

Meeting of:	Welsh Church Act Estate Committee
Date of Meeting:	Monday, 10 October 2022
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Land at Glebe Fields, Sully - Town and Village Green Inquiry Application Update
Purpose of Report:	To update Committee on the Application to register Glebe Fields, Sully as a Town and Village Green.
Report Owner:	Tom Bowring, Director of Corporate Resources
Responsible Officer:	James Docherty, Principal Lawyer, Legal Services
Elected Member and Officer Consultation:	<p>Committee Reports - Legal OM Property OM Accountancy</p> <p>No ward member consultation - since Members of this Committee are acting as Committee Members independent of other Council's resolutions, no wider consultation has taken place</p>
Policy Framework:	The Trustees are working independently of other Council decisions and in accordance with the requirements of Charity Law.
<p>Executive Summary</p> <ul style="list-style-type: none"> • The Trust's has appointed Mr Michael Brett, Barrister, to act on its behalf in respect of the Application. • The Trust has submitted an objection to the Application. • The Applicant has submitted a response to the Objection. 	

Recommendations

1. That Committee notes the content of the Reply to the response to the Objection.
2. That should Committee wish to discuss the content of the Reply that Committee moves to Part 2.

Reasons for Recommendations

1. To note the and acknowledge the making of the Application.
2. To allow Committee to discuss and take confidential legal advice in respect of the Application.

1. Background

- 1.1 The Trust was notified that an Application has been made to the Commons Registration Authority to register the Land as a Town and Village Green pursuant to Section 15(2) of the Commons Act 2006.
- 1.2 In the meeting dated 31 January 2022 the Trust resolved to:
 - (i) provide delegated authority to the Head of Legal and Democratic Services/Operational Manager for Legal Services (in consultation with Operational Manager Accountancy and Operational Manager Property) to respond to consider the Application and respond to it within the timescales required by the Commons Registration Authority; and
 - (ii) provide delegated authority to the Head of Legal and Democratic Services/Operational Manager for Legal Services (in consultation with Operational Manager Accountancy and Operational Manager Property) to instruct a specialist external Barrister to act on behalf of the Trust in respect of the Application, including but not limited to: advising on the merits of the Application; drafting an objection to the Application; appearing on behalf of the Trust in any Public Inquiry which made be held in respect of the Application.
- 1.3 Legal services instructed Counsel, Mr Michael Brett of Francis Taylor Buildings, to act on the Trust's behalf in respect of the Application.

- 1.4 On 25th March 2022 the Trust submitted its objection to the Application to the Commons Registration Authority, a copy of the Objection was attached at Appendix 1 to the Report brought to Committee on 20 June 2022.
- 1.5 On 26th May 2022 the Applicant submitted a response to the Trust's objection to the Application to the Commons Registration Authority. The Trust received a copy of the response from the Commons Registration Authority on 31st May 2022, a copy of the response was attached at Appendix 1 to the Report brought to Committee on 20 June 2022.
- 1.6 On 2nd September 2022 the Trust submitted a Reply to the response to the Trust's objection to the Application to the Commons Registration Authority. A copy of the Reply is attached at Appendix 1 to this Report.

2. Key Issues for Consideration

- 2.1 Under the legislation the Applicants must show that:
"a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years and they [continued] to do so at the time of the application"
- 2.2 If successful the Application would mean that the Land would be registered as a Town and Village Green.
- 2.3 If the Land was to be registered as a Town and Village Green the value of the Land would be significantly reduced because:

It is a criminal offence to undertake any act which interrupts the use or enjoyment of a green as a place for exercise and recreation or to cause any damage to the green.

It is an offence to drive over a registered town or village green without lawful authority and in certain other circumstances.

It is deemed to be a public nuisance and therefore, an offence, to enclose or encroach on a green, or interfere with, disturb or build on a green, unless this is done "with a view to the better enjoyment of such town or village green."
- 2.4 Following Application and Objection the parties will be given chance to respond to each other's submissions in order to try to narrow the issues on the Application. It is then expected that the Commons Registration Authority will

appoint an Independent Inspector to hold a non-statutory Public Inquiry in respect of the Application.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The Trusts actions need to comply with Charity law and its decisions are independent of the Council's obligations under the Well-Being of Future Generations Act.

4. Resources and Legal Considerations

Financial

- 4.1** The External Legal fees will be met from the Fund's reserves.

Employment

- 4.2** There are no employment implications arising from this report.

Legal (Including Equalities)

- 4.3** The Trust has a duty to manage lands and property held by them in accordance with the Scheme of Trust and with Charity Law and decisions should be consistent with the Charity Objects and powers.
- 4.4** There is a Legal requirement for Trustees to:
- (a) Act within their powers;
 - (b) Act in good faith and only in the interests of the charity
 - (c) Make sure they are sufficiently informed
 - (d) Take account of all relevant factors
 - (e) Ignore any irrelevant factors
 - (f) Manage conflicts of interest
 - (g) Make decisions that are within the range of decisions that a reasonable trustee body could make

5. Background Papers

- 5.1** Trust's Reply to the Applicant's response to the Trust's Objection

Date/Dyddiad 2nd September 2022
Ask for/Gofynwch am James Docherty
Telephone/Rhif ffôn 01446 709781
Fax/Ffacs
Your Ref/Eich Cyf 002028
My Ref/Cyf JD/TVG/WCAE
e-mail/e-bost jdocherty@valeofglamorgan.gov.uk

The Vale of Glamorgan Council
Civic Offices, Holton Road, Barry CF63
4RU
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CF63 4RU
www.valeofglamorgan.gov.uk
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Miss J S Ham
Commons Registration Authority
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

By e-mail: jham@valeofglamorgan.gov.uk

Dear Jocelyn

RE: VILLAGE GREEN APPLICATION
Land known as Glebe Fields, Sully, Vale of Glamorgan
01/2021 VG51

We write further to the Applicant's Response to the Objection ("the Response") to clarify a number of points in an attempt to further narrow the issues in dispute between the parties. For ease of reference we refer to the numbered paragraphs contained within the Response.

We also enclose the Second Witness Statement of James Docherty which deals with a number of points raised below.

1. The Objection has been lodged by the Vale of Glamorgan as Trustee of the Welsh Church Fund. This is a separate and clearly delineated statutory function from the Vale of Glamorgan Council's role as Commons Registration Authority (and indeed from the Council's other statutory functions).
2. The decision-maker in this Application is the Vale of Glamorgan as Commons Registration Authority. As a matter of law, the Commons Registration Authority's statutory function in this respect is non-delegable. It is wholly a matter for the Commons Registration Authority whether or not to seek advice externally from counsel, and whether to instruct an inspector to provide advice and/or to convene a local inquiry to assist in the determination of the Application. It is the Objector's understanding that such a course of action is routinely undertaken, and would not object if it is taken in this case.
3. The Objector appreciates that the Application Land forms one title number. The line of trees and hedging which divides the Application Land into the two areas identified in the Objection has varied completeness and density through the year. The two areas are distinct and can usefully be delineated as they have differing features and factual contexts which are relevant to the application of the section 15 test. They have been in differing uses in the course of the relevant twenty-year period as set out in the Objection and the evidence submitted in support. Moreover, Area A has been the subject of the grant of planning permission. The two areas have

accordingly been delineated in order to enable the Commons Registration Authority to consider the differing features of each.

- 4.-5. The contents of paragraph 4 and 5 are noted.
6. The Objector has authority to object to the Application by virtue of a resolution of the Committee. The Objectors primary objective as Trustee is to act in the best interest of the Trust as a charity in the appropriate management of its land and finances for the application of the fund to the charitable purposes to which the fund can be applied. The point raised by the Applicant in this respect is a misinterpretation of the scheme as a whole and in any event groundless. It is not for the Applicant or the Commons Registration Authority to determine whether or not a course of action is in the interests of the Trust, but rather for the Trustee.
7. The Objector disputes the interpretation provided by the Applicant as being incorrect. Section 15(2) clearly uses the words “a significant number of the inhabitants.....”. This point that has been considered in leading judgments in Town and Village Green matters most prominently in R (McAlpine Homes Ltd) v Staffordshire County Council [2002]EWHC 76 per Sullivan J. at para. 71:

“[...] In my judgement [...] what matters is that the number of people using the land in question has to be sufficient to indicate that their use of the land signifies that it is in general use by the local community for informal recreation, rather than occasional use by individuals as trespassers”.
[Emphasis added]

It is apparent therefore that the test requires an assessment of whether the number of those whose use of the land for qualifying uses is sufficient so as to bring home to the landowner that the inhabitants of an area in general are using the land as of right for lawful sports and pastimes. Any attempt to argue that an assessment of number (absolutely and relative to size of the local community in the claimed locality or neighbourhood) is not one amongst a number of relevant considerations ignores the plain wording of the statute.

8. The weight given to the evidence shall be a matter of determination for the Commons Registration Authority (with the advice, if sought, of external counsel or an inspector). The Objector’s case remains that there is little or no contemporaneous evidence of the use as set out in the Application and that the Applicant is reliant on questionnaire responses which do not contain a statement of truth.
9. As a matter of fact (and logic), Mr Mahoney cannot form part of a significant number of “inhabitants” of any locality for during any period when he is not an inhabitant.
- 10-12 Paragraphs 8(c)-(e) of the Objection contain statements of fact which do not appear to be denied by the Applicant.
13. This point is disputed. For the period that Mr Mahoney and Mr Penrose were elected members of the Vale of Glamorgan Council their access onto and use of Council land would not have been trespassing, and therefore would have been by right and not as of right.
14. Paragraph 10 of the Objection is a statement of fact that Mr Penrose and Mr Thomas both made representations to the Committee seeking the opportunity to develop the Application Land involving construction on the Application Land. Any construction on the Application Land would be incompatible with use for lawful sports and past-

times and incompatible with the use of the Application Land as a town and village green.

15. Paragraph 11 of the Objection is a statement of fact which does not appear to be denied.
- 16-18. Are matters of the interpretation of the contemporaneous evidence, which is a matter for the Commons Registration Authority.
19. Noted.
- 20-22. Noted, but the Objector maintains that the photographs and other evidence contemporaneous with the alleged use show no evidence of use as claimed by the Applicants.
23. The planning permission granted under reference 2011/00155/FUL is a trigger event as defined with Schedule 1B of the Commons Act 2006, as amended by Schedule 6 of Planning (Wales) Act 2015. The Objection clearly refers to and applies the correct legal principles.

The Applicant's submissions in this paragraph fundamentally misconstrue relevant planning law. There is no evidence that the relevant planning permission lapsed due to non-implementation.

The Objector's evidence shows that a cricket square was laid (which is accepted by the Applicants) and the ground levelled. These operations are more than sufficient to amount to "material operations" within the meaning of section 56 Town and Country Planning Act 1990 so as to implement the permission.

The pre-commencement conditions were met and evidence of the same is produced in the Second Witness Statement of James Docherty. The Second Witness Statement of James Docherty also confirms that the planning permission was implemented as the Local Planning Authority comment on the "extensive groundworks" being undertaken.

It is accordingly not open to dispute that a trigger event has occurred in respect of Area A.. As the planning permission was lawfully implemented, no terminating event has occurred, and as such this area cannot lawfully be subject to registration as a town and village green.

24. See the response to paragraph 7 above.
25. This is disputed. The Objector would argue that the aerial photographic evidence clearly indicates that the use of the Application Land is not consistent across the 20 year period, and reiterates that there is no contemporaneous evidence to support the claims made by the Applicant.
26. The Objector notes that no substantive contradiction of the points raised in paragraphs 16(c), (d), (e) or (f) of the Objection are provided by the Applicant.
27. The Objector has seen no substantive evidence to corroborate the Applicant's claims in this paragraph.
28. Mr Docherty is not a member of the Committee. Mr Docherty's role as set in his Second Witness Statement is as a Council-appointed Legal Adviser to the Committee.
29. Noted.

30. 31. and 33.

Noted. The Objectors maintain that the planning permission granted under reference 2011/00155/FUL is a trigger event. It has shown that the permission was implemented and accordingly no terminating events has taken place. Therefore the land included within the planning permission redline boundary (i.e. Area A) cannot be lawfully subject to an application for registrations as a town and village green. The Commons Registration Authority ought therefore to amend the Application so as to exclude Area A.

32. See response to paragraph 2 above.

Yours faithfully

A handwritten signature in black ink, appearing to read 'James Docherty', written over a horizontal line.

James Docherty
Principal Lawyer for
Operational Manager Legal Services

Enc

IN THE MATTER OF LAND KNOWN AS GLEBE FIELDS SULLY

IN THE MATTER OF AN APPLICATION UNDER SECTION 15 COMMONS ACT 2006

APPLICATION NO: 01/2021VG51

SAVING SULLY AND LAVERNOCK GROUP

Applicant

-and-

VALE OF GLAMORGAN COUNCIL

Objector

WITNESS STATEMENT OF JAMES DREW DOCHERTY

I, James Drew Docherty, Principal Lawyer for the Vale of Glamorgan Council of Civic Offices, Holton Road, Barry CF63 4RU will say as follows:

1. The information given in this statement is given on behalf of the Objector.
2. I make this second witness statement to supplement the statement I have previously made in respect of this matter on 25th March 2022. The information contained in this Witness Statement is provided in response to points raised in the Applicant's Response to the Objection dated 26th May 2022 ("the Response").
3. In Paragraph 23 of the Response it is noted by the Applicant that there were 2 pre-commencement conditions on Planning Permission 2011/00150/FUL to be discharged prior to commencement of development, being Conditions 2 and 9.
4. Condition 2 was discharged on 9th June 2011, a copy of the letter from the Planning department confirming the proposed levels plans that had been submitted in accordance with the condition had been approved is attached at Exhibit JD22.

5. Condition 9 was discharged on 6th June 2011, a copy of the letter from the Planning department confirming the Scheme of Investigation required by the condition had been submitted and approved is attached at Exhibit JD23.
6. The letter dated 9th June 2011 attached at Exhibit JD22 also contained the discharge of Condition 7 relating to the submission and approval of plans for tree protection.
7. The letter dated 9th June 2011 attached at Exhibit JD22 also confirms that “work has started on site, with extensive earthworks already undertaken”. This would indicate that the Planning Permission had therefore been implemented.
8. In Paragraph 28 of the Response it is stated that I am a member of the Committee, however I am not a member of the committee but a legal officer appointed by the Council to attend Committee to provide legal advice where appropriate. I have no voting or decision making powers in relation to the Committee.
9. Further investigations have indicated that during parts of the relevant period the Application Land had been used as grazing land. Attached at Exhibit JD24 is a Licence (Grazing) made between (1) Vale of Glamorgan Council and (2) Anthony Jones dated 15th May 2008. The licence period ran from 1st April 2008-31st January 2009 and granted rights to keep cattle, sheep or horses on the whole of the Application Land.
10. In reviewing the Council’s file in respect of the application a number of documents confirm the presence of horses on the Application Land during the relevant period in particular:
 - a. The Officers Report for the 2011 planning application notes that “*At the time of the site visit, it was being used for the grazing of horses*”, a copy of the report is attached at Exhibit JD25.
 - b. An e-mail letter of objection in respect of the 2011 planning application dated 6th March 2011 submitted by Charlotte Hoborough states “*We will be ruining a natural [sic] habitat for many animals and causing environmental damage, where will all the horses go?*”, a copy of the e-mail is included at Exhibit JD26.
 - c. An letter of objection in respect of the 2011 planning application dated 14 March 2011 submitted by Ian and Jane O’Rourke states “*Concern for the impact on this area of natural grazing land which currently attracts a significant variety of wildlife.....We have also watched foals being born....*”, a copy of the e-mail is included at Exhibit JD27.

11. The planning file also contains e-mail correspondence from the Chairman of the Sully Residents Association, Mr Lino Scaglioni, dated 17 March 2011 (attached as Exhibit JD28) which says that it includes "a selection of e-mails" from "residents" of Sully which include comments about the state of the land such as:

- a. *"The field is lovely as it is, but on balance, the interest and activities the cricket club would bring outweighs just having (lets face it), not very attractive un-walkable field."*;
- b. *"The field is now an untidy eyesore, the ground is rough and dangerous to walk on"*;
- c. *"The Glebe Field is currently exactly that, a field, a field that is of no use to the population of the village and only of purpose for the grazing of animals"*;

12. I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed :



Date :

2nd September 2022

EXHIBIT JD22

Date/Dyddiad: 9th June 2011

Ask for/Gofynwch am: Mr. Steven Rennie

Telephone/Rhif ffon: (01446) 704653

Fax/Ffacs: (01446) 704847

Your Ref/Eich Cyf:

My Ref/Cyf: P/DC/2011/00155/FUL

e-mail/e-bost: Planning&Transport@valeofglamorgan.gov.uk

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



Mr O Adams
CW Architects Ltd.,
Grosvenor House,
8, Park Grove,
Cardiff.
cf10 3bn

Dear Sir,

Town and Country Planning Act, 1990 (as amended)
Planning Permission Reference: 2011/00155/FUL
Proposal: Change of use from grazing land to cricket ground and associated car parking facilities.
Location: Glebefields, Sully

I refer to the above referenced planning permission approved on 15 April 2011 and the details submitted in respect of the conditions of that permission.

I can confirm that the plan number G1257-PC02 showing the existing and proposed levels, submitted with your email dated 20th May 2011 are approved in compliance with the requirements of the following condition:

2. Notwithstanding the submitted details, prior to the commencement of development, details of the finished levels of the proposed development in relation to existing ground levels including cross sections, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that visual amenities of the area are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

This condition will, of course, be fully discharged when the development is completed in accordance with the details hereby approved and in conjunction with the approved plans and decision notice.

I can also confirm that the details of the tree protection, including the position of the protective fencing (in compliance with British Standard BS5937 2005), as shown on plan numbers 2011./03 Rev B and 2011./13 Rev A submitted with your email dated 20th May 2011 are approved in compliance with the requirements of the following condition:

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

7. A scheme providing for the fencing of the trees to be retained (in accordance with British Standard 5837 2005, as set out with the submitted tree survey plan 2011./03 Rev A), including details of any excavations, site works, trenches, channels, pipes, services and areas of deposit of soil or waste or areas for storage shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development or any site works or clearance. No development shall be commenced on site until the approved protection scheme has been implemented and the scheme of tree protection shall be so retained on site for the duration of development works.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

This condition will also only be fully discharged when the development is completed in accordance with the details hereby approved and in conjunction with the approved plans and decision notice.

As a Local Planning Authority we have found it highly regrettable that work has started on site, with extensive earthworks already undertaken, prior to the formal agreement of the submitted details relating to the conditions and also without an archaeologist being present on site. This could constitute a breach of condition and therefore I strongly advise that all work is suspended on site until the tree protection measures have been put into place and an archaeologist is commissioned and present on site to undertake the watching brief in compliance with the requirements of the 'written scheme of investigation'.

Please ensure that after this premature start of works that the development of this site is only continued in full accordance with the requirements of the approval's conditions and all formally agreed details. Can you also inform us to confirm the archaeologist that your client will be commissioning and when they will commence their work on site.

Yours faithfully,



Head of Planning and Transportation

cc. Mr Silvestre (Sully Centurions Cricket Club)

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

EXHIBIT JD23

Date/Dyddiad: 6th June 2011

Ask for/Gofynwch am: Mr. Steven Rennie

Telephone/Rhif ffon: (01446) 704653

Fax/Ffacs: (01446) 704847

Your Ref/Eich Cyf:

My Ref/Cyf: P/DC/2011/00155/FUL

e-mail/e-bost: Planning&Transport@valeofglamorgan.gov.uk

The Vale of Glamorgan Council
Dock Office, Barry Docks, Barry CF63 4RT
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Mr O Adams
CW Architects Ltd.,
Grosvenor House,
8, Park Grove,
Cardiff.
CF10 3bn

Dear Sir,

Town and Country Planning Act, 1990 (as amended)
Planning Permission Reference: 2011/00155/FUL
Proposal: Change of use from grazing land to cricket ground and associated car parking facilities.
Location: Glebefields, Sully

I refer to the above referenced planning permission approved on 15 April 2011 and the details submitted in respect of the conditions of that permission.

I can confirm that the archaeological written scheme of investigation (prepared by Glamorgan Gwent Archaeological Trust, dated May 2011) submitted with your email dated 20th May 2011, is approved in compliance with the requirements of the following condition:

No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority and the programme and scheme shall be fully implemented as defined in the approved details.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

This condition will, of course, be fully discharged when the development is completed in accordance with the written scheme of investigation hereby approved, including a report on the fieldwork to be produced and submitted to the Local Planning Authority, which shall describe the works carried out and any findings made (as stated in paragraph 4.1.5).

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

John Maitland Evans, Chief Executive/Prif Weithredwr

Directors/Cyfarwyddwyr: Stan Davies, Finance, ICT & Property Services/Cyllid, TGC ac Eiddo; Peter Evans, Legal, Public Protection and Housing Services / Gwasanaethau Cyfreithiol Amddiffyn-y-cyhoeddathai; Bryan Jeffreys, Learning & Development/Dysgu a Datblygu; Rob Quick, Environmental & Economic Regeneration/Adnewyddu Amgylcheddol ac Economaidd; Phil Evans, Social Services/Gwasanaethau Cymdeithasol.

Yours faithfully,



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

EXHIBIT JD24

DATED 15. 5. 2008

LICENSOR:

VALE OF GLAMORGAN COUNCIL

LICENSEE:

ANTHONY JONES

PREMISES:

GLEBE FIELDS SULLY

LICENCE

(Grazing)

PARTICULARS

Date	15 th May 2008
Licensor	Vale of Glamorgan Council as Trustees of The Welsh Church Act Estate of Civic Offices, Holton Road, Barry CF63 4RU
Licensee	Anthony Jones of 60 Lavernock Point Fort Road Penarth CF64 5XQ
The Premises	The land at Glebe Fields Sully extending to approximately 13.98 acres shown for identification purposes only edged in Red on the attached plan
Licence Period	The period starting on 1 st April 2008 and terminating absolutely without further notice on 31 st January 2009
Rights	The right to keep cattle sheep or horses on the Premises (for grazing purposes only)
Licence Fee	£500.00

THIS LICENCE is made on the Date set out in the Particulars

BETWEEN:

- (1) The Licensor named in the Particulars (the “Licensor”)
- (2) The Licensee named in the Particulars (the “Licensee”)

IT IS AGREED as follows:

1 Definitions and Interpretation

1.1 In this Licence the words and phrases have the meanings set out in Schedule 3

2 The Rights

2.1 The Licensor grants the Licensee the Rights for the Licence period in accordance with the terms of this Agreement

3 Licence

3.1 The Licensor permits the Licensee to enter onto the Premises to the extent necessary to exercise the Rights and for no other purposes during the Licence Period on the terms set out in this Licence

3.2 For the avoidance of doubt full occupation and possession of the Premises remains with the Licensor subject only to the Rights and Licence hereby granted to the Licensee

4 Licensee’s Agreements

4.1 The Licensee agrees with the Licensor:

- (a) To pay the Licence Fee
- (b) To exercise the rights in such manner as not to do or cause or permit to be done any act or thing on or near the Premises which may be or become a nuisance or inconvenience or cause damage or annoyance to the Licensor or other persons or which may infringe any Legislation
- (c) To use the Premises for the exercise of the Rights and for no other purpose whatsoever
- (d) To erect sign indication ownership of stock and contact number

- (e) To indemnify and keep the Licensor indemnified from and against all actions proceedings costs claims and demands by third parties in respect of any damage or liability caused by or arising from the exercise by the Licensee of the Rights
- (f) To comply fully with Legislation so far as the same shall relate to the exercise of the Rights and Licensee's use of the Premises and to keep the Licensor effectively indemnified against all actions proceedings costs expenses claims and demands in respect of any matter contravening the provisions of such Legislation
- (g) To comply with any other restrictions which the Licensor shall reasonable dictate during the Licence Period
- (h) To comply with the provisions affecting the Rights as set out in Schedule 2
- (i) On termination of this Agreement immediately to remove his stock from the Premises

5 Termination

5.1 The Rights and the Licence shall terminate immediately on the happening of any of the following events:

- (a) If at any time the Licensee goes into liquidation (other than a members' voluntary liquidation for the purposes of reconstruction or amalgamation of a solvent company where the reconstructed or amalgamated company assumes the obligations of the liquidated company)
- (b) An administration order is made against the Licensee
- (c) A receiver or manager shall be appointed in respect of the Licensee's affairs or the whole or any part of his property or undertaking
- (d) The Licensee shall (if an individual) die or become incapable by reason of mental or physical illness of discharging his obligation hereunder or be the subject of a bankruptcy petition or bankruptcy order or (if a company or partnership or other body) shall cease to exist
- (e) The Licensee shall enter into any arrangement or composition with his creditors (including for the avoidance of doubt any voluntary arrangement within the meaning of Part I or Part VIII of the insolvency Act 1986)

- (f) The interest of the Licensee under this Licence shall be taken in execution
- (g) The Licensee shall commit any grave breach or persistent breaches of this Licence and the Licensor having given written notice to the Licensee of such breach or breaches the Licensee shall fail within such period as the Licensor may specify to rectify such breach or breaches (if capable of rectification)

6 Personal Licence

6.1 The Rights and this Licence are personal to the Licensee and shall not be capable of being assigned or otherwise dealt with

7 Fitness of the Premises

7.1 By entering into this Licence the Licensor does not undertake that the Premises are or will become or remain fit for the purposes set out in the Particulars

AS WITNESS the hands of the parties the day and year first before written

Schedule 1

The Premises

<u>(OS) (NG) Number</u>	<u>Description</u>	<u>Acres</u>
	Land at Glebe Fields Sully	13.98

Schedule 2

Provisions affecting the Rights

The Licensee shall:

- (a) Not bring on to the Premises any diseased animal
- (b) Not bring on to the Premises more than the maximum number head of livestock as stipulated in the Particulars at any one time
- (c) Not destroy or damage any trees hedges or fences on the premises and ensure that no such damage is caused by the Licensee's stock
- (d) Not allow the Premises to become poached by treading during wet weather conditions and if the Licensor shall certify that any damage is being caused then upon demand immediately remove the stock
- (e) Not bring cause or permit to be done or brought any object matter or thing upon the Premises by which any policy of insurance of the Licensor would or might be prejudicially affected
- (f) On termination of this Agreement forthwith remove his stock from the Premises

Schedule 3

Definitions and Interpretations

“Legislation” means all European or UK Statutes or Statutory Instruments and any Orders Regulations Directories and Codes of practice for the time being in force issues by any competent authority in respect of the Premises and the use of it

“Licence Fee” means the licence fee set out in the Particulars payable as set out in the Particulars

“Licence Period” means the licence period set out in the Particulars

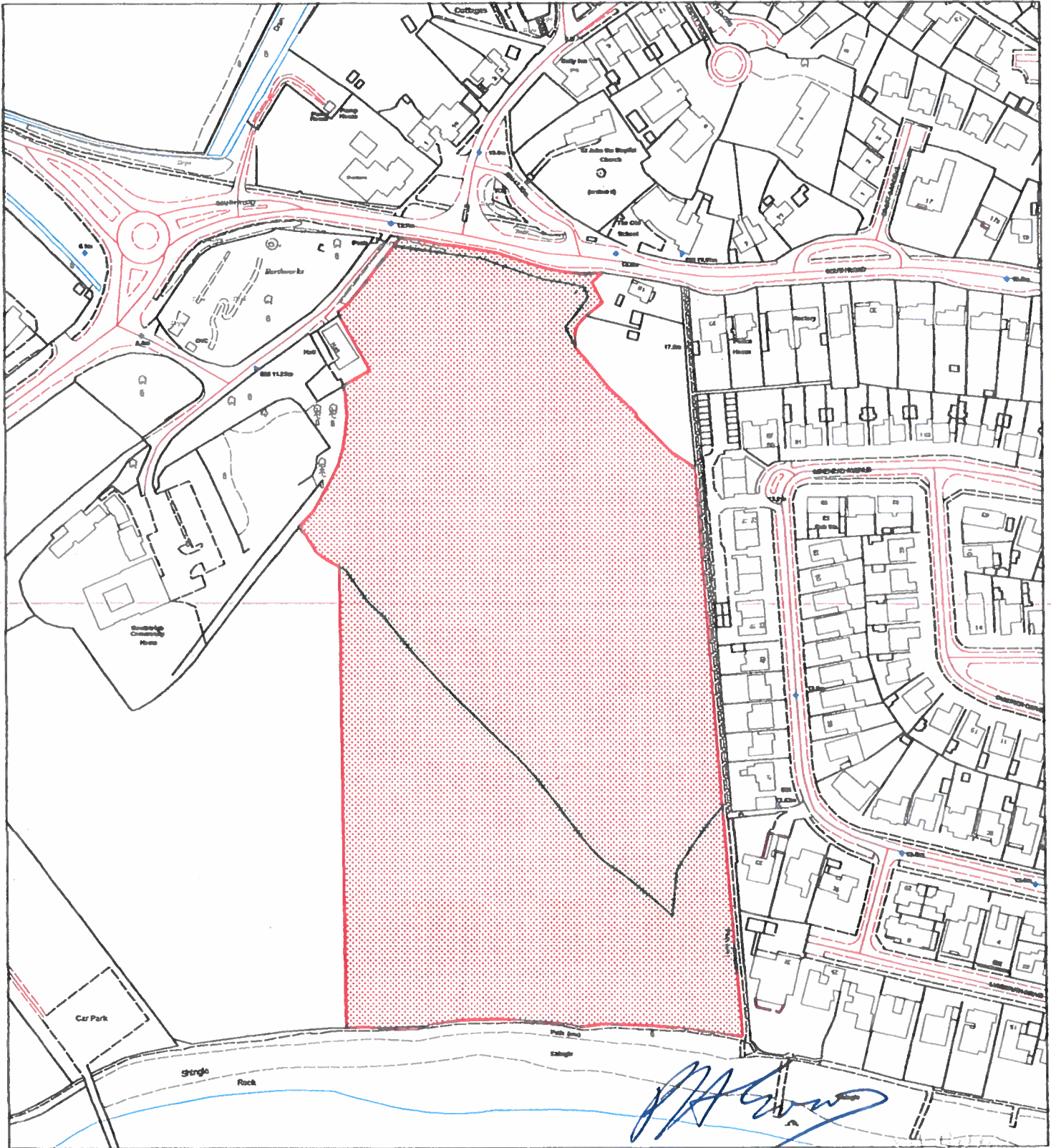
“Particulars” means the particulars page set out at the beginning of this Agreement

“Premises” means the land (including all buildings and fixed equipment thereon) set out in the Particulars and more fully described in Schedule 1

Title:

Grazing Land at Glebe Fields, Sully

Scale 1:2500



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Estates Department
Civic Offices
Holton Road
Barry



“Rights” means the rights granted as set out in the Particulars subject to the provisions of Schedule 2

In this Licence unless the context otherwise requires:

- (a) where any obligation is undertaken by two or more persons jointly they shall be jointly and severally liable in respect of that obligation
- (b) any sum payable by one party to the other shall be exclusive of Value Added Tax which shall where it is chargeable be paid in addition to the sum in question at the time when the sum in question is due to be paid
- (c) Any reference to a Statute includes the reference to that Statute as amended or replaced from time to time and to any subordinate legislation or bye-law made under that Statute

SIGNED on behalf of
VALE OF GLAMORGAN COUNCIL

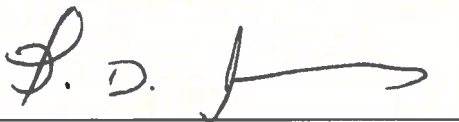


Director of Legal Public Protection
& Housing Services



13293(20F2)

SIGNED by the said
ANTHONY JONES
In the presence of



Signed

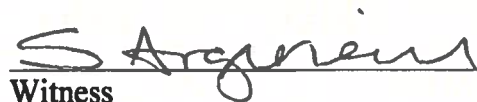

Witness

EXHIBIT JD25



Sully Centurions Cricket Club, c/o Centurion House, 3, Smithies Avenue, Sully,
Vale of Glamorgan, CF63 5SS
CW Architects Ltd, Grosvenor House, 8, Park Grove, Cardiff, CF10 3BN

Glebefields, Sully

Change of use from grazing land to cricket ground and associated car parking facilities.

SITE AND CONTEXT

The site is currently a field set immediately to the west of the village of Sully. At the time of the site visit, it was being used for the grazing of horses. The field is approximately 3.5ha in size and is outside of the settlement boundary of Sully. The field is not of a regular shape, with the southern boundary tapering to a point and the site generally follows the boundaries of the existing field.

The houses of Minehead Avenue are to the east of the field. These houses back onto the field, with Public Right of Way (No. 5) being a path between the rear of these houses and the site. Towards the northern edge of the site is South Road, which is the main thoroughfare through the village. The dwelling of Dunster Cottage is also between the site and South Road. It is along this northern boundary that there are the most trees, many of them mature. To the west of the site are Beachwood College and the old Church Hall, which is currently used as a martial arts centre. These two properties are accessed off a section of adopted road that spurs off Hayes Road. To the southwest and south of the site are open fields, with the coastline just over 60m from the southernmost point of this large site.

DESCRIPTION OF DEVELOPMENT

The proposal is to change the use of this field from agricultural to a cricket ground, with a new access formed to the northeast of the site, with associated parking spaces. The access is through an existing agricultural entrance to the field off the road that leads off Hayes Road. This access will link with the 50 space car park proposed to the northern edge of the site, set against the trees that are clustered towards that northern boundary.

The application is made by a local cricket Club (Sully Centurions) which currently use the pitch at Burnham Avenue in Sully. However, the Club has expanded to four teams with the first team now playing at a high level within Wales. Therefore, they need a new ground of their own (they currently share the Burnham Avenue pitch with other Clubs) to avoid congestion of fixtures for their teams. Funding is being offered to Sully Centurions Cricket Club from the England and Wales Cricket Board to develop this site. The Club hold a long term lease for this land which is Church owned.

The cricket pitch will be of a typical shape and located centrally within the site, being proposed to be at most 119m x 140m. The cricket square will measure 22m x 48.8m. The formation of this cricket pitch will require the levelling of the land with a certain amount of 'cut and fill' required. However, though the land does undulate, it is relatively flat, with a shallow rise from north to south. The applicant has confirmed what engineering works will be necessary.

The majority of trees that border the site are set to remain, though a few will be lost including some at the point of entrance.

A zone is reserved on the submitted plan for a pavilion and cricket nets, although this is not part of this application. A further application would need to be submitted for these aspects in the future if this application were to be approved. There is no floodlighting proposed with this application.

PLANNING HISTORY

1998/00789/FUL : Glebefields, Sully. Sports fields and associated Club house and infrastructure. Approved 24 September 1998.

1993/00469/RES : South Road, Sully. 6 Court indoor tennis centre, outdoor courts, with associated changing car parking etc. Refused 25 July 1995.

CONSULTATIONS

Sully Community Council. No comments have been received to date.

Environment Agency Wales has no objections.

The Council's Highway Development Team. Indicated that there will be no objections although some recommendations are made with regard to possible future expansion.

The Council's Public Rights of Way Officer has no objections.

Sports Council for Wales has no objections; and has questioned whether there have been other sports considered before the site is allocated for cricket, and whether any assessment of sports demand has been undertaken.

The Director of Legal, Public Protection and Housing Services (Environmental Health) has no objections.

Glamorgan Gwent Archaeological Trust requires programme of archaeological investigation as the site could contain medieval artefacts.

Sully Ward Members. No comments have been received to date.

Dwr Cymru / Welsh Water has no objections subject to conditions relating to drainage.

REPRESENTATIONS

The neighbouring properties were consulted on 22 March 2011. Site notices were also displayed, including one in Minehead Avenue. The application was also advertised in the press.

There have been 10 letters and one petition (with 19 signatories) received at the time of writing, citing the following primary reasons for their concerns:

- Concerns related to the cricket ball being hit towards the adjacent dwellings and injuring people in their homes or gardens, or on the public right of way. Suggestions made for the need for security fencing.
- Increased traffic in the area leading to congestion and causing highway safety problems.
- Lack of need for a second cricket ground in Sully.
- Concerns related to anti-social behaviour as a result of the proposed development for neighbouring residences.
- Loss of greenfield land – potential for further built development.
- Environmental damage, including impact to ecology and requirement to fell trees.
- Concerns related to overspill car parking.
- Concerns raised regarding possible future plans for floodlighting and possible light pollution.
- Noise pollution due to increased traffic levels and cricket matches.
- Loss of good quality agricultural land.
- Concerns relating to pavilion that may be proposed in the future, with any drinks licences and late hours of usage that may be incorporated.
- Congestion along the lane to the proposed access, especially when the martial arts Club is in use. It is remarked that the lane is narrow and it would be difficult for two cars to pass.
- It would result in the development of land within the open countryside

Three sample letters including the petition are included at Appendix A.

REPORT

Planning Policies

The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18 April 2005, and within which the following policies are of relevance:

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV6 - EAST VALE COAST

ENV11 - PROTECTION OF LANDSCAPE FEATURES

ENV18 – ARCHAEOLOGICAL FIELD EVALUATION

ENV27 - DESIGN OF NEW DEVELOPMENTS

ENV28 – ACCESS FOR DISABLED PEOPLE

ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY

REC5 - NEW PLAYING FIELD PROVISION

REC7 - SPORT AND LEISURE FACILITIES

TRAN 10 - PARKING

Issues

- Principle of proposed use.
- Impact to neighbour amenities.
- Visual impact of proposals.
- Access and parking provision.
- Impact to trees around the site.

Principle of Proposed Use

The site, from a planning policy perspective falls within the delineated countryside and the 'East Vale Coast'. Policy ENV6 considered development within the 'East Vale Coast' where the land is currently undeveloped, and restricts development if it is a coastal location is not particularly necessary for such development. There is no necessity for a cricket pitch to be on coastal land, though it is recognised that this land has also been designated as potential playing field land under policy REC 5, to address a shortfall in such provision. Therefore the proposals must be considered under this local policy. It should also be noted that Policy ENV1, regarding development in the countryside, states that suitable recreational development may be acceptable.

As the proposals map considers Glebefield as part of its designation for playing fields, the proposed use of the land for cricket is in accordance with the Unitary Development Plan. The supporting text to the policy explains that playing fields is a generic term, meaning space that can be used for a number of organised activities, such as cricket. The UDP has concluded that there is a significant deficit in playing field provision within the Vale, based on the standards of the National Playing Fields Association, and therefore policies such as REC 5 seek to encourage enhanced playing field provision, with Glebefields being one of four sites designated with the policy. If these sites are developed as playing fields it will reduce the deficit and aid provision for sporting facilities with its potential health and wellbeing benefits.

The proposed site for the cricket ground is only approximately a third of the whole area designated under Policy REC 5 as a playing field. Therefore, although the proposals are just for the use by a Cricket Club, there remains further land under the policy designation for playing field development that could meet other sporting demands if necessary. As such, the proposals do not prejudice the provision for other sports under this policy site designation if there is such demand in the future.

It is also noted that there is a history of playing field and sports provision applications on the site, such as for a National Tennis Centre (application 1991/01060/OBS and 1993/00289/RES) and for a more comprehensive sporting development (1998/00789/FUL) which would have taken the full site as designated under policy REC 5, including provision for rugby, football, tennis and cricket, with a pavilion also included, which was approved subject to condition, but never implemented.

As regards the demand for the use of the site for cricket, the applicants, Sully Centurions Cricket Club, have seemingly been very successful in recent years and play to a high level in Wales and sometimes face opposition from England. Their success has led to there being four teams within the Club, including junior teams. This has led to fixture congestion at their currently Council owned Burnham Avenue ground, which they also share with another Cricket Club. As such, to accompany their successful expansion they need another ground and the England and Wales Cricket Board have reportedly offered financial assistance to help provide this. They will still use the Burnham Avenue ground to play and train, although the proposed site at Glebefields will be their principle home and where, if approved and future funding can be secured, they wish to develop a pavilion and cricket nets (as indicated on the submitted plan). Assessment of any such development would be assessed on its merits at the time of any future application.

The proposals for a cricket ground at Glebefields can be justified due to the expansion of the Club and their need for their own ground, whilst being in full accordance with Policy REC 5, being similar to past approved applications that have since expired. Therefore, the principle of the proposed use is considered acceptable.

Visual Impact of Proposals

At this stage, the application is primarily for change of use, with the levelling of the land to some degree to form an even playing surface, and a new car park from an existing access that will be improved. There are no buildings proposed at this stage, or any floodlighting. As such, the proposed development will have little visual impact above that of the existing field. It will remain largely a grassed area, with the majority of trees and hedgerows remaining as per the existing field boundaries.

The excavations are considered to be relatively minor as this coastal land is predominantly flat, albeit with a slight raise towards the northern edge of the site and some undulations. A cut and fill exercise will be necessary to level the land, though this can be done without significant works or retaining walls etc. There may be future applications for a pavilion and practice facilities, though whilst concerns of this have been raised by some of the neighbours, any such future proposals would have to be considered on their own merits. At this stage, the proposals will have no significant visual impact and will have no discernable impact to the character of the surrounding countryside to this edge of Sully. The car park will be adjacent to the access to limit the amount of hardstanding or internal lanes necessary.

Parking and Access

The proposals include the use of an existing agricultural access which is adjacent to the Martial Arts Hall off Sully Lane. This section of lane has bollards, cutting off its connection with south road and so the only way in or out for vehicles is via Hayes Road. The existing Beechwood College is not affected by the proposals, as their access is to the far side of this road from the proposed cricket access. However, concerns have been raised by the operators of the Martial Arts Club at the hall as there are concerns that additional traffic will lead to congestion on nights when the Club is in use and the Cricket Club also has activities at Glebefields.

At present, with the hall being used most evenings of the week, cars from instructors and members of the public can freely park in this section of the lane as there are no other current users. The Club are concerned that resultant congestion will lead to parking restrictions that will have a significant detrimental impact to the business of the Martial Arts Club.

It is considered that whilst on a night when the hall is in use there may be significant parking in the lane, it is still an adopted highway and this parking should not result in the lane being blocked or obstructed by users of the club, whether they are picking up/dropping off or staying for the duration of the evening. In inspecting this section of the lane, it does appear wide enough for cars to be parked to one side whilst allowing other cars to pass. It is therefore reasonable to expect that users of the Martial Arts Club to park in an orderly way that does not block access to Glebefields. This may reduce some of the parking the hall users currently enjoy, as they are the only regular users of this section of lane, although as this is an adopted highway access for other potential users should not be blocked or restricted.

Some on-street parking can therefore remain along this stretch of the lane, which should be sufficient to meet the needs of the hall users whilst still allowing access passed to Glebefields. There are no parking restrictions at this time and no request has been made by the Highways Department for parking restrictions as a result of these proposals. It is also noted that the Cricket Club has offered the operators of the Club at the hall use of the car park if there are spaces available, which could help the situation. The Cricket Club would also only be open in season and when weather permitting, with play restricted to daytime hours due to there being no floodlights. This should reduce the frequency of any potential conflict between access and parking for the two clubs.

The proposed access is existing and is shown as being wide enough for the traffic anticipated to enter and exit the site. The access is adjacent to the hall, though it is considered that cars would not enter or exit this access at any significant speed and therefore there is no highway danger considered likely as a result. The visibility is considered acceptable for cars exiting Glebefields, allowing them to see people outside the front of the hall and should therefore minimize any highway hazards. Comments received from the Highway Development Officer have pointed out that any future developments would require upgrading of the lane to allow for parking and pedestrian access. However as these proposals are not before the Council, the applicants have been informed of the possible future requirements.

The Highway Development Officers were concerned about possible use of the access by coaches, and whilst the lane and the access may be wide enough to accommodate coaches, it may cause problems with congestion, especially if the hall is being used. However, the applicant has stated that in the majority of cases visiting teams will come in shared cars and/or minibuses, with the use of coaches very rare. For the bigger matches where coaches are used these matches will often be played at bigger venues, such as in Cardiff. It is also considered that coaches could drop off and pick up passengers near the site, such as on Hayes Road, and would not need to enter the site, on the rare occasions that this may happen. As this is not considered to be a particular issue and should not happen on a regular basis then no objection is raised, with the approach and access being considered suitable for cars and minibuses, which will be the predominant mode of transport for most visiting the Club.

The car park of 50 spaces with turning area is also seen as sufficient to cope with the potential users of the cricket pitch, with it anticipated that most of the time this many spaces would not be necessary.

Impact to Neighbour Amenities

There have been a number of neighbour representations, including a petition, that have objected to the scheme and raised the issue of the threat of cricket balls hitting their properties or being a danger to passers by, including users of the public right of way that runs along the eastern boundary of the site. Whilst this concern is understood, it must be recognised that there will be a distance of approximately 70m between the main central wicket area, where the first team would play, and the boundary, with a further couple of metres to the edge of the site and the aforementioned public right of way. After discussions with the applicant it is clear that this distance for the level of cricket that would be played at this ground is substantial and it is apparently highly unlikely that a cricket ball would be hit that far over the boundary to the footpath and into the gardens or houses that are near the site boundary, mainly being those at Minehead Avenue. As such, there is no requirement for protective fencing with this application, though it should also be noted that the Cricket Club would have a duty of care to safeguard the safety of people and property outside of the site if the situation changed.

Neighbour representations have also raised issues such as potential noise and disturbance, along with the potential impacts of a pavilion and floodlights. However, though the pavilion has been indicated as a future proposal at the site, it is not part of this application and will have been considered on its merits at that time. There are also no proposals for floodlights either, which will therefore avoid any issue of light pollution and will limit any play to daytime hours. With regard to possible noise it is considered that there is no reason to think at this time that the Cricket Club at this field will cause any levels of nuisance that would be significant in their detriment to neighbouring occupiers. If there were unacceptable levels of noise from the site, this could be dealt with through separate legislation, administered by the Environmental Health Department, although at this stage there is no reason to assume this Club at this site will cause a problem from a disturbance perspective.

Environmental Issues

The proposals seek to safeguard the vast majority of all the trees and hedgerows at the site. As part of developing the access, some trees shall have to be removed. A few others are indicated with the submitted tree survey to go, though there are various reasons for this, such as the health of the trees concerned. The submitted survey advises that none of the trees proposed to be removed holds any significant value and would not warrant a Tree Preservation Order. However, the trees play an important role in screening the site and add a strong landscaping aspect which should be protected. As such, protective fencing and other forms of tree protection through the process of construction should be required via condition, in line with the recommendations of the tree survey.

One of the trees proposed to be removed is a dead partially collapsed tree positioned towards the southern boundary of the site. However, this tree has been inspected and no protected species appear to be using it as any sort of habitat. The rest of the field and the proposed works have all be considered for the ecological value and it is considered that the proposals will not likely cause any significant impact to ecology and no further survey work is required.

As regards drainage, it is explained that the site will drain naturally through the soil, as it does at present, as the site is over limestone and will percolate sufficiently. There will be a requirement for minor drainage to the edge of the cricket square, to which details should be required via condition.

Archaeology

Glamorgan Gwent Archaeological Trust (GGAT) has requested that a programme of archaeological works are undertaken with a report submitted. This is due to the possible presence of significant archaeology at the site, which is in close proximity to a medieval Church and the village of Sully extensive remains already found in this vicinity. A condition requiring this programme of archaeological works would be conditioned were the scheme to be approved.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV18 – Archaeological Field Evaluation; ENV27 - Design of New Developments; ENV28 – Access for Disabled People; ENV29 – Protection of Environmental Quality; REC5 - Sports and Leisure Facilities; ENV1 - Development in the Countryside; ENV6 - East Vale Coast; ENV11 - Protection of Landscape Features; and TRAN10 - Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposals are acceptable, by reason of their appropriate design, materials and scale, with no detrimental impact to the character of the area or the amenities of neighbouring occupiers. The proposals therefore comply with the relevant planning policies and supplementary planning guidance.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Notwithstanding the submitted details, prior to the commencement of development, details of the finished levels of the proposed development in relation to existing ground levels including cross sections, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that visual amenities of the area are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

3. Full details of a cycle parking facility / area shall be submitted to and approved in writing by the Local Planning Authority and the approved cycle parking facility shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and thereafter kept free of obstruction and available for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. Full details of surface water drainage at the development hereby approved, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system, shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details submitted.

Reason:

To ensure a suitable method of surface water drainage, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. Notwithstanding the submitted plans, the cricket pitch shall not be brought into beneficial use until the access has been constructed in accordance with the plans, including full engineering details, which shall have been submitted to and approved in writing by the Local Planning Authority and the access shall thereafter be so retained to serve the development hereby approved.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. Notwithstanding the submitted details hereby approved, details of a the car park to serve the development, to include parking for the disabled, surfacing details, plus any gates proposed to the access, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of parking shall be laid out in accordance with the approved details prior to the first beneficial use of the cricket pitch and shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies ENV27 and TRAN 10 of the Unitary Development Plan.

7. A scheme providing for the fencing of the trees to be retained (in accordance with British Standard 5837 2005, as set out with the submitted tree survey plan 2011./03 Rev A), including details of any excavations, site works, trenches, channels, pipes, services and areas of deposit of soil or waste or areas for storage shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development or any site works or clearance. No development shall be commenced on site until the approved protection scheme has been implemented and the scheme of tree protection shall be so retained on site for the duration of development works.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

8. Details of any external lighting, to the access and car park including times of operation, shall be submitted to and approved in writing by the Local Planning Authority prior to its installation on site and only external lighting approved by the Local Planning Authority shall be installed and operated on site.

Reason:

In the interests of the environment, to reduce light pollution, and to meet the requirements of Policies ENV27 and ENV29.

9. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority and the programme and scheme shall be fully implemented as defined in the approved details.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

NOTE:

1. **You will note that a condition has been attached to this consent and refers to an archaeologist being afforded the opportunity to carry out a watching brief during the course of developments. It would be advisable to contact the Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208) at least two weeks before commencing work on site in order to comply with the above condition.**
2. **The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
3. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
4. **The proposed development site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.**

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

EXHIBIT JD26

2011/00155/KL
'A' contd.

O'Keefe, Kevin T

From: Charlotte Hobrough [REDACTED]
Sent: 06 March 2011 21:42
To: Planning & Transportation (Customer Care)
Subject: OBJECTION TO CRICKET GROUND PROPOSAL - GLEBEFIELD SULLY

The Lion House
31, Lynmouth Drive
Sully,
Vale of Glamorgan
[REDACTED]

OBJECTION TO CRICKET GROUND - GLEBEFIELDS SULLY -

26TH MARCH 2011

Dear Sir, we are writing in relation to the proposal at Glebefields, Sully to change it from grazing land into cricket fields. Our family are very much opposed to this move on a number of grounds.

SAFETY CONCERNS

Firstly we are very concerned about the safety aspects of having a cricket field near our family home and that of our many neighbours. Our three childrens bedrooms face the field and also we spend a great deal of time in the garden during the summer months and winter when the very hard cricket ball could easily enter causing injury to one of our children us or indeed our neighbours who have also expressed concern.

INCREASE TRAFFIC

There will be a dramatic increase in the volume of traffic in the area causing safety problems for pedestrians and causing a build up of traffic in an area which hasn't been designed to deal with such congestion. There will be problems with parking and a build up on South Road which is already highlighted as a PACT priority due to speeding traffic and traffic problems, this will only be exacerbated.

ANTISOCIAL BEHAVIOUR

The current cricket ground and area is a congregational area for young people and drivers to hang around causing problems with fireworks, underage drinking, graffiti, litter and noise at unsocialable hours. Should this field be converted then this will move the problems directly outside our house and in an area difficult to police as its very secluded with many lanes and alleys for the trouble makers to run away. They will congregate due to lights in the area, and building to lean against. Only last month there was an arson attack on the site of the current cricket ground with one of the wheelie bins set alight, luckily due to the current location of the cricket ground, it wasnt near residential premises where it could have endangered people.

ALREADY TWO CRICKET GROUNDS IN SULLY

There are already two in Sully already, one on Jubilee Field and one to the side of the old Sully Hospital, why do we need another, when we cannot afford playground equipment for

07/03/2011

2011/00155/FUL
'A' contd.

the children of Sully in the Park

ENVIRONMENTAL

We will be ruining a natural habitat for many animals and causing environmental damage, where will all the horses go?, how many trees will be cut down?, how much of the field will be turned into road / building / seating, damage to lay plumbing, drainage, electricity, I thought it was green belt land not to be built on. We were told this by the council when we enquired before purchasing our property in 2001.

UNSAFE WALKS AND CYCLING IN A CURRENTLY BEAUTIFUL NATURAL COASTAL AREA

It is not safe to walk past a cricket game with children, all last summer we had to change our walks so we wouldnt go past the circket ground on the Jubilee field as we have a 5 yr old and twin babies and should the ball hit them it would cause significant injury. That goes for all children and adults who are walking past a cricket ground.

We have many more concerns and strongly oppose the proposal, we will be seeking advice from a solicitor to further oppose this move, please include us on any developments with this application.

**Yours Faithfully
Mark and Charlotte Hobrough**

ENVIRONMENTAL
AND ECONOMIC
DEVELOPMENT

07 MAR 2011

07/03/2011

ACK	7/3/11
NO:	P126
ACTION BY:	JMC SR
RECEIVED	

EXHIBIT JD27

43 Minehead Avenue
Sully
CF64 5TJ

14 March 2011

Dear Mr Rennie

Re: Planning application number 2011/00155/FUL
Location: Glebefields, Sully
Proposal: Change of use from grazing land to cricket ground and associated car parking facilities

We would like to object to the above planning application on the following grounds:

1. Concern for the impact on this area of natural grazing land which currently attracts a significant variety of wildlife. For example, the rear of our property overlooks the ground in question and we watched a bird of prey visiting the field on Sunday 13 March 2011. We have also watched foals being born and frequently spot rabbits and foxes in the field. I am concerned about the disruption and impact a cricket ground would bring to this unspoilt area.
2. Concern for the impact on the hedgerows and trees. There is a particular tree sited in the middle of the field and we do not see how the pitch could be built without cutting down the tree. The hedgerows are homes to endless varieties of birds.
3. Noise levels would inevitably increase and attract more members of the public to this area. Both our children's bedrooms are sited at the rear of the property and we are rarely disturbed by any noise. We suspect there would be cricket training on a regular basis, late into the evening during the summer months. We chose to live in this area because of the peace and quiet.
4. We realise this application does not concern the pavilion but should this application be granted, it will lead to a further application for this building. We are deeply concerned about the prospect of late night noise and disturbance which would inevitably arise from a club house of this type. It would probably be made available for hire, for private functions and result in a dramatic increase in noise.
5. Finally, we do not agree that a small village like Sully needs two cricket pitches. We would be interested to understand exactly how many of the cricket players actually live in the village.

If you require any further information, please do not hesitate to contact us.

Yours sincerely

Ian and Jane O'Rourke

D.E.E.R
RECEIVED
ACTION BY: JMC SR
NO: P358
ACK: 15/3/11

RECEIVED

15 MAR 2011

ENVIRONMENTAL
AND ECONOMIC
DEVELOPMENT

1

EXHIBIT JD28



sully Sully residents association [REDACTED]

SLRA Cricket on Glebe field

sully Sully residents association [REDACTED]

17 March 2011 10:16

To: David Sylvester [REDACTED] <srennie@vog.gov.uk>

The Residents Association of Sully asked residents for opinions on the use of the Glebe Fields for cricket. The general opinion was favourable. Here are a selection of emails received, the names of the senders can with their permission be sent to you. Copies of all the emails received can also be sent to you if required.

Lino Scaglioni
Chairman SLRA
+++++

If we're going to have a development in this field at some point -this idea sounds good. A cricket facility ...level walkable land, green open spaces and no doubt a caveat for sensible landscaping, paths, benches, maybe a park for the kids and suchlike. What better for Sully? The field is lovely as it is, but on balance, the interest and activities the cricket club would bring outweighs just having a (lets face it), not very attractive un-walkable field. A clubhouse looking out over the sea (maybe?), public seating, kids playing safely and the sounds of leather on willow in the air?? Who wouldn't want that.....

+++++

Can I add a word or two. Residents with long memories will recall that there were proposals for the development of the Glebe Field subsequent to the tennis courts project, which I strongly opposed as the Sully Ward Member together with Walter Sweeney MP, and these included extensive plans for the grounds back in the 1990s. However, that plan, worked up in conjunction with the Vale Council's parks department, would have included a couple of footpaths around the field, and also a landscaped seating area adjacent to the South Road fenceline, together with some additional parking. That plan is still on file and could help with the development of the field even today.

As stated, the Vale Council does not own the land - however a long lease was granted some time ago by the Welsh Church Act trustees, and that permits the development of the field for sporting and recreational purposes. Hopefully the Centurions will be able to achieve much or all of these ideals in their upcoming plans for the site.

Anthony Ernest (Cllr.)

+++++

The field is now an untidy eyesore, the ground is rough and dangerous to walk on. The cricket club intend to lay down a pitch befitting Sully's status in the Welsh league. The area will be leveled and landscaped, a pleasure for all. There will be seats for residents to enjoy the matches and the view. The Sully Centurions Cricket club has brought fame to the village, winning the Welsh League, the Welsh Cup, and the Welsh section of the National 20/20 tournament in 2010.

Please residents of Sully, get behind your village cricket team and support them.

+++++

I feel compelled as a fairly new member of the village to add my voice to the debate re the Glebe fields.

It is extremely naïve of us to think that for one moment that because land has been allocated for recreational use that that will not change in time and that development might occur, indeed one such respondent articulates this nicely with the comment in relation to the loss of land that was once no doubt assigned for other designated uses. The glebe field currently is exactly that, a field, a field that is of no use to the population of the village and only of purpose for the grazing of animals.

The opportunity to develop the fields into a first class cricket venue befitting the country's leading club will not only bring opportunity for youngsters of all ages to enjoy their sport in their own village but also provide the many who watch the first team with an excellent facility to enjoy their weekend fair under the sun.

Burnham Avenue is not for the sole use of cricket and neither should it be, it is the home of various sports and will remain that way, the development of the Glebe fields provides for more recreational space (you can hardly call the current field useful for recreation) in the village and in a time when as a nation we are fighting the

continual obesity battle and the challenges of getting people active in sport. This initiative will have no cost to the rate payer.

In summary and presenting a balanced view I present you with the facts, a new facility for all ages, development of current agricultural land into a recreational facility and at no cost to the rate payer. One would have to ask the simple question, why would anyone object if being objective.
