



Llywodraeth Cymru  
Welsh Government

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Ein Cyf/Our ref: qA1510369  
Eich Cyf/Your ref: DM/2019/01937  
Dyddiad/Date: 22 March 2022

Dear Mr Hand,

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 77 CALL-IN REQUEST.  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (WALES) ORDER 2012 – DIRECTION UNDER ARTICLE 18(1).  
HYBRID PLANNING APPLICATION - OUTLINE PLANNING APPLICATION FOR  
UP TO 155 DWELLINGS, ASSOCIATED OPEN SPACE AND INFRASTRUCTURE  
WITH ALL MATTERS EXCLUDING ACCESS RESERVED, AND FULL PLANNING  
PERMISSION FOR 72 DWELLINGS, ASSOCIATED OPEN SPACE AND  
INFRASTRUCTURE AT LAND AT VINEGAR HILL, UNDY, MONMOUTHSHIRE –  
APPLICATION NO. DM/2019/01937**

#### Issue

1. The Welsh Ministers have been asked to call in the above application for their own determination. I am authorised by the Minister for Climate Change to consider whether the application should be called in for determination by the Welsh Ministers.

#### Policy

2. The Welsh Government's policy on calling in planning applications is set out in Planning Policy Wales Edition 11, February 2021 ("PPW"). The Welsh Government considers Local Planning Authorities ("LPAs"), as elected bodies, should be left to make decisions about development proposals wherever possible. The Welsh Ministers do not, in practice, call in many planning applications and will only do so where the proposal raises issues of more than local importance. The consideration of a request to call in an application is not



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about the acceptability of the development and whether planning permission should be granted; it is concerned with who should make the decision.

#### Application

3. The application being considered is for a housing development of up to 155 dwellings on land forming two parcels either side of the unclassified highway known as Vinegar Hill, in Undy, Monmouthshire.
4. The request for the application to be called in included a series of concerns which have been summarised as:
  - **Development of a greenfield site;**
  - **Sustainability and placemaking issues; and**
  - **Highway safety issues.**

#### Consideration

5. Consideration has been given to the concerns expressed in the call-in request and the contents of the Planning Officer's report to the Planning Committee ("the officer's report") and any other relevant information. I have considered all of the representations made and have summarised my assessment of them below.
  - **Development of a greenfield site.**
6. The majority of the application site falls within allocation SAH6, which is an allocation for residential development, in the adopted Monmouthshire Local Development Plan ("LDP"). The LDP has been subject to examination by an *independent Planning Inspector*, and the call-in process cannot be used to revisit an allocation set out within the LDP.
7. An area of 0.28ha within the application does not fall within allocation SAH6, and also sits within a minerals safeguarding zone identified in LDP policy M2. This area of land also lies within the "green belt – area for consideration" designation within Future Wales – the National Plan. The northern edge of parcel A also encroaches within the M4 safeguarding route.
8. The officer's report identifies the land as outside of the LDP allocation and within a minerals safeguarding zone, and advises the application was consequently advertised as a departure from the adopted LDP. The officer's report notes the need for a buffer between existing dwellings at the northern edge of parcel A, and any minerals development. It considers minerals extraction in the vicinity would be unreasonable due to this need for a buffer zone, and that as a result, the application is not contrary to policy M2.
9. The officer's report also refers to a consultation response from Welsh Government Highways Division, which stated there are no longer any requirements to safeguard land along the southern side of the M4 in the vicinity.



10. The officer's report concludes that the proposal is an acceptable departure from the plan, on the basis of definitive site boundaries created by existing development, the existence of dwellings to the immediate west of the site which also address the highway, and the need to include parcel A for viability reasons.
11. The LPA has carried out a thorough assessment of this issue and comes to a reasonable conclusion.

- **Sustainability and placemaking issues.**

12. The site lies on the northern edge of Undy, and immediately south of the M4. Most of the land is allocated for residential development within policy SAH6 of the Monmouthshire LDP.
13. The officer's report identifies the need to secure additional school places for residents, and proposes to secure funding for these via a Section 106 Agreement. The officer's report also notes that local NHS GP practices and dentists were also consulted to identify any shortfall in capacity for new residents, however, no responses were received.
14. The officer's report notes the limited opportunities for access to public transport, including an hourly bus service, and proposes a sum is sought to secure for provision of additional public transport infrastructure via a Section 106 Agreement.
15. The officer's report notes the proposed housing density, which could be increased, but recommends that it be accepted in order to maintain the "transition between Undy and adjacent open countryside". The officer's report also notes the proposed provision of recreational and amenity open space within the development. It considers the design of dwellings to respect the existing character and vernacular of other nearby dwellings. The officer's report also refers to the need to retain existing rights of way crossing the site.
16. The LPA has carried out a thorough assessment of this issue and comes to a reasonable conclusion.

- **Highways safety issues.**

17. The officer's report notes the response from members of the public regarding the possibility of increased north-south traffic on Vinegar Hill arising from the development. It notes that the internal site layout is proposed to accord with a planned connection to the eastern boundary with another LDP allocation at Rockfield Farm, set out in LDP policy SAH5. It notes this access will only be required when development of the eastern part of the site is completed. This access point would serve to direct some traffic away from the B4245 to the south.
18. The Local Highways Authority was consulted on the application, and its comments reported in full in the officer's report. The officer's report does not consider the unclassified road, known as Vinegar Hill, serves as a strategic route, or one which provides a through route to other parts of the county,

including agricultural land to the north of the M4. It proposes a prohibition of driving order to prevent the over-intensification of use on this route. The officer's report also notes possible intensification of access to the B4245 from the earlier phase of development, and the need to monitor this.

19. The LPA has carried out a thorough assessment of this issue and comes to a reasonable conclusion.

#### Decision

20. Given the above, and taking into account all other relevant considerations, I have concluded the proposal does not conflict with national or local policies relevant to the application. It is unlikely to have wide effects beyond the immediate locality and, whilst there has been some opposition to the application, it is local in nature and is not likely to cause substantial controversy beyond the immediate locality. The application does not raise issues of national security, nor does it raise novel planning issues.
21. In view of this, **I do not consider the application should be called in** for determination by the Welsh Ministers and it is now for your LPA to determine the application as it sees fit.
22. In reaching this conclusion the planning merits of the planning application were not taken into account and the decision not to call in the application should not in any way be taken as a reflection on the planning merits of the development.
23. I have considered the duty under section 2 of the Planning (Wales) Act 2015 to ensure the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales. As part of this consideration the Welsh Ministers have taken into account the ways of working set out at section 5(2) of the Well-Being of Future Generations (Wales) Act 2015 ("WFG Act"), which is supported by Part 4 of 'Shared Purpose Shared Future 1: Core Guidance: Statutory Guidance on the WFG Act'.
24. I consider this decision is in accordance with the requirement to carry out the sustainable development principle, as set out in section 3 of the WFG Act. The decision takes reasonable steps to achieve the Welsh Government's well-being objectives, as required by section 5(2)(b) of the WFG Act by positively contributing towards the objective of 'Make our cities, towns and villages even better places in which to live and work' through allowing the application to continue to be positively determined by the LPA.
25. **In exercise of my powers under Article 31 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 ("DMPWO"), the direction issued by Welsh Ministers under Article 18(1) of the DMPWO on 10 February 2022 for planning application DM/2019/01937 is hereby cancelled.**



26. It would assist us if a copy of the planning decision relating to this application could be sent to my colleague, Ceri Litherland (e-mail: [Ceri.litherland@gov.wales](mailto:Ceri.litherland@gov.wales)).

27. A copy of this letter has been sent to LRM Planning Ltd, agent for the applicant.

Yours sincerely,



**Kris Hawkins**  
**Uwch Reolwr Penderfyniadau / Senior Decisions Manager**  
**Llywodraeth Cymru / Welsh Government**

Arwyddwyd o dan awdurdod Y Gweinidog Newid Hinsawdd; un o Weinidogion Cymru.

Signed under authority of the Minister for Climate Change; one of the Welsh Ministers.

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

## RESPONSE FROM AVISION YOUNG

### In respect of a reply to their pre-planning consultation on Land West of Wales 1, Magor - Planning Pre-Application Consultation

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Thank you for your representation (attached) and for taking the time to review and provide comments on our client's proposed development at the above site.

Having reviewed your comments, we thought it may be useful to provide some further information in relation to the points raised.

- Access – Full details of the proposed access arrangements are included in the Transport Assessment (TA). This document sets out that a new access is proposed onto the B4245 to the west of the Brewery access. As part of this, a righthand turn lane is proposed to remove any potential risk of delay to through traffic and enable ease of turning for articulated lorries.
- Impact on the local area – Estimates of future development traffic flows are included within the TA that can be accessed on the consultation webpage (<https://www.avisonyoung.co.uk/statutory-public-consultations>). This includes traffic counts from a recent traffic survey that was undertaken at the site. The traffic counts were used to model and inform both the design of the new access to the site and the impact on the existing brewery access. You will note the TA concludes that the B4245 has sufficient capacity to avoid adverse impacts from the proposed development.
- Hours of operation – These will depend on the final occupier of the site, which is unknown at this stage.

Please note that the Transport Assessment is liable to minor changes before the planning application submission following the receipt of comments at the pre-application consultation stage of the planning process.

Your comments will be reported and addressed in the Pre-Application Consultation Report, which will be prepared and submitted in support of the planning application for the scheme to be considered and determined by Monmouthshire County Council, as the Local Planning Authority.

Please be assured that any subsequent planning application will be publicised by Monmouthshire County Council. Any comments that you provide as part of the pre-application consultation exercise do not prejudice your ability to make representations to the Council on any related and future planning application.

Again, thank you for taking the time to review the proposals.

From Letting Secretary Magor Baptist Church

The church leadership have discussed this proposal for the use of the garden and school room for an Artisan Market.

The leadership considered both the regular usage of the buildings and that there are no days when it would be suitable to hold an indoor market, for the length of time requested. The outdoor market could have problems with the possible requests to access both, electricity to power stall holder equipment, and toilets. This would require someone from the church to be on duty all day, for safety and security. All groups using the church do so on the understanding that the church events and services like weddings and funerals have priority. This means that a Market cannot be fully assured that it can be held on a set day every month.

Therefore the leadership have said that using the Church buildings and Garden for a market is not practical.

Thank you for asking us to consider this request and we hope that you will be able to find some other position within the villages to hold the market.

Kind regards

From Magor PTFA

Some three years ago now the community council gave us a grant to pay for inflatables hire and a face painter to help us raise money at our Summer Fayre. This was cancelled due to the pandemic and has been prevented ever since. As things currently stand school will not commit to us being able to go back to holding the Fayre this year either.

I was wondering given how much time has passed how council would feel about using it differently? My thought was to possibly use the money to pay for inflatables for an end of term fun day for the children. I think school should agree to this as the children can go out in their year groups and it would be nice to give them a fun experience after all the turmoil there has been.

Can you let me know what you think?

Thank you  
Danielle



## MAGOR WITH UNDY COMMUNITY COUNCIL

I / We the undersigned propose that the matter resolved at the Community Council Ordinary meeting on 11th April 2022 and recorded in Minute number 328.1 *"That the Annual Meeting be re-scheduled for Monday 23<sup>rd</sup> May 2022 at 7pm"* should be reconsidered by Full Council at its Extraordinary & Planning Meeting of 25<sup>th</sup> April 2022 due to the possible financial implications and risks the change of date could present to the new Council.

*[Ref: Standing Order 7.a – see below]*

CLLR NAME	SIGNATURE
1. Mari Bisi	Received by email 14/04/22 14.03
2. Sally Bailey	Received by email 17/04/22 10.49
3. Penny Kirkham	Received by email 17/04/22 14.18
4. Sally Raggett	Received by email 17/04/22 14.20
5. John Crook	Received by email 17/04/22 16.57
6. Julie Wilson	Received by email 17/04/22 16.57

NB. Due to Coronavirus restrictions having an impact on face to face contact, an email received directly from a Councillor is acceptable as their signed request, subject to the email containing the same request as detailed above.

### ***Standing Order No 7.a***

*'A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.'*