010/01326/FUL, 2010/01129/FUL, 2010/01128/FUL & 2010/01337/ADV  
Appeal Method: Written Representations for all four appeals.  
Appeal Reference No: 11/2161902, 11/2161906, 11/2161909 & H/11/2162037  
Appellant: Sainsbury's Supermarkets Ltd.,  
**Location: 39-40, Park Crescent, Barry**  
Proposal: **Appeal A:** Change of Use to Use Class A1  
**Appeal B:** Shopfront alterations, installation of new ATM facility and external alterations at No. 39 Park Crescent and provision of car parking  
**Appeal C:** Installation of new plant equipment  
**Appeal D:** Erection of various advertisements in connection with Sainsburys local convenience store  
Decision: Appeal Allowed for all four appeals.  
Date: 24 January 2012  
Inspector: Mr. A. D. Poulter  
Council Determination: Committee

**Summary**

The Inspector considered the main issues in this appeal to be the effect of the proposed scheme on highway safety and the free-flow of traffic; and the effect on local residents' living conditions, with particular regard to noise and disturbance.

In clarifying matters, the Inspector noted that the application to which Appeal A relates was made in respect of No. 39 only and that it was not disputed that this property has an established history of retail uses. However, the Council contended that the lawful or permitted use of the site is restricted to a very limited range of specialist types of retail outlet by a condition attached to a planning permission dating from 1992. The appellant's view was that this is uncertain and, rather than seeking to have this restriction removed or varied, it was decided to make an application for planning permission for change of use.

The Inspector also noted that appeals B-D relate to development associated with the proposed use of No. 39.

#### Highway Safety:

The Inspector noted that Park Crescent is a busy main route and he saw traffic increase substantially during the morning and afternoon 'school runs'. However, he saw little evidence of dangerous or obstructive parking and noted that the recorded incidence of accidents is low, in view of the volume of traffic, the number of pedestrians present at times, and the complexity of the road layout.

The Inspector considered the proposed parking to be provided with this scheme and noted that the parking and service area would be spaciouly laid out, enabling customers in cars to turn easily within the site even when all spaces are taken up. Furthermore, he felt that compliance with a Service Yard Management Plan (to be conditioned) would ensure that the combined parking area and service yard would operate efficiently and effectively.

The Inspector also found the proposed level of parking provision would be within the range advised in guidance appended to the UDP. He considered that the duration of stay of most customers would be brief and that it is likely that many staff and customers would walk to the proposed unit from nearby residential areas or use public transport. Accordingly, he considered that the proposed level of on-site parking provision would be appropriate and would be sufficient to ensure that overspill parking would be unlikely to lead to dangerous or obstructive parking elsewhere.

The Inspector noted that the traffic data and impact assessments indicate that the traffic effects of the proposed development would be minimal. He also noted the Road Safety Audit which concludes that there would be no significant road safety issues. The Inspector had no evidential basis that he said would lead him to different conclusions. He also noted the dedicated right-turn lane into the proposed parking and service area, together with signage advising drivers to turn left on leaving. He felt that it would make it unlikely that traffic flow along Park Crescent would be unacceptably obstructed.

For the above reasons the Inspector concluded that the proposed development would not have an unacceptable effect on highway safety or the free flow of traffic. He said that in reaching this conclusion it had not been necessary to have regard to the likely 'fall back' position, which is that the retail use of Nos. 39 and 40 would be resumed without the need for planning permission. Furthermore, as this 'fall back' position would involve the use of the existing forecourt parking arrangement, which would entail reversing manoeuvres that would be difficult, dangerous and obstructive, he considered that, on balance, the proposed scheme would be preferable from a highways perspective to the resumption of the retail use of Nos. 39 and 40 as they stand.

#### Local Residents' Living Conditions:

The Inspector noted the residential properties that would be most affected by the development, which would be a short distance from the proposed plant and equipment area. However, he noted that the technical noise assessment had been studied in detail by the Council's Environmental Health Officer, who was satisfied with the methods used and the conclusions drawn. Accordingly, the Inspector concluded that, subject to recommended conditions, the equipment would operate within guideline levels and would not cause an unacceptable level of noise and disturbance.

The Inspector noted that the comings and goings of customers and delivery vehicles would also cause some noise, however he felt that the opening hours and delivery times (07:00 and 23:00) would be restricted to times when levels of general background noise would also be high. Consequently, he felt it unlikely that the operation of the proposed development would cause significant disturbance and that there would not be an unacceptable effect on local residents' living conditions.

#### Other Considerations:

The Inspector felt that the proposed advertisements displayed on the building would be well related to its scale and features and that the scale and design of those that would be displayed elsewhere would be well related to the site layout and to other street furniture. He did not consider that they would be harmful to amenity or public safety.

The Inspector noted a number of other matters put forward by third parties but considered these to be either dealt with under other legislation, not sufficient to warrant refusal of the scheme or not relevant to the determination of the appeal.

The Inspector also noted that the development would enhance the somewhat run-down and neglected appearance of No. 39 and he felt that, as the utilitarian appearance of No. 40 is inappropriate in the context of its setting, the proposed development would improve the character and appearance of the area. The Inspector also commented that it would promote economic development and create job opportunities. He described these as substantial benefits to matters of public interest.

The Inspector then mentioned in some detail a list of conditions that he considered would overcome the objections to the scheme.

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#### (d) Tree Preservation Order Appeal Decisions

L.P.A. Reference No:	2011/00492/TPO
Appeal Method:	Hearing
Appeal Reference No:	X/11/515499
Appellant:	Stanwell Road Baptist Church,
Location:	<b>Stanwell Road Baptist Church, Stanwell Road, Penarth</b>
Proposal:	Removal of two yew trees
Decision:	Appeal Dismissed
Date:	24 January 2012
Inspector:	Iwan Lloyd
Council Determination:	Delegated

## Summary

The Inspector determined that the main issues to consider in this appeal were the amenity value of the yew trees and the impact of felling them on the character and appearance of the area, and, the condition of the trees and whether there are sufficient grounds to justify felling them.

### Amenity Value:

The Inspector noted that Stanwell Road Baptist Church is a County Treasure in the Penarth Conservation Area. He noted that either side of building and framing the view of the symmetrical building are two Irish yews.

In the Inspector's view they clearly frame the entrance to the building but also due to their height and prominence are important visual features adding to the symmetry and architectural balance of the building.

The Inspector considered that the yew trees perform an important contributory visual function to the appearance of the building, the street scene and the conservation area. He also considered that the trees would have been specifically chosen for this task because of their species and growing characteristics.

The Inspector noted the appellant's contentions that the trees are unsuitable and block the view of the Church and are visually overpowering. However, in the inspector's view, they perform an important and contributory function to the appearance of the building and are noteworthy features in the street scene.

Whilst the Inspector noted the appellant's point that the trees dominate and overhang the footway, he considered the extent of the overhang is not significant and the prominence of the trees does not dominate but frame the vista of the building. He therefore concluded that the yew trees contribute to the amenity of their surroundings and their removal would be harmful to the character and appearance of the area.

### Justification for Their Removal:

The Inspector noted that the trees are healthy and have many years of future growth potential.

The Inspector noted that the boundary wall appeared to be unaffected by the trees and there is no evidence of structural damage.

The Inspector also noted the appellant's contention of the risk of ingesting the fallen poisonous berries from the trees and the insurance and health and safety concern arising from this matter. The Inspector considered the Council's evidence to show that there have been no recorded cases of human fatality as a result of eating the berries. Further, whilst the Church provides a venue for school children clubs, the Inspector felt that they would be generally supervised particularly when approaching and leaving the site next to a busy road. Therefore, he felt that there was no compelling evidence to suggest that the risk is so significant as to outweigh the protection afforded to these trees.

Furthermore, the Inspector noted that the trees have been in situ for years without incident, and there is no evidence from the insurance company to suggest that cover would not be obtained unless these trees were felled. He also noted the Council's point that trees should not be felled on the basis of such arguments, as this would result in many protected yew trees being removed from Churchyards throughout the country.

The Inspector concluded that the trees are healthy and that there are insufficient grounds to justify felling trees.

(e) April 2011 – March 2012 Appeal Statistics

		Determined Appeals			Appeals withdrawn or inactive
		Dismissed	Allowed	Total	
Planning Appeals (incl. tree)		20	7	27	-
		4	-	4	-
		-	-	-	-
<b>Planning Total</b>		24 (77%)	7 (23%)	31	-
Enforcement Appeals		-	-	-	-
		1	1	-	-
		-	-	-	1
<b>Enforcement Total</b>		1 (50%)	1 (50%)	2	1
Certificate of Lawfulness Appeals		-	-	-	-
		-	-	-	-
		1	-	-	-
<b>Enforcement Total</b>		1 (100%)	0 (0%)	1	-
All Appeals		20	7	27	-
		5	1	6	-
		1	-	1	1
<b>Combined Total</b>		26 (76%)	8 (24%)	34	1

(f) Other Matters – Forthcoming Public inquiries.

Members will be aware that there are a number of forthcoming Public Inquiries to be held in respect of recent Planning Committee decisions. These are as follows:

L.P.A. Reference No: 2010/00123/RES  
Appeal Method: Public Local Inquiry  
Appeal Reference No: 11/2161946  
Appellant: Persimmon Homes,  
**Location: Land at and adjoining White Farm, Merthyr Dyfan, Barry**  
Proposal: Residential and open space development, including associated building and engineering operations  
Start Date: 8 December 2011  
Inquiry Dates: 25<sup>th</sup> and 26<sup>th</sup> April, 2012.

As Members will recall, this application was refused on the Planning Committee's instruction, contrary to the officer's recommendation. As such, Members' assistance in the appeal process is essential and will demonstrate your support for the Committee's decision in this case.

Members' assistance in this appeal must form part of the Council's case and is integral to the Council's evidence. Member's involvement in the appeal as a third party only will not be sufficient in this case. The Council's evidence in this case must be prepared by 25 March. Accordingly, it is crucial that Member's assist at the earliest opportunity in preparing the Council's evidence. Members' attendance at the Inquiry will, of course, be essential.

L.P.A. Reference No: 2011/00812/FUL  
Appeal Method: Public Local Inquiry  
Appeal Reference No: 11/2167112  
Appellant: Coastal Oil and Gas Limited,  
**Location: Unit 1, Llandow Industrial Estate, Llandow**  
Proposal: Drill and test the insitu lower limestone and associated strata for the presence of gas  
Start Date: 3 January 2012  
Inquiry Date:

Members will also recall being notified of the above-mentioned appeal at the Last inquiry, following the Council's refusal of planning permission at Committee. Members resolved to refuse the application following the response from the statutory consultee, Dwr Cymru / Welsh Water, in which they expressed their concern that the proposed development may pose a small risk of contamination of their reserve of groundwater sites in the Vale of Glamorgan.

Since the receipt of the appeal, Officers have been in contact with Dwr Cymru / Welsh Water as their evidence and attendance at the Public Inquiry will be essential to the Council's case in this appeal. However, on the day that the Council's Statement of Case for this appeal was due, the Council received a letter from Dwr Cymru / Welsh Water in which they have effectively withdrawn their concerns. Attached as Appendix A to this report is a copy of that letter in which Dwr Cymru / Welsh Water says that they are in discussions with the appellants and, providing that they continue to satisfy Dwr Cymru / Welsh Water that there is "insignificant risk of future transport of drilling fluid" towards their reserve of ground water resources, then it is likely they will not pursue the matter further.

Members should note that, in view of the position now taken by Dwr Cymru / Welsh Water, Council Officers will have no technical evidence to support their case at this appeal. It is unfortunate that Dwr Cymru Welsh Water have changed their position on this matter so late in the day. However, it is recommended that the Council offer no further evidence at the appeal.

## RECOMMENDATIONS

- (1) That Members note the assistance necessary to support Council's case in the forthcoming appeal in respect of Land at and adjoining White Farm, Merthyr Dyfan, Barry.
- (2) That Members note the letter from Dwr Cymru / Welsh Water with regard to the forthcoming appeal in respect of Unit 1, Llandow Industrial Estate, Llandow, and that they agree that no further evidence be offered in support of the Council's case in this appeal.

### Background Papers

Relevant appeal decision notices and application files (as detailed above).

Contact Officer: Justina M. Moss, Tel: 01446 704690

### Officers Consulted:

Head of Planning and Transportation

ROB QUICK  
DIRECTOR OF ENVIRONMENTAL  
AND ECONOMIC REGENERATION



# APPENDIX 4

Date/Dyddiad: 12<sup>th</sup> March 2012

Ask for/Gofynwch am: Mr Rob Thomas

Telephone/Rhif ffon: (01446) 704630

Fax/Ffacs: (01446) 704847

Your Ref/Eich Cyf: APP/Z6950/A/11/2167112

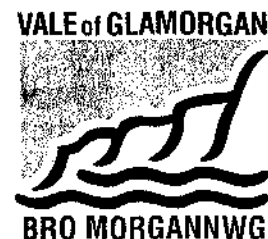
My Ref/Cyf: P/DC/HIK/2011/00812/FUL

e-mail/e-bost:

The Vale of Glamorgan Council  
Dock Office, Barry Docks, Barry CF63 4RT  
Tel: (01446) 700111

Cyngor Bro Morgannwg  
Swyddfa'r Doc, Dociau'r Barri, Y Barri CF63 4RT  
Ffôn: (01446) 700111

[www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)



The Planning Inspectorate,  
Crown Buildings,  
Cathays Park,  
Cardiff.  
CF10 3NQ

*File Copy.  
Posted + also sent by e-mail  
to PINS + other interested  
parties on 12/3/12.*

**For the Attention of Mr. Meic Crahart**

Dear Mr. Crahart,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) - SECTION 78 APPEAL**

**APPEAL BY: COASTAL OIL AND GAS LIMITED,  
SITE: UNIT 1, LLANDOW INDUSTRIAL ESTATE, LLANDOW**

I refer to the above-mentioned appeal and the Council's case with regard to that appeal.

As this appeal is to be dealt with by way of a Public Inquiry, you will be aware that the Council has recently submitted the required statement of case. You will also note that, in view of previous correspondence, the Council was and is wholly reliant on the statutory body, Dwr Cymru Welsh Water, to support its case in this appeal.

The feedback received from Dwr Cymru Welsh Water at the time of the consideration of the application has been detailed in the statement of case, and copies forwarded previously. At the time of final drafting of that statement of case, further correspondence was received from Dwr Cymru Welsh Water, (as attached again here for completeness) and this correspondence was referred to in the Council's statement. Since submitting that statement of case, the Council has been in further contact with Dwr Cymru Welsh Water in an attempt to clarify the position. As a result, Dwr Cymru Welsh Water has confirmed that they have effectively withdrawn their concerns with regard to the proposed scheme of development (subject to ongoing dialogue with the appellants) and have confirmed that they will not be attending the inquiry. The e-mail correspondence, dated 27<sup>th</sup> February, 2012, confirming this is also attached to this letter.

Correspondence is welcomed in Welsh or English/Croesawlr Goheblaeth yn y Gymraeg neu yn Saesneg

John Maitland Evans, Chief Executive/Prif Weithredwr

Directors/Cyfarwyddwyr: Sian Davies, Finance, ICT & Property Services/Cyllid, TGC ac Eiddo; Peter Evans, Legal, Public Protection and Housing Services / Gwasanaethau Cyfreithiol Amddiffyn y Cyhoedd a Thai;

Bryan Jeffreys, Learning & Development/Dysgu a Datblygu; Rob Quick, Environmental & Economic Regeneration/Adnewyddu Amgylcheddol ac Economaidd.  
Phil Evans, Social Services/Gwasanaethau Cymdeithasol

In view of this, all the facts were presented to the Planning Committee on the 1<sup>st</sup> March, and the situation considered further by that committee, when it was resolved that no further evidence be offered in support of the Council's case in this appeal. A copy of the report and appendices to Planning Committee are also attached for completeness.

Accordingly, I would confirm that, whilst the Council will attend the Inquiry and will provide evidence that sets out the background to the Council's decision, it will not now be providing any additional evidence to support the Council's reason for refusal.

The Council will, of course, work with the appellant to agree a list of conditions to suggest to the Inspector if it is minded to grant permission for the development subject of the appeal.

I trust this information is of assistance. I will forward a copy of this letter to the appellant and the other Rule 6 party, 'The Vale Says NO!' .

Yours sincerely,



Mr Rob Thomas  
Head of Planning and Transportation

Correspondence is welcomed in Welsh or English/Croesawir Gohebiaeth yn y Gymraeg neu yn Saesneg

John Maitland Evans, Chief Executive/Prif Weithredwr  
Directors/Cyfarwyddwyr: Sian Davies, Finance, ICT & Property Services/Cyllid, TGC ac Eiddo; Peter Evans, Legal, Public Protection and Housing Services /  
Gwasanaethau Cyfreithiol Amdiffyn y Cyhoedd a Thai;  
Bryan Jeffreys, Learning & Development/Dysgu a Datblygu; Rob Quick, Environmental & Economic Regeneration/Adnewyddu Amgylcheddol ac  
Economadd,  
Phil Evans, Social Services/Gwasanaethau Cymdeithasol

# APPENDIX 5



Dŵr Cymru  
Welsh Water

RECEIVED
SENT BY: JMM
NO: P511
DATE:

Developer Services  
PO Box 3146  
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CF30 0EH

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Ffôn: +44 (0)800 917 2652  
Ffacs: +44 (0)2920 740472  
E.bost: developer.services@dwrcymru.com

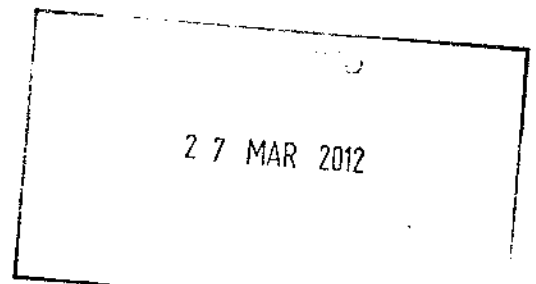
The Vale of Glamorgan Council  
Dock Office  
Barry Docks  
Barry  
CF63 4RT

Your ref 11/00115/FUL  
Our ref NDC/MDE/VOG/20  
Enquiries Maria Evans  
Telephone 0800 917 2652

For the attention of Hayley Kemp

22 March 2012

Dear Sir



Re: **Unit 1 Llandow Industrial Estate, Cowbridge CF40 1SJ**  
**Drill and test the insitu lower limestone shale and associated strata**

Thank you for your email and attachment dated 6 March 2012, regarding the above.

We have reviewed the Statement of Case and have identified a number of discrepancies and we respectfully ask that corrections to the Statement of Case are submitted to the Planning Inspectorate in relation to the following:

Dwr Cymru Welsh Water (DCWW) has mistakenly been referred to as a 'statutory' consultee under section 6.2 and 6.3. Unfortunately we are not a statutory consultee in relation to planning applications, we are however a special consultation body for Local Development Plans.

The statement fails to mention that the potential risk is a small risk, and therefore for the avoidance of doubt ask that under section 6.2 and 6.4 the word small be introduced prior to the word risk.

We also question the reason for refusing the application as the statement refers to members having chosen to adopt the precautionary approach emphasised in Mineral Planning Policy Wales (MPPW), based on the concerns of DCWW. However, we understand that the MPPW guidance explicitly refers to the Environment Agency (EA) and not DCWW.

glas

Glas Cymru Cyfyngedig

Welsh Water is owned by Glas Cymru - a 'not-for-profit' company.  
Mae Dŵr Cymru yn eiddo i Glas Cymru - cwmni 'nid-er-elw'.

We welcome correspondence in Welsh and English.

Dŵr Cymru Cyf, a limited company registered in Wales no. 2366777. Registered office: Pentwyn Road, Nelson, Treheris, Mid Glamorgan CF46 6LY.

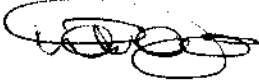
Rydym yn croesawu gohebiaeth yn y Gymraeg neu yn Saesneg.

Dŵr Cymru Cyf, cwmni cyfyngedig wedi'i gofrestru yng Nghymru rhif 2366777. Swyddfa gofrestredig: Heol Pentwyn, Nelson, Treheris, Morgannwg Ganol CF46 6LY.

By way of further information we have met with Coastal Oil and Gas Limited and they have supplied additional information regarding their proposed drilling operation. We can confirm we are satisfied, given the quantity and nature of drilling fluid being used, and based on the information received to date we believe there is an insignificant risk of pollution of our sources given the nature of the drilling operation.

We trust the above is self explanatory and would welcome an update in line with our comments above, however should you require further assistance please do not hesitate to contact us.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Maria Evans', with several loops and flourishes.

**Maria Evans**  
**Developer Services**