

1 FORMAL REPRESENTATION – OBJECTION TO SITE 2299

Land West of Maendy Road, Aberthin, site 2299 or HG4(2) – Vale of Glamorgan Replacement
Local Development Plan (RLDP) Deposit Stage

Forensic Full Submission (Readable, Examination-Grade)

Respondent: Andrew Gay Date: 10 March 2026



Contents

1	FORMAL REPRESENTATION – OBJECTION TO SITE 2299	1
2	Executive summary	3
3	Settlement Context: Aberthin	6
4	Site identification and baseline facts.....	11
5	Principle, spatial strategy and previous rejection	14
6	Affordable Housing, Spatial Strategy, and Necessity: Why HG4(2) Is Not Required	17
7	Flood risk, surface water, ground water, drainage, and methodological concerns.....	23
8	Infrastructure Constraints	31
9	Landscape, Settlement Edge, Hedgerow Protection, Public Right of Way, Conservation Area and Nearby SSSI.....	34
10	Plan Soundness and potential Misapplication of Policy HG4.....	39
11	Conflicts with methodology, shifts, audit trail concerns and gaps	42
12	Tests of soundness	45
13	Formal request and proposed modifications	47

2 Executive summary

This representation objects to the allocation of Site HG4(2) – Land West of Maendy Road, Aberthin (Site 2299) within the Vale of Glamorgan Replacement Local Development Plan (RLDP).

The allocation proposes approximately 25 dwellings as an affordable housing-led development on greenfield agricultural land forming part of the countryside immediately west of Aberthin.

The allocation is unsound for several independent reasons.

First, the proposal conflicts with the Plan's spatial strategy.

Aberthin is identified as a Minor Rural Settlement, where development is expected to be limited in scale and primarily related to local needs. A development of approximately 25 dwellings would represent around a 14% expansion of the settlement in a single phase, introducing estate-scale growth into a small rural village with very limited services. This represents a material step-change inconsistent with the role of such settlements within the hierarchy.

Second, the site is not necessary for delivery of the Plan's housing strategy.

The RLDP identifies a housing requirement of 7,890 dwellings and housing provision of 8,660 dwellings, creating a surplus of 770 dwellings above the requirement. Removal of HG4(2) Aberthin would still leave a surplus of 745 dwellings, and even removal of all HG4 rural affordable-led sites would leave a surplus of 648 dwellings. The allocation is therefore not required for the Plan to deliver its housing requirement.

Third, the RLDP evidence identifies affordable housing need at a ward level (Cowbridge) rather than within Aberthin itself, and no evidence has been presented demonstrating a specific locally arising need within the settlement.

Forth, the site makes only a negligible contribution to affordable housing delivery. The site is expected to deliver approximately 13 affordable homes, representing only 0.42% of the Plan's projected affordable housing delivery of 3,070 homes. The Plan is therefore not materially dependent on the site to deliver its affordable housing strategy.

Fifth, the site is heavily constrained by flood risk and drainage uncertainty.

Part of the site lies within Flood Zone 3, where highly vulnerable development on greenfield land is not permitted under Technical Advice Note 15 (TAN15) unless the development is essential to the Local Development Plan. Given the Plan's housing surplus, and no identified local need, the site cannot reasonably be considered essential. In addition:

- no detailed hydraulic model exists for the Nant Aberthin watercourse,
- no Flood Consequence Assessment has been undertaken at allocation stage,
- groundwater susceptibility is classified as "Red – high – groundwater likely to be at or near the surface", with a recommendation for 12 months monitoring which has not been undertaken,
- surface water mapping indicates intermediate flood risk across part of the site, and historical flood data indicates flooding

- the proposed SuDS detention basin location appears to fall within Flood Zone 3 according to Council constraint mapping, raising questions regarding compliance with SuDS design guidance,
- the viability and performance of the proposed drainage strategy has not been demonstrated, including potential effects on the hydrology of the nearby Cors Aberthin SSSI wetland system, and
- no modelling has been provided to demonstrate that development would not worsen flood risk to neighbouring properties, including those at Maes Lloi.

Taken together, these factors create substantial uncertainty regarding whether a compliant drainage strategy could be delivered and whether flood risk could be safely managed.

Sixth, the site presents infrastructure and accessibility constraints.

Aberthin has very limited services and infrastructure. The settlement contains no shops and limited community facilities, with most services located in nearby Cowbridge. Public transport provision is limited to infrequent bus services which cease in the early evening and do not operate on Sundays, and there are no designated active travel routes connecting the settlement to surrounding towns. The road network through the village, particularly along the A4222 corridor, already experiences traffic pressures and safety concerns. The Council's education evidence also confirms that secondary school capacity serving the area is already under pressure, with additional places required to accommodate projected growth.

Seventh, the allocation introduces development into a sensitive landscape and environmental setting.

The site lies entirely within a Special Landscape Area, contributes to the countryside setting of the Aberthin Conservation Area, lies close to Cors Aberthin SSSI, and contains established hedgerow boundaries forming part of the historic field pattern of the Vale landscape.

Finally, the allocation represents a clear departure from the Council's published site assessment methodology.

Background Paper BP16 indicates that sites affected by flood risk should normally be discounted from further consideration. Despite multiple constraints — including Flood Zone 3, groundwater susceptibility and surface water risk — Site 2299 was not discounted. The site was previously rejected during preparation of the adopted LDP on the basis that it was unrelated to the settlement and constituted sporadic development in the countryside, and no material change in circumstances has been demonstrated to justify a different conclusion. Additionally, audit trail concerns are evident, e.g. N/A values in justification columns.

Taken together, the evidence demonstrates that the allocation:

- is not necessary to deliver the Plan's housing requirement or affordable housing outcomes, and no need has been established
- conflicts with national flood policy (TAN15),

- is inconsistent with Council's own site assessment methodology, and
- introduces development into a sensitive rural landscape with infrastructure constraints unnecessarily.

In conclusion, these matters demonstrate that the allocation fails the key tests of soundness: it is not justified by the evidence, is not effective or deliverable due to unresolved environmental and infrastructure constraints, and is not consistent with national policy, including Planning Policy Wales (sustainable spatial strategy and protection of landscape) and Technical Advice Note 15 (flood risk)

For these reasons, Site HG4(2) – Land West of Maendy Road, Aberthin should be removed from the RLDP.

3 Settlement Context: Aberthin

3.1 Settlement size and character

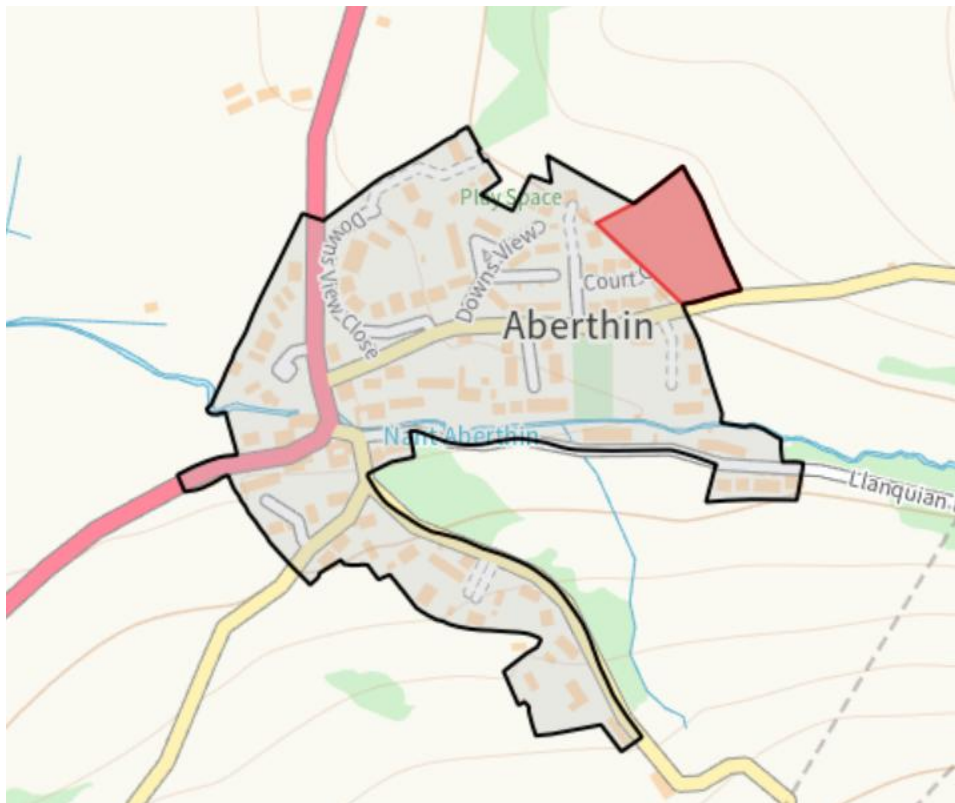
Aberthin is classified as a minor rural settlement. It is a historic agricultural village built around the Nant Aberthin (Aberthin Brook), a tributary that flows into the River Thaw. The settlement is surrounded by agricultural land parcels and a large common land called Stalling Down.

It is estimated to contain approximately 176 dwellings.

There is a close-knit community feel, with many residents taking parts in community events organised by the village hall committee, such as a duck race (where plastic yellow ducks are raced down the stream), a free bonfire and fireworks display held on the downs, quiz nights, amateur dramatics and an annual Village Day, which has a barbeque, music and a dog show.

Aberthin has already been recently extended, under the last LDP. In around 2017, 20 properties were built in Court close, 6 of those affordable. The settlement boundary was redrawn to accommodate the site, as can be seen in the map below, marked in red.

3.1.1 Settlement boundary



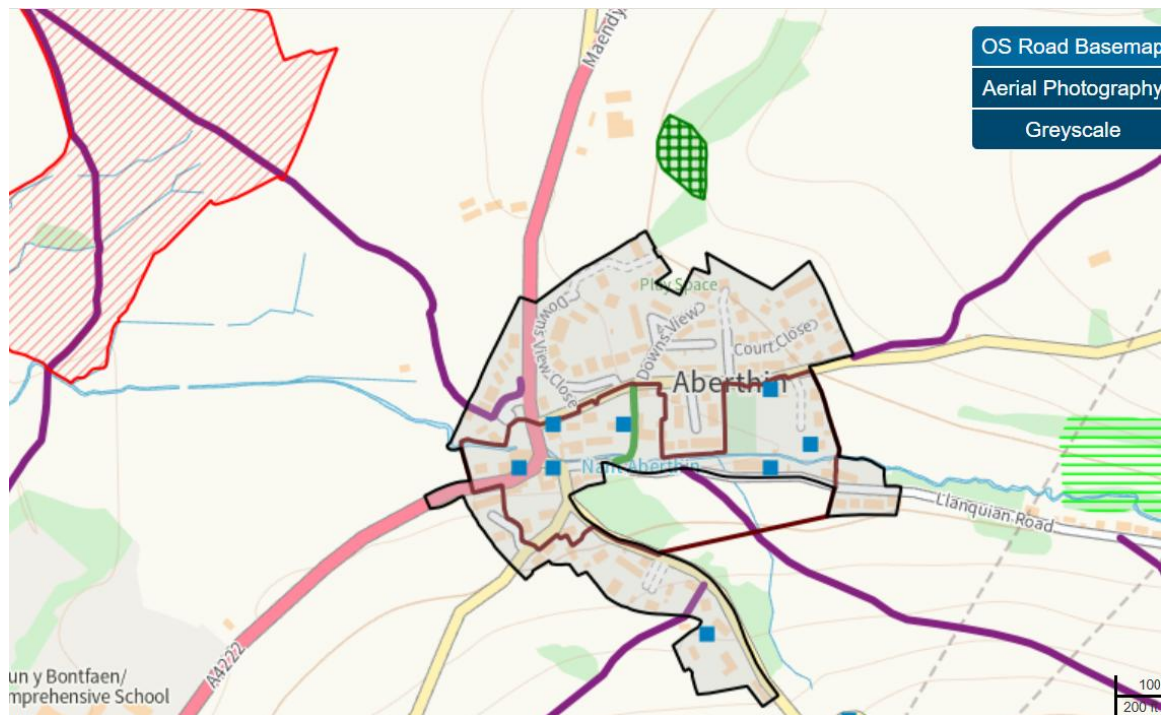
3.2 Landscape and Environmental Context of Aberthin

The settlement is characterised by its historic village form, traditional buildings and strong relationship with the surrounding countryside. Much of the landscape surrounding the village is designated as a Special Landscape Area by Vale of Glamorgan Council, reflecting the recognised scenic quality and rural character of the Nant Aberthin valley and the wider Vale landscape. The historic character of the settlement is also recognised through the designation of the Aberthin Conservation Area, which protects the architectural and historic character of the village and its relationship with the surrounding rural landscape.

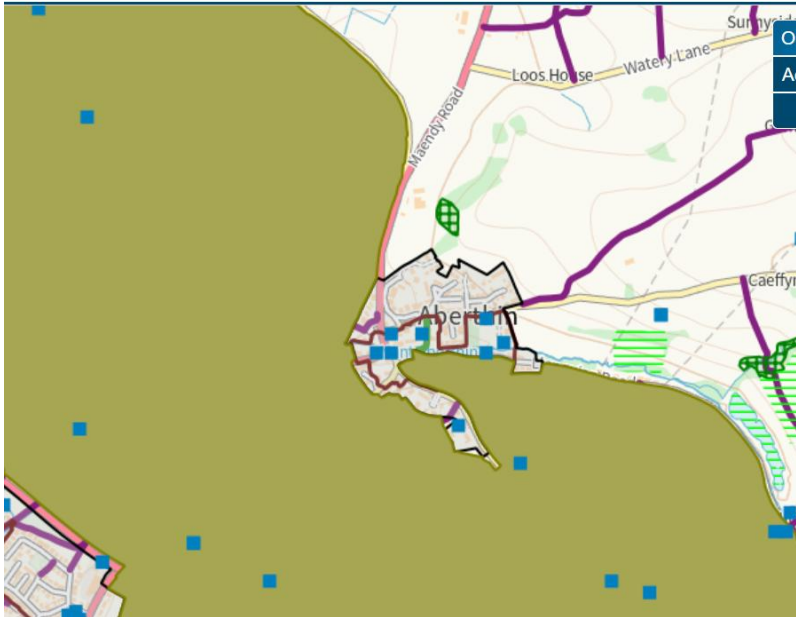
The surrounding countryside comprises a network of agricultural fields defined by historic hedgerow boundaries, forming part of the traditional field pattern typical of the Vale of Glamorgan. The area is also notable for its historic environment, with several Scheduled Ancient Monuments and other archaeological features recorded in the surrounding landscape, reflecting long-standing human activity in the Nant Aberthin valley. The landscape also supports important ecological features associated with the Nant Aberthin watercourse and valley system, including the nearby Cors Aberthin SSSI, a designated wetland site protected under the Wildlife and Countryside Act 1981. Public rights of way cross the surrounding farmland, providing access to the countryside and contributing to the rural character and recreational value of the area.

3.2.1 Landscape features

SSSI: shown in red, Conservation Area – maroon boundary, monuments in blue, ancient woodland in green crosshatch, and SINC in green horizontal lines



3.2.2 Surrounding countryside in SLA



3.3 Services and facilities

Aberthin has very limited services and infrastructure.

Known facilities include:

- a small community centre (a charity created to support itself, run by volunteers)
- two public houses, one of which has been operated and staffed primarily by the same family for approximately 20 years.

The pubs are both well attended.

There are no shops.

The nearest Medical Centre is in central Cowbridge.

Cowbridge primary and secondary schools are within walking distance. The schools have had significant oversubscription issues for at least a decade, despite recent expansion. There are no other easily commutable secondary schools in the area.

3.4 Transport accessibility

Public transport provision is also extremely limited:

- The nearest train station is in Pontyclun, 4.7 miles away
- There is only one bus stop, located on one side of the road, for buses headed North. Although buses do stop in the opposite direction, taking residents towards Cowbridge, there is no designated bus stop, street furniture or pavements, for safety purposes. The stop is also on a 90-degree bend with multiple side roads and opposite a pub car park which all together pose a risk to personal safety.
- Buses operate approximately hourly

- Services run only until around 7:30 pm
- No Sunday or bank holiday services exists.
- Buses are not busy

There are no designated cycle paths (Active Travel). A scheme went through consultation but met with multiple objections. Some of these are relevant to LDP planning elements, such as:

- The high volume and speed of traffic on the existing highways, predominantly the A4222 that runs directly through Aberthin
- A lack of segregated infrastructure in the area, which would force cyclists to share space with cars in narrow sections.
- The lack of street lighting in the area, which made the route unappealing for use at night or during winter.
- Concerns regarding installing lighting due to wildlife disruption

The project has been on hold for 3 years.

The settlement is not (for many) realistically walkable to any nearby towns, including Cowbridge, the nearest town, the centre of which is 2km away. There is a reliance on Cowbridge for most needs. In some places pavements do not exist or are not continuous through either side of the village. Most residents rely on car travel.

3.5 Flood risks and geology

Aberthin is in a flood risk area, with most of the heart of the village in flood zone 3 and further parts in flood zone 2:

- **Fluvial Risk (Rivers):** The area immediately surrounding the Nant Aberthin is subject to flood risk. Nant Aberthin joins the River Thaw,
- **Surface Water:** Due to its position at the base of the steep Pen y Lan Road and Stalling Down, the village and the adjacent field of the proposed site 2299 are susceptible to local flood risk caused by surface runoff during intense rainfall. Groundwater also naturally flows downhill towards valley bottoms, where it can emerge as springs or cause the water table to reach the surface.
- **Groundwater:** Much of the village and the surrounding valley floor is classified by the British Geological Society as having a High Susceptibility to groundwater flooding. This means geological conditions (specifically the permeable limestone bedrock and overlying river gravels) could enable groundwater to emerge at the surface or remain very shallow.
- **Aquifer Designation:** The underlying Carboniferous Limestone is classified as a Principal Aquifer. These are layers of rock with high permeability that provide significant water

storage. In Aberthin, this leads to a "flashy" groundwater table that rises rapidly in response to rainfall.

- **Alluvial Deposits:** The valley floor contains permeable layers of alluvium and gravel. When the nearby River Thaw or Nant Aberthin rises, it can "push" groundwater up through these deposits into low-lying areas, a process known as groundwater-surface water interaction.
- Under the [Water Framework Directive \(WFD\)](#), the groundwater body in this part of the Vale of Glamorgan is generally monitored for "Good" or "Poor" quantitative status.

Additionally, much of the centre and the surrounding agricultural land to the immediate North and West has experienced historical flooding and is in Development Advice Map Zone B

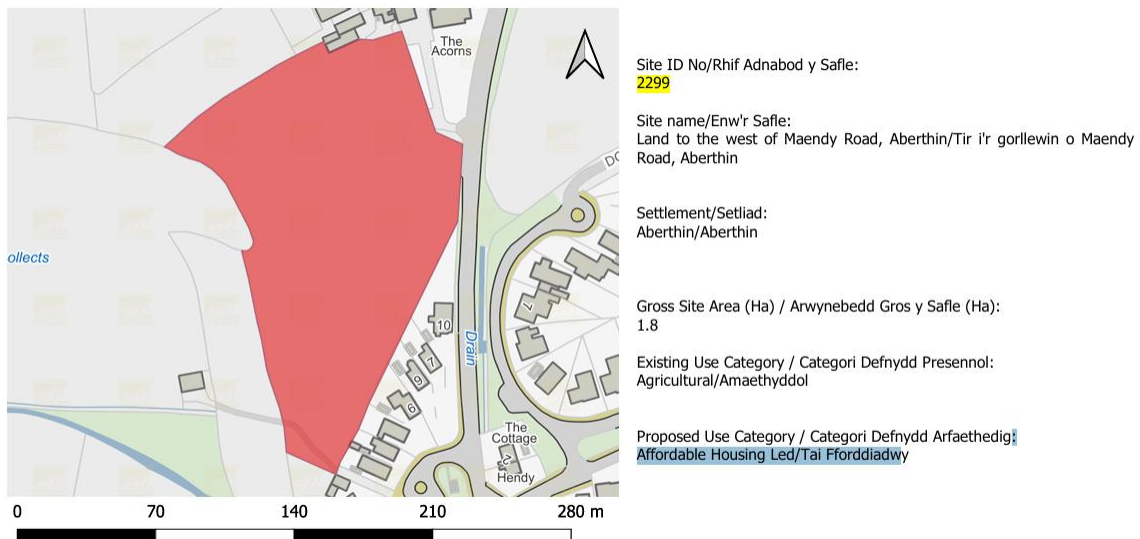
4 Site identification and baseline facts

4.1 Site 2299 or HG4(2)

Site 2299 is described as 'Land West of Maendy Road, Aberthin', promoted for 25 dwellings. Its status is undeveloped greenfield land (agricultural field). Current lawful use and any covenants/easements must be confirmed via Land Registry title and planning history searches.

The site is one of 4 proposed through policy HG4 – rural affordable housing-led site.

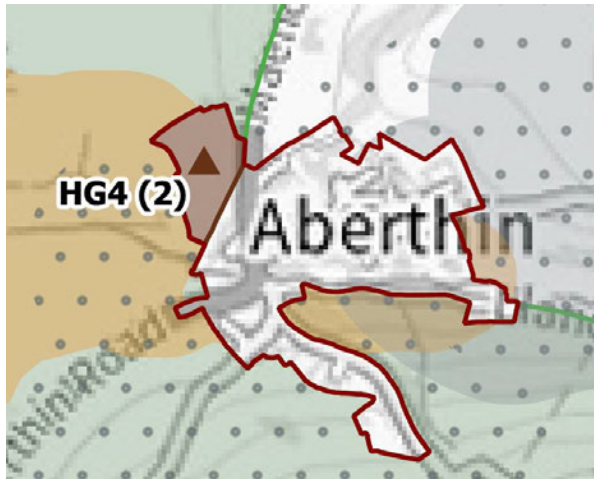
4.1.1 Site map and details



4.2 Scale and proportionality

Aberthin is understood to have 176 dwellings. 25 dwellings = 14.2% increase in a single phase. This also follows a development in 2017 which already saw a 13% increase, so the new development constitutes urban sprawl.

4.2.1 Site map for HG4 (2) in relationship to existing Aberthin settlement



4.3 Development proposal context diagram



Figure 2-2 Proposed Site Layout

4.4 Key mapped constraints/sensitivities

- Wholly within Special Landscape Area (SLA).
- Partial Flood Zone 3 (southern end) and broader fluvial sensitivity in the Nant Aberthin corridor.
- Intermediate surface water risk across approximately half the site (per Vale planning constraints mapping), with additional low surface water risk elsewhere.
- Groundwater susceptibility identified as 'red – highest to ground' and recommendations for 12 months groundwater monitoring and FCA

- History of flooding (DEVELOPMENT ADVICE MAP Zone B) across middle of the site
- Current (known) southern access wholly within Flood Zone 3; width constraints for emergency vehicles.
- No existing sewerage or drainage infrastructure on site.
- Public right of way interacts with the southern access area and proposed drainage features and run along western end from bottom to top of site
- Proximity to designated assets (SSSI nearby, SINCE 165, Conservation Area setting) and mineral safeguarding (limestone safeguarding area).
- Historic hedgerow running down western side of site

5 Principle, spatial strategy and previous rejection

5.1 Conflict with the Plan’s Spatial Strategy

The core objection is one of principle. The proposed allocation would release open countryside for estate-scale residential development in a Minor Rural Settlement, contrary to the spatial strategy of the RLDP.

The RLDP directs the majority of housing growth to sustainable locations — higher-order settlements and service centres — where employment, services, public transport and infrastructure are available. Minor Rural Settlements are not intended to accommodate estate-scale development; growth in such locations is expected to be very limited and typically confined to local need or small-scale infill. Aberthin is not identified as a strategic growth location and no specific local affordable housing need within the settlement has been demonstrated.

This strategic approach is reflected in the housing distribution set out in BP9A. Figure 2 shows that only 4.5% of total housing growth is directed to Minor Rural Settlements and Primary Settlements outside the Strategic Growth Area. Applied to the Plan’s total housing provision of 8,660 dwellings, this equates to approximately 390 dwellings across all minor rural settlements over the 15-year plan period. By contrast, the overwhelming majority of growth is directed to larger settlements:

Settlement Category	Share of Housing
Primary settlements in Strategic Growth Area	40.5%
Service centres	26.4%
Key settlements	24.9%

This distribution demonstrates that minor rural settlements are not intended to play a significant role in housing delivery, with growth instead concentrated in locations with stronger services, infrastructure and sustainable transport connections.

Within this context, allocating HG4(2) Aberthin for approximately 25 dwellings would represent a 14.2% expansion of the settlement in a single phase, introducing suburban-scale development into a small rural village with very limited services and infrastructure. Although described as “small-scale”, the assessment fails to consider proportionality: a 14% expansion of a minor rural settlement cannot reasonably be regarded as small-scale development.

The allocation therefore represents a departure from the Plan’s spatial distribution strategy rather than an implementation of it.

5.2 Consistency with Previous Plan Evidence

The site was previously assessed during preparation of the Vale of Glamorgan LDP 2011-2026 and rejected. The reason for rejection was clear: the site was considered unrelated to the settlement and would represent unacceptable sporadic development in the countryside. This reasoning remains valid.

The physical relationship between the site and the settlement has not changed. The field remains a separate agricultural parcel outside the established built form of Aberthin. No new infrastructure, services, or settlement expansion has occurred that would alter this relationship.

Allocating the same site in the absence of any material change in context raises serious questions about the consistency and robustness of the site selection process.

5.3 Internal Inconsistency in the Council's Own Assessment

The Council's Candidate Site Assessment contains a clear internal inconsistency regarding the status of Site 2299. At Stage 1 the site is described as "adjacent to a minor rural settlement" (BP18A, p.14), which indicates that the land lies outside the settlement and forms part of the open countryside. However, at Stage 2 the site is assessed on the basis that "a small-scale affordable housing led development *in* a minor rural settlement would accord in principle with the strategy" (BP18A, p.20).

These statements are incompatible. A site that is *adjacent to* a settlement is not *within* it. The assessment therefore appears to assume that the settlement boundary will be extended to incorporate the site, yet no explanation or evidence is provided to justify such a boundary change. This raises serious concerns regarding the transparency and robustness of the site selection process and suggests that the allocation may be site-led rather than plan-led.

5.4 Scale Does Not Resolve the Principal Conflict

The number of dwellings proposed does not resolve the fundamental policy conflict.

Even if the development were reduced in scale, the underlying issue would remain: the site constitutes development in the countryside beyond a defensible settlement boundary and represents estate-style expansion rather than small-scale infill.

5.5 Reliance Solely on Affordable Housing Justification

The Council's own assessment makes clear that the only substantive justification for the site is the potential delivery of affordable housing. No other strategic justification is provided.

Indeed, the assessment acknowledges that:

- Aberthin has limited services and facilities, and
- public transport provision is relatively infrequent.

The reliance solely on affordable housing as justification is problematic in principle. Affordable housing provision cannot justify development in locations that conflict with the spatial strategy, particularly where the overall housing requirement is already exceeded, the plan target for affordable housing doubles the historic attainment and need for the LDP to contribute, and alternative sustainable sites are available.

The detailed assessment of affordable housing need and delivery is addressed separately in Section [6] of this representation.

6 Affordable Housing, Spatial Strategy, and Necessity: Why HG4(2) Is Not Required

6.1 The RLDP Already Exceeds the Housing Requirement (and Explicitly Builds in Flexibility)

A key test in allocating additional housing sites is whether they are necessary for the Plan to deliver its housing requirement and strategy.

BP9A confirms a housing requirement of 7,890 dwellings and total housing provision of 8,660 dwellings, explicitly described as a 10% flexibility allowance:

- “The housing provision of 8,660 dwellings rounds to a 10% flexibility allowance...”
- “...it is considered that a 10% flexibility should be considered a maximum...”

This creates a surplus of 770 dwellings above the requirement (8,660 – 7,890), meaning the Plan is not operating at the margin but already includes a substantial buffer.

Removal of HG4(2) Aberthin (25 dwellings) would leave provision at 8,635 dwellings, still exceeding the requirement by 745 dwellings. Even removal of all HG4 rural affordable-led sites (122 dwellings) would leave provision at 8,538 dwellings, still exceeding the requirement by 648 dwellings.

The Plan therefore retains a substantial flexibility margin without reliance on the HG4 rural sites. These allocations are consequently discretionary additions rather than necessary components of the housing strategy.

6.2 HG4 Rural Affordable-Led Sites Represent a Very Small Component of Supply and are not Numerically Essential

BP9A identifies “Affordable housing led sites” (HG4) as a limited element of supply totalling 122 dwellings across four settlements (Colwinston 25, Aberthin 25, Wick 50, Fferm Goch 22).

This is 1.4% of total Plan provision.

HG4 rural affordable-led sites therefore represent a very small and numerically non-essential component of supply. Numerically, the Plan is not dependent on these sites. As set out above, even removing all HG4 sites, the Plan retains a surplus of 648 dwellings above the requirement.

This confirms that these allocations are not structurally required for housing delivery.

6.3 The 3,070 Affordable Homes Figure Represents Expected Delivery — Not Demonstrated Need and HG4(2) is immaterial to delivery

A key point in interpreting the Plan’s affordable housing evidence is the meaning of the 3,070 figure referenced throughout the RLDP evidence base.

BP9A confirms that:

“the various sources of housing will contribute 3,070 affordable homes.”

This figure represents expected affordable housing delivery arising from the housing supply identified in the Plan, including sites with planning permission, sites under construction, housing allocations, windfalls and affordable-led sites. It is therefore derived from the overall housing supply and assumed policy performance, rather than representing a quantified level of housing need that must be met in full. In other words, 3,070 is a projection of delivery, not a measure of need.

The actual level of demonstrated need is identified through the Local Housing Market Assessment (LHMA). BP9A confirms that the LHMA identifies:

- 461 affordable homes per year, equating to
- 6,918 affordable homes over the 15-year plan period.

This distinction is critical.

Measure	Number
Demonstrated affordable housing need (LHMA)	6,918 homes

Affordable housing expected to be delivered by the RLDP 3,070 homes

The Plan therefore anticipates delivering less than half of the identified affordable housing need through the planning system. This is not unusual, as delivery through planning mechanisms is constrained by factors such as development viability, housing delivery rates, reliance on market schemes to generate affordable units, and the availability of subsidy and Registered Social Landlord funding.

However, this distinction is fundamental when considering the necessity of individual allocations. Because the 3,070 figure represents expected delivery arising from the overall housing supply, it is not a target that must be achieved through allocating specific individual sites. The inclusion or exclusion of a small site therefore does not materially affect the Plan's affordable housing strategy.

This is particularly clear in the case of HG4(2) Aberthin. BP9A indicates that affordable housing-led sites are expected to deliver at least 50% affordable housing, meaning HG4(2) would provide approximately:

- 13 affordable homes from 25 dwellings,
with 62 affordable homes across all HG4 rural affordable-led sites combined.

The numerical impact of removing the Aberthin site is therefore extremely small:

- Removing HG4(2) Aberthin reduces affordable delivery from 3,070 to approximately 3,057 homes (0.42% reduction).
- Removing all HG4 rural affordable-led sites reduces delivery from 3,070 to approximately 3,008 homes (2.02% reduction).

BP18A states that *"the 2023 LHMA indicated that the ward of Cowbridge has a need for 230 additional affordable units over the next 15 years and this site could make an important contribution in meeting that."* However, a contribution of 0.42% from the Aberthin site cannot reasonably be described as important and is numerically negligible.

Accordingly, the Plan is not materially dependent on HG4(2) Aberthin to meet its affordable housing delivery expectations. The loss of the site would not undermine the Plan's affordable

housing strategy or prevent the RLDP from delivering the level of affordable housing the Council expects to arise from the housing supply.

The evidence therefore demonstrates that HG4(2) Aberthin is not necessary for the Plan to achieve its projected affordable housing delivery.

6.4 Affordable Housing Delivery Framework

Affordable housing delivery in Wales is not solely dependent on allocations or planning obligations secured through the Local Development Plan (LDP). Welsh Government statistics show that affordable housing is delivered through a range of mechanisms, including Welsh Government capital grant programmes, housing association development and direct local authority provision.

In 2024–2025, 3,643 additional affordable homes were delivered across Wales. Of these, 882 homes (approximately 24%) were delivered through planning obligations linked to market housing developments, while around 76% were delivered through other routes, primarily grant-funded programmes and delivery by Registered Social Landlords and local authorities. This demonstrates that the planning system represents one component of the wider affordable housing delivery framework, rather than the principal delivery mechanism.

Within the Vale of Glamorgan, monitoring reports indicate that 2,398 affordable homes were delivered between 2011 and 2025 under the current LDP period. Recent statistics also show 147 local authority homes delivered in 2024–2025, demonstrating that council-led delivery programmes continue to contribute alongside housing association development.

The RLDP evidence suggests that approximately half of identified affordable housing need may be delivered through planning mechanisms associated with housing allocations. When compared with national delivery patterns — where planning obligations account for around 24% of affordable housing provision — this represents approximately double the typical contribution delivered through planning mechanisms.

The available evidence therefore indicates that the RLDP is already expected to make an unusually high contribution to affordable housing delivery through planning mechanisms alone. Given national delivery patterns and the Vale's historic delivery record, it is reasonable to expect that a proportion of affordable housing supply during the plan period will continue to arise through other established mechanisms operating alongside the LDP, including Welsh Government grant programmes, housing association development and local authority housing delivery.

The evidence therefore indicates that the Local Development Plan should be understood as one delivery mechanism within a wider system, rather than the principal mechanism through which affordable housing need is expected to be met.

6.4.1 Implications for Site Allocation

In this context, the justification for allocating additional sites primarily to support affordable housing delivery becomes less clear. If the RLDP already assumes a level of provision through planning mechanisms that doubles typical national delivery patterns, further allocations risk over-provision relative to what is required to support the plan strategy, raising a potential question of plan soundness.

This is particularly relevant where proposed sites are rural or environmentally sensitive locations, or where development may introduce landscape, infrastructure or environmental impacts affecting the rural character that defines much of the Vale of Glamorgan.

The evidence therefore suggests that the necessity for additional site allocations should be clearly demonstrated, particularly where affordable housing delivery may reasonably be expected to arise through the wider delivery framework operating alongside the planning system.

6.5 The Evidence Base Identifies the Greatest Affordable Need in Larger Settlements

The LHMA evidence summarised in the RLDP identifies that the greatest affordable housing need is in:

- Barry
- Penarth / Llandough
- Llantwit Major
- Dinas Powys
- Rhose

The Plan's spatial strategy directs the overwhelming majority of growth to these areas and settlement categories: Key Settlements, Service Centres and Primary Settlements in the Strategic Growth area. This alignment between identified housing need and the spatial distribution of growth is a central principle of the Plan's strategy.

By contrast, Minor Rural Settlements such as Aberthin are not identified as primary locations for addressing affordable housing need, and the evidence base does not demonstrate a specific local need within the settlement itself. In this context, allocating a greenfield affordable housing site in Aberthin appears inconsistent with the evidence base.

6.6 The Council's "Local Need and Support for Services" Justification Requires Evidence

The Plan suggests that rural affordable housing allocations are intended to:

- respond to local affordable housing needs, and
- support local services and facilities.

However, the evidence presented within BP9A does not demonstrate:

- there is any affordable housing need locally within Aberthin,
- What services exist that can be supported by extra residents

The justification for HG4 rural affordable housing sites relies on two related propositions: that they respond to locally arising affordable housing need and that they support the sustainability of rural communities by helping to maintain local services and facilities. However, the evidence base does not demonstrate a specific affordable housing need within Aberthin itself (only the ward of Cowbridge). Nor does the settlement contain a range of services that would realistically be sustained by a development of this scale. In these circumstances, the policy rationale underpinning the allocation appears weak. PPW and TAN 6 expects rural affordable housing to be genuinely locally justified.

6.7 Development Within the Wider Corridor

Housing development has taken place across the Cowbridge–Aberthin–Ystradowen corridor in recent years. Within Aberthin itself, approximately 20 dwellings were completed around 2017–2018, including affordable homes. The redevelopment of the former Cowbridge school site between Aberthin and Cowbridge is currently under construction and will deliver approximately 34 affordable homes.

Further housing has been delivered in nearby settlements, including Maple Walk in Ystradowen (46 homes), with expansion in the RLDP, the former police station site in Cowbridge (14), and Clare Garden Village (475), with further expansion. Collectively, these developments demonstrate that housing supply, including significant levels of affordable housing, is already being delivered within the surrounding area and the corridor may already be at saturation point.

6.8 Overall Conclusion

The evidence demonstrates that the allocation of HG4(2) Aberthin is not necessary for the RLDP to deliver either its housing requirement or its projected affordable housing outcomes.

Even if HG4(2) Aberthin were removed, the Plan would still exceed its housing requirement by 745 dwellings, and even if all HG4 rural affordable-led sites were removed the surplus would remain 648 dwellings. These allocations are therefore not required to maintain an appropriate housing supply or flexibility allowance.

HG4(2) Aberthin itself is expected to deliver approximately 13 affordable homes, reducing projected affordable housing delivery by only 0.42% if removed. Even removing all HG4 rural affordable-led sites would reduce projected delivery by only 2.02%. The Plan is therefore not materially dependent on these sites to achieve its affordable housing outcomes.

National evidence also demonstrates that affordable housing delivery in Wales arises through multiple mechanisms operating alongside the planning system. The RLDP assumption that

around 50% of affordable housing need will be delivered through planning mechanisms represents a doubling of the typical contribution made through the planning system.

Extensive corridor development of housing supply and affordable is already taking place and may have already saturated this corridor.

No clear evidence has been presented demonstrating a specific local affordable housing need within the settlement.

7 Flood risk, surface water, ground water, drainage, and methodological concerns

7.1 TAN 15 Section 10.22 – Highly Vulnerable Development on Greenfield Land in Flood Zone 3

BP21A (p.15) states:

“For a proposed development site within Flood Zones 3 of the Flood Map for Planning for Rivers, Section 10.22 of TAN-15 states that highly vulnerable development on greenfield land is not permitted. Section 10.23 of TAN-15 states that other development proposals are acceptable if they are essential to the LDP.”

This is the primary policy test.

- Residential development = **highly vulnerable development**.
- The site is **greenfield land**.
- The southern part of the site lies within **Flood Zone 3**.
- TAN 15 states highly vulnerable development on greenfield land in Flood Zone 3 is **not permitted**.

The only potential exception pathway is if the development is “essential to the LDP.”

This site is not essential:

- The housing trajectory demonstrates over delivery.
- Strategic sites are already allocated and viability tested.
- Minor rural settlements are not required to meet housing numbers.
- Affordable housing delivery is already occurring in service centres along this corridor and through other delivery vehicles
- No need established in Aberthin

Accordingly, the allocation conflicts directly with TAN 15 Section 10.22.

7.2 Welsh Government Notification Direction – Escalation to Ministers

BP21A (p.15) states:

“It is recognised that the Welsh Government notification direction requires applications for Highly Vulnerable Development where the whole or part of the site is within Flood Zone 3 on a Greenfield site to be referred to the Welsh Ministers. Any development proposals for this site which include residential use are therefore likely to be required to be notified to the Welsh Government.”

This confirms:

- The seriousness of the constraint.
- That residential development here triggers Ministerial scrutiny.
- That the proposal is not routine.

It is unclear whether this allocation has been formally notified to Welsh Government at plan stage. Allocation without clarity on Ministerial position introduces further procedural and soundness risk.

7.3 SuDS Basin – Location Discrepancy and Flood Zone 3 Conflict

BP21A (p.16) states:

“Residential units located entirely within Flood Zone 1. A proposed SuDS detention basin is located to the south of the site and is within Flood Zone 2.

As per the advice of the CIRIA SuDS Manual, SuDS should not be located within an area at a greater than 1% AEP chance of flooding, which aligns to Flood Zone 3.”

However:

- Vale of Glamorgan planning constraints mapping indicates the basin location falls wholly within Flood Zone 3.

If the basin is within Flood Zone 3:

- This conflicts with CIRIA guidance.
- Basin storage may be compromised during fluvial events.
- Coincident pluvial + fluvial events reduce attenuation capacity.
- Exceedance flows could affect:
 - Site access (within Flood Zone 3),
 - The public right of way,
 - Existing properties at Maes Lloi.

No combined-event modelling outputs have been published.

7.3.1 Mapping overlay showing SUDs basin entirely in Flood Zone 3



7.4 Drainage, SuDS Feasibility and Groundwater Constraints

The hydrogeological and flood characteristics of the area raise significant doubt as to whether an effective Sustainable Drainage System (SuDS) could be implemented on the site without creating additional flood or environmental risk.

Aberthin lies within a valley setting where several interacting flood mechanisms operate. Much of the village lies within Flood Zone 3, with surrounding areas within Flood Zone 2, reflecting fluvial flood risk associated with the Nant Aberthin, which ultimately joins the River Thaw. In addition to fluvial flooding, the area is susceptible to surface water runoff due to the steep topography of surrounding higher ground, including Pen-y-Lan Road and the Stalling Down plateau, which generate rapid runoff during intense rainfall events that drain towards the valley floor where the village and the proposed site are located.

Groundwater conditions present a further constraint. The valley floor surrounding Aberthin is identified by the British Geological Survey as having high susceptibility to groundwater flooding. The site lies above Carboniferous Limestone classified as a Principal Aquifer, overlain by permeable gravels and alluvial deposits associated with the Nant Aberthin valley. These geological conditions can produce a rapidly responding (“flashy”) groundwater table in which groundwater levels rise quickly following rainfall and may emerge at the surface or remain very shallow. Interaction between river levels and groundwater within the alluvial deposits can further exacerbate this effect, with elevated river levels capable of forcing groundwater upward into adjacent low-lying land.

These conditions create a challenging environment for SuDS design. Welsh SuDS standards require infiltration to be demonstrated as suitable for local ground conditions and to assess its effects on groundwater levels. Where groundwater is shallow or highly responsive to rainfall, infiltration techniques such as soakaways or infiltration basins may become ineffective or may worsen groundwater emergence and flooding. Introducing additional infiltration in a valley floor already prone to groundwater rise could therefore increase the risk of groundwater flooding in surrounding parts of the village.

Even if infiltration techniques were unsuitable and an attenuation-based system were proposed, significant uncertainty would remain. Such systems require sufficient space for attenuation features, exceedance routing and safe discharge to a receiving watercourse. In this case, the site is constrained by landscape sensitivity, established hedgerows, a public right of way, and its position at the base of surrounding slopes where runoff naturally accumulates, raising doubt as to whether a compliant SuDS solution could be delivered without substantial engineering intervention.

There are also potential implications for Cors Aberthin SSSI, which lies within the same hydrological valley system. Wetland habitats are typically highly sensitive to changes in

hydrology, groundwater levels and water quality, and development that alters surface water pathways, increases runoff or modifies groundwater recharge patterns could affect the hydrological conditions supporting the wetland ecosystem.

Together this creates significant uncertainty regarding whether a SuDS solution could be both effective and environmentally acceptable. In the absence of detailed hydrogeological investigation, seasonal groundwater monitoring and robust drainage modelling demonstrating no increase in flood risk or ecological harm, the assumption that drainage issues can be satisfactorily resolved remains unproven. This uncertainty raises further concerns regarding the deliverability and environmental suitability of the allocation.

7.5 Absence of a Detailed Hydraulic Model – Nant Aberthin

BP21A (p.12) states:

“The southern extent of the Site is partially located within Flood Zones 2 and 3... No detailed model is available of the Nant Aberthin.”

This is critical.

- There is no detailed hydraulic model of the Nant Aberthin.
- Flood extents are therefore based on national-scale modelling.
- No localised calibration or site-specific modelling has been published.
- Flood depth, velocity and hazard classification are not robustly evidenced.

Allocation of highly vulnerable development without a detailed fluvial model is precautionary-risk deficient.

7.6 Absence of Allocation-Stage FCA

The assessment documented in BP21a for site 2299 was undertaken by JBA Consulting. They note the assessment was purely desk-based, taking information provided by others with no verification.

BP21A (p.17) states:

“Any planning application for the Site should be accompanied by an FCA which demonstrates how the proposals meet the requirements of TAN-15.”

This confirms:

- An FCA is required.
- It has not yet been undertaken.
- It is deferred to application stage.

However, TAN 15 requires flood consequences to be demonstrated as acceptable.

Allocation of highly vulnerable development in Flood Zone 3 without an FCA at plan stage means:

- Flood consequences have not been demonstrated.
- Mitigation feasibility has not been proven.
- Deliverability is uncertain.

7.7 TAN 15 Section 10.18 – Flood Zone 2 Justification Pathway Not Engaged

BP21A (p.15) states:

“Section 10.18 of TAN-15 states that it is possible to allocate sites within Flood Zone 2 where the proposals assist the implementation of the strategy of the LDP to regenerate or revitalise existing settlements or to achieve key economic or environmental objectives.”

However:

- The site is not within the established settlement form.
- It was previously rejected as unrelated countryside.
- It does not regenerate the settlement.
- It does not achieve a key economic objective.
- It does not achieve a key environmental objective.

The Section 10.18 justification pathway does not apply.

7.8 Surface Water Risk – “Minimal” Assertion vs Mapping Evidence

BP21A states:

“Surface water and small watercourse flood risk is minimal across the site...”

However:

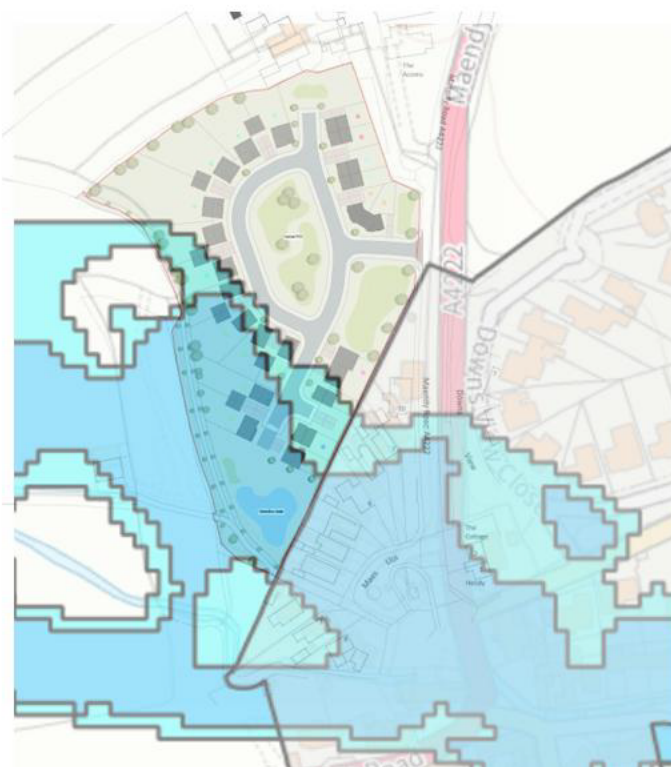
- Vale planning constraints mapping identifies intermediate surface water risk across approximately half of the site.
- The site slopes from north to south toward Maes Lloi.
- Proposed dwellings fall within areas of intermediate surface water flood risk.
- Proposed dwellings are in an area of historical flooding (DEVELOPMENT ADVICE MAP Zone B)
- No surface water modelling outputs are published.
- No velocity modelling.
- No exceedance routing plan.
- No no-worsening assessment.

Surface water risk has not been robustly evidenced at allocation stage.

7.9 Mapping shows majority of proposed houses located in risk areas

The following mapping overlays show that 16 of the 25 houses are in areas of either surface water risk or have experienced historical flooding

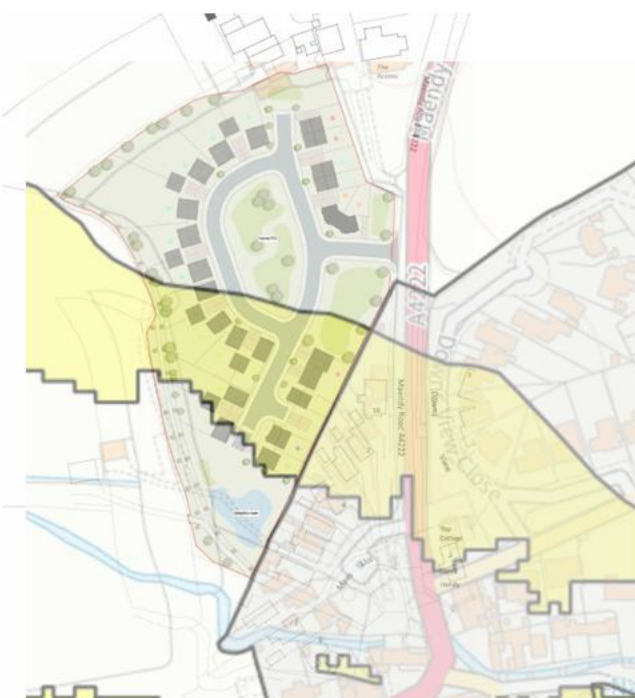
7.9.1 Map overlay showing houses in risk areas for surface water



Surface risk
intermediate

Surface risk
less

7.9.2 Map overlay showing houses in historical flooding area (DEVELOPMENT ADVICE MAP Zone B)



Historical
flooding

7.10 Groundwater – “Red – High” and 12-Month Monitoring Requirement

The site is classified “Red – High – groundwater likely to be at or near the surface” meaning: Groundwater levels are either at or very near (within 0.025m of) the ground surface.

BP21A recommends groundwater monitoring over a 12-month period to capture seasonal variation.

There is no evidence that:

- 12 months monitoring has been undertaken.
- Basin performance takes account of high groundwater.
- Infiltration feasibility has been proven.
- Climate change allowances have been applied to groundwater conditions.

Allocation prior to completion of recommended monitoring is evidentially premature.

7.11 Topography and Potential Runoff Toward Existing At-Risk Properties

The site slopes from north to south toward Maes Lloi.

- Existing properties at Maes Lloi are largely within Flood Zone 3.
- Residents have noted drainage overload during wet periods.
- There is no evidence published that assesses whether the proposed development would not worsen existing flood risks to surrounding properties
- No quantified runoff comparison between greenfield and developed sites is provided.
- No exceedance flow mapping is published.

Downstream impact risk has not been robustly assessed.

7.12 Failure to Apply Council Methodology

BP21A (p.13) states:

“the approach adopted by the Council within its assessment methodology was for flood risk to be given the strongest possible weighting... sites identified to fall within areas of flood risk were discounted from further consideration.”

This is unequivocal.

However, this site:

- Lies partially within Flood Zone 3.
- Has mapped intermediate surface water risk.
- Has groundwater classified “Red – High.”
- Has access within Flood Zone 3.
- Has a history of flooding (DEVELOPMENT ADVICE MAP Zone B)
- Requires Ministerial notification.
- Requires FCA and groundwater monitoring.
- Requires SUDs viability assessment
- Requires SSSI/ecology assessment

This represents a clear departure from the Council’s own stated methodology.

BP16 (p.20) states:

“Sites located within Zone 2 will only be considered where: It will assist, or be part of, a strategy supported by the Development Plan to regenerate an existing settlement or achieve key economic or environmental objectives or address national security or energy needs; AND • Its location meets the definition of a brownfield site, And • Is supported by a FCA that indicates that the potential consequences of a flooding event for the development proposed is found to be acceptable in accordance with the criteria contained in section 11 of TAN 15 (2021).

Sites located within Zone 3 will only be considered where: • The development is required under exceptional circumstances, as defined in TAN e.g. addressing national security or energy security needs, reasons of public health or to mitigate the impacts of climate change, AND • Its location meets the definition of a brownfield site, And • Is supported by a FCA that indicates that the potential consequences of a flooding event for the development proposed is found to be acceptable in accordance with the criteria contained in section 11 of TAN 15 (2021).”

This site is within Flood zones 2 and 3, is not brownfield, has no FCA, meets none of the conditions in section 11, TAN 15 and is not required for exceptional circumstances.

The council do not appear to have followed any of these elements of methodology with regard to flood risk.

7.13 Soundness Consequences

The allocation:

- Conflicts with TAN 15 Section 10.22.
- Does not meet Section 10.18 justification.
- Requires Welsh Government notification.
- Proceeds without any hydraulic model.
- Proceeds without FCA.
- Proceeds without groundwater monitoring.
- No-worsening test absent
- No SUDs viability assessment
- Contains mapping discrepancies.
- Defers critical evidence to application stage.

Accordingly, the allocation fails the soundness tests because it is:

- Not Justified – not based on robust, proportionate evidence.
- Not Effective – deliverability dependent on unresolved flood constraints.
- Not Consistent with national policy – specifically TAN 15 restrictions.

8 Infrastructure Constraints

8.1 Access Considerations

Indicative plans suggest that access to the proposed development may be provided from the A4222 on the northern side of Aberthin. This would introduce an additional junction onto a section of road that already contains numerous access points and turning movements. Given the existing road layout and traffic conditions, the introduction of a further access point warrants careful consideration in relation to highway safety.

The existing southern access route also presents constraints. It lies within Flood Zone 3, is restricted in width, and cannot accommodate emergency vehicles safely. Flood events could potentially affect access and egress, which may have implications for both existing and future residents.

8.2 Existing Road Environment

The A4222 Maendy Road, which connects Cowbridge and Ystradowen through Aberthin, already carries significant traffic volumes, including heavy goods vehicles. The road environment includes several features that influence traffic movement and safety, including:

- a 90-degree bend over a bridge
- multiple side road junctions
- pub car park exits and private driveways accessing the road
- limited footpath provision and crossing points
- areas of reduced street lighting

These characteristics mean that drivers already navigate a relatively complex road environment through the village.

Historic planning decisions also indicate sensitivity around access to this road. In 1978, South Glamorgan County Council required the closure of the access from Skaife House onto the A4222 (Directly opposite the proposed new entrance), as part of planning consent for development at The Spinney, Downs View Close, reflecting previous concerns regarding additional junctions along this section of road (at a time with far less traffic).

8.3 Strategic Transport Policy Context

The RLDP is supported by BP14 – Strategic Transport Assessment Stage 1, which emphasises the importance of locating development where sustainable travel options are available and where the need to travel can be reduced. The assessment highlights the role of planning policy in encouraging modal shift toward walking, cycling and public transport.

The Strategic Transport Assessment Stage 2 (BP14a) identifies capacity pressures within parts of the local network. In particular, the Aberthin Road / Cardiff Road / St Athan Road / Eastgate junction is recorded as operating beyond theoretical capacity during the AM peak period. This indicates that parts of the local highway network already experience congestion during peak travel times.

8.4 Car Dependency and Sustainable Transport

The Strategic Transport Assessment highlights that the Vale of Glamorgan has relatively high levels of car ownership, with 83.4% of households owning one or more vehicles. In smaller rural settlements such as Aberthin, limited public transport and no active travel infrastructure mean that residents are likely to rely heavily on private vehicles.

The Vale's active travel network is described within the transport evidence as limited and fragmented in certain areas. Aberthin currently has:

- no designated Active Travel routes
- no proposed routes within the Active Travel Network Maps
- limited safe walking or cycling connections to nearby settlements such as Cowbridge and Ystradowen, with narrow or missing footpaths and poorly lit sections.

An Active Travel scheme went through consultation but met with multiple objections. Some of these are relevant to LDP planning elements, such as:

- The high volume and speed of traffic on the existing highways, predominantly the A4222 that runs directly through Aberthin
- A lack of segregated infrastructure in the area, which would force cyclists to share space with cars in narrow sections.
- The lack of street lighting in the area, which made the route unappealing for use at night or during winter.
- Concerns regarding installing lighting due to wildlife disruption

The project has been on hold for 3 years.

Public transport provision is also limited, with bus services operating approximately hourly, ending in the early evening at 7.30, with no Sunday services. These factors may influence travel patterns and increase reliance on private vehicles.

8.5 Cumulative Transport Considerations

As discussed earlier, extensive development has occurred and is still ongoing in the Cowbridge–Aberthin–Ystradowen corridor. These settlements are largely connected by the A4222 corridor, which functions as the principal route linking the surrounding communities. The route already accommodates traffic associated with existing settlements and recent development.

In this context, the cumulative impact of additional development along the corridor raises considerations regarding traffic growth, junction capacity, road safety and infrastructure demand. These factors may warrant careful evaluation when assessing additional rural allocations, particularly where the transport evidence indicates existing pressures within parts of the network.

8.6 Policy Considerations

Based on the transport evidence and local context outlined above, several policy considerations arise.

8.6.1 Conflict with sustainable transport objectives

The Strategic Transport Assessment supporting the RLDP (BP14 and BP14a) emphasises the importance of locating development where sustainable transport options are available and where reliance on private vehicles can be reduced.

8.6.2 Infrastructure capacity and network pressures

Transport evidence identifies existing pressures within parts of the local highway network, including peak-period congestion at key junctions serving the area. When considered alongside recent and ongoing development within the Cowbridge–Aberthin corridor, the potential cumulative effect of additional traffic generation may require further assessment to ensure that local infrastructure can accommodate additional demand.

8.6.3 Consistency with the RLDP spatial strategy

Planning Policy Wales and the RLDP strategy emphasises directing development toward locations with stronger accessibility to services, facilities and sustainable transport networks. As a small rural settlement with limited transport connectivity, the role of Aberthin within this spatial strategy may require careful consideration when assessing the suitability of additional housing allocations.

8.7 Education capacity

The Council's education evidence (BP43 Education) confirms that secondary education provision serving the Cowbridge area is already under pressure.

Appendix F of BP43 identifies that Cowbridge Comprehensive School will require an additional 177 places to accommodate projected demand generated by RLDP growth.

BP43 uses the following pupil yield formula:

- Primary: Dwellings $\times$ 0.278
- Secondary: Dwellings $\times$ 0.208

Applying this to a development of 20–30 dwellings at Aberthin would generate approximately:

- 6–8 primary pupils
- 5–6 secondary pupils
- approximately 1 Additional Learning Needs (ALN) pupil

BP43 also confirms that ALN provision across the authority is already under pressure.

The Aberthin allocation therefore adds additional pupil demand to an already constrained education system.

Given that the RLDP already provides 8,660 dwellings against a requirement of 7,890 (a surplus of 770 dwellings) and affordable housing delivery is already secured through larger strategic allocations, the additional education demand created by HG4(2) Aberthin is unnecessary for the delivery of the Plan's housing strategy.

9 Landscape, Settlement Edge, Hedgerow Protection, Public Right of Way, Conservation Area and Nearby SSSI

9.1 Landscape and heritage setting sensitivity

The proposed allocation HG4(2) – Land West of Maendy Road, Aberthin lies wholly within a Special Landscape Area (SLA) designated by Vale of Glamorgan Council. Special Landscape Areas identify landscapes of locally significant character and visual quality, and planning policy requires development within such areas to conserve and enhance landscape character and avoid unnecessary harm to valued landscapes.

The site comprises open agricultural land immediately west of Aberthin, forming part of the rural valley landscape associated with the Nant Aberthin corridor and contributing to the wider countryside setting of the village and surrounding landscape extending toward Cowbridge.

Key landscape characteristics include:

- open pastoral farmland typical of the Vale of Glamorgan landscape
- strong hedgerow field boundaries reflecting historic field patterns
- visual connection with the Nant Aberthin valley landscape
- a continuous mature hedgerow along the western boundary running north–south

This hedgerow forms a defining landscape feature, contributing both to the historic field structure of the landscape and to ecological connectivity.

The existing development along Maendy Road forms a clear and well-defined rural settlement edge to Aberthin. The proposed site lies beyond this edge and currently reads as open countryside rather than part of the village. Development of approximately 25 dwellings would extend the built form westwards into open farmland, resulting in:

- encroachment of residential development into countryside
- erosion of the clear distinction between settlement and rural landscape
- urbanisation of the existing rural settlement edge.

These changes would be particularly sensitive given the site's location within a Special Landscape Area.

The site also forms part of the wider setting of the Aberthin Conservation Area, which protects the historic character and appearance of the village under the Planning (Listed Buildings and Conservation Areas) Act 1990. Aberthin is characterised by traditional stone cottages, a compact historic form and a strong relationship with the surrounding countryside. The open farmland west of the village contributes to this rural setting and historic landscape context. Development

of the site would extend the built form into land that currently forms part of that setting, potentially altering the way the historic settlement is experienced within the surrounding landscape.

The site is also located close to Cors Aberthin SSSI, a designated Site of Special Scientific Interest recognised for its wetland habitats and ecological importance within the Nant Aberthin valley system. SSSIs are protected under the Wildlife and Countryside Act 1981, and planning policy requires that development should avoid Development Advice Mapage to their special scientific interest and associated ecological systems.

The proximity of the allocation to Cors Aberthin SSSI reinforces the environmental sensitivity of the wider landscape, particularly in relation to:

- hydrology and water movement within the valley
- ecological connectivity through the Nant Aberthin corridor
- protection of surrounding habitats that contribute to the ecological functioning of the SSSI.

9.2 Significance and protection of the boundary hedgerow

The continuous hedgerow running along the western boundary of the site is likely to be of considerable ecological, historic and landscape value.

Hedgerows of this type in the Vale countryside commonly:

- form part of historic field boundaries
- provide habitat corridors for birds, bats and small mammals
- contribute significantly to the traditional landscape character of the Vale of Glamorgan

Such hedgerows may qualify as “Important Hedgerows” under the Hedgerows Regulations 1997.

Where a hedgerow meets the criteria set out in these Regulations:

- removal requires formal consent from the local authority, and
- if the hedgerow is classified as important, consent for removal must normally be refused.

Removal of an important hedgerow without permission constitutes a criminal offence.

Given the continuous north–south structure of the boundary hedgerow and its role in the historic field pattern, there is a realistic possibility that the hedgerow would meet the criteria for protection.

9.3 Public Right of Way and proposed realignment

A Public Right of Way (PRoW) currently crosses the site through open agricultural land, forming part of the rural footpath network around Aberthin. In its current form the route is experienced as a traditional countryside path, crossing open farmland with clear visibility and an open rural character.

However, the indicative layout associated with the allocation appears to show the path diverted along the western boundary of the site, coinciding with the existing hedgerow. The proposed layout indicates:

- rear residential gardens backing onto the path
- tree planting along the boundary
- the route positioned between housing plots and boundary vegetation.

9.3.1 Loss of rural character and safety concerns

This realignment would fundamentally alter the character of the route. Instead of crossing open countryside, the diverted path would form a long, narrow corridor along the edge of the development. The path would therefore be experienced as a confined passage rather than an open countryside route, raising concerns regarding:

- loss of the rural character of the right of way
- reduced visibility and openness
- personal safety for walkers.

The arrangement would effectively create a long-enclosed route resembling an alleyway, particularly where gardens back directly onto the path. These concerns are amplified by the likelihood that the route would remain unlit, as public rights of way across rural land are rarely provided with lighting, particularly within Special Landscape Areas where lighting may conflict with policies protecting rural character and dark skies.

The resulting route would therefore be a long, narrow and potentially unlit corridor, raising further safety and amenity concerns.



Length of enclosed
alleyway

9.3.2 Legal implications of diversion

Any diversion of a Public Right of Way requires a legal order under the Highways Act 1980.

To be confirmed, such an order must demonstrate that:

- the diversion is necessary to enable the development, and
- the alternative route is not substantially less convenient or less enjoyable for the public.

Replacing a path that currently crosses open countryside with a route running along the edge of housing development may therefore attract objections from users, residents or rights-of-way groups, potentially preventing confirmation of the diversion order.

9.4 Interaction between the path diversion and hedgerow removal

The proposed diversion appears to coincide directly with the existing boundary hedgerow, suggesting that the development may require removal or substantial alteration of this hedgerow in order to accommodate the path and housing layout.

If the hedgerow qualifies as an Important Hedgerow under the Hedgerows Regulations 1997, its removal may be legally restricted or refused, creating uncertainty regarding whether the layout assumed by the allocation could be implemented.

9.5 Implications for site deliverability

The allocation therefore appears to depend upon:

- diversion of an existing Public Right of Way,
- possible removal or alteration of a potentially protected hedgerow, and
- development within an SLA and sensitive landscape setting closely associated with the Cors Aberthin SSSI and Nant Aberthin ecological corridor.

Each of these matters involves separate legal and environmental considerations, none of which can be assumed to be achievable at the plan allocation stage.

If the diversion were refused, or if removal of the hedgerow were not permitted, the layout assumed by the allocation may not be achievable in practice.

9.6 Conclusion

The allocation of HG4(2) would introduce residential development into open countryside within a designated Special Landscape Area, extending the settlement edge of Aberthin into land that currently contributes to the village's rural setting and the wider setting of the Aberthin Conservation Area.

The site contains a continuous boundary hedgerow likely to be of significant landscape and ecological value, which may qualify for protection under the Hedgerows Regulations 1997.

The indicative layout also proposes diverting an existing Public Right of Way from its current route across open farmland to a narrow boundary corridor running between residential gardens and boundary planting, fundamentally altering the character of the route and raising safety and amenity concerns, particularly as the path would likely remain unlit.

The site also lies close to Cors Aberthin SSSI, further highlighting the environmental sensitivity of the surrounding landscape.

Taken together, these factors raise serious concerns regarding landscape impact, heritage setting, environmental sensitivity, legal constraints and the practical deliverability of the allocation, particularly given that the Plan already provides sufficient housing supply without reliance on development of this sensitive site.

10 Plan Soundness and potential Misapplication of Policy HG4

10.1 Affordable Housing Exception Policy Must Operate Within National Policy

Policy HG4 allows for small-scale affordable housing-led development in Minor Rural Settlements, reflecting the Welsh Government policy approach to rural exception sites.

However, such policies are intended to operate within the framework of the Plan's spatial strategy, not to override it.

Affordable housing exception mechanisms are designed to allow limited, carefully justified departures from the normal settlement boundary approach where local need is demonstrated and cannot otherwise be met. They are not intended to provide a general mechanism for allocating greenfield housing sites in rural settlements.

The allocation of Site 2299 appears to rely on HG4 as the primary justification for development, rather than demonstrating that the site aligns with the broader spatial strategy and site selection methodology of the Plan.

PPW (12) allows rural affordable housing through **exception mechanisms**, but only where certain conditions are met.

- small-scale
- genuinely local need (not demonstrated in Aberthin)
- proportionate to settlement size (2299 is disproportionate estate scale development)
- does not undermine settlement strategy (outside strategic growth and sustainable areas)

Development Plans Manual (Edition 3) states that site allocations should:

- flow from the spatial strategy
- follow the site search sequence
- be supported by a transparent assessment process

In other words:

Strategy → site selection → allocation

In the case of site 2299 the order appears reversed:

Site promoted → affordable housing justification → boundary expanded → allocation.

That is the type of site-led planning the manual warns against.

10.2 HG4 Overrides the Plan-Led Site Selection Process

The evidence in the Candidate Site Assessment indicates that the site has been taken forward solely on the basis that it *could* deliver affordable housing and there is no indication that the assessment methodology has been carried out

This approach effectively allows HG4 to override the wider plan-making framework, including:

- the settlement hierarchy,
- the spatial distribution of housing growth,
- the requirement to prioritise sustainable locations, and
- the established methodology for identifying appropriate development sites.

This creates a policy loophole whereby any countryside site adjacent to a minor rural settlement could potentially be justified simply by proposing affordable housing. This risk appears to have been realised. HG1, 3 and 4 were all rejected according to the assessment methodology but resubmitted as affordable led upon guidance: *“but the site could be reconsidered as a small-scale affordable housing led development”*.

HG4(2) Aberthin was previously rejected in the 2011-2026 LDP then crucially did not go through the normal assessment process but went straight to allocation as affordable-led. This creates a precedent for any candidate site, including those previously rejected to be submitted as affordable-led and potentially be allocated without robust assessment.

Such an approach undermines the plan-led system and the spatial strategy on which the RLDP is based.

10.3 Lack of Evidence That the Site Is Necessary to Deliver Affordable Housing

The justification for the site relies on reference to the Local Housing Market Assessment (LHMA), which identifies a need for additional affordable housing within the relevant ward of Cowbridge.

However, the existence of an identified need does not in itself justify the allocation of specific countryside sites.

The RLDP must demonstrate that:

1. the affordable housing requirement cannot be met within the overall housing supply, and
2. the proposed site represents the most appropriate and sustainable location to contribute to meeting that need.

Neither has been demonstrated.

As previously discussed, the RLDP already provides a significant surplus of housing provision over the housing requirement, including substantial capacity within more sustainable settlements.

In these circumstances, the allocation of a countryside site solely on the basis of affordable housing provision i.e. HG4 exception, is not justified.

10.4 Soundness Implications

For a Local Development Plan to be sound it must be:

- Justified – based on a robust and credible evidence base and the most appropriate strategy.
- Consistent with national policy.
- Effective and deliverable.

The reliance on Policy HG4 as the primary justification for Site 2299 raises concerns in respect of all three tests.

In particular:

- Justified: The evidence base does not demonstrate that the site is necessary to deliver the Plan's housing or affordable housing objectives, or that there is any evidenced need in Aberthin
- Consistent with National policy: The allocation does not appear to arise from a consistent application of the spatial strategy or site selection methodology and does not take account of flood risks in accordance with policy. The approach risks undermining the plan-led system by allowing countryside sites to be allocated solely on the basis of affordable housing provision.
- Effective and Deliverable: The number of constraints lack mitigation evidence, e.g. no FCA, SUDs assessment, overall site viability assessment and other missing assessments, the limited infrastructure of the area is not mitigated, and only summary financial viability is provided, and this has discrepancies

For these reasons, the allocation of Site 2299 using HG4 cannot be considered justified or sound.

11 Conflicts with methodology, shifts, audit trail concerns and gaps

11.1 Candidate Site Assessment Methodology (BP16)

11.1.1 Site Assessment Criteria Outcomes

Site 2299 has been assessed against 35 criteria within the candidate site assessment framework. Of these, 12 criteria are recorded as green (no identified constraints to development). Four criteria are marked as red, which represent the most significant level of concern, typically indicating a major constraint to development, potential conflict with national policy, or insufficient information to support the assessment.

A review of the scoring suggests that some classifications may warrant further consideration, as below, and may increase red scores to 6. A site could be rejected on the basis of a single red score (p10).

11.1.2 Potential Issues in the Scoring

11.1.2.1 Environment and Physical Constraints

The site is recorded as Amber under the category of *Environmental and Physical Constraints*. However, part of the site lies within Flood Zone 3 and therefore appears to engage the requirements of Technical Advice Note 15 (TAN15), specifically the Justification Test and Acceptability of Consequences tests set out in Sections 10 and 11.

Guidance provided in Background Paper BP16 (page 20) states that sites located within Flood Zone 3 will only be considered where specific criteria are met. These include:

- The development is required under exceptional circumstances, such as those relating to national security, energy security, public health, or climate change mitigation.
- The site meets the definition of previously developed (brownfield) land.
- The proposal is supported by a Flood Consequences Assessment (FCA) demonstrating that the potential consequences of flooding are acceptable in accordance with the criteria contained within Section 11 of TAN15 (2021).

In the case of Site 2299:

- No exceptional circumstances have been identified.
- The site is greenfield rather than previously developed land.
- No evidence has been presented demonstrating compliance with the acceptability of consequences test.

Further, on page 7 of the guidance:

“Flood risk – sites located within either a TAN 15 Defended Area, or Flood Zone 2 or 3 area which do not meet the justification test and acceptability of consequences section 10 and 11 out in TAN 15 will not pass the initial sifting.”

In light of these factors, the classification of Amber within this category is surprising, as it appears the site should have not have even passed initial sifting.

11.1.2.2 Landscape Considerations

The site is also scored Amber under the Special Landscape Area criterion. However, the scoring guidance indicates that a site should be classified as Red where it is predominantly greenfield and wholly located within a Special Landscape Area or a Registered Landscape of Outstanding or Special Historic Interest.

Site 2299 is identified as greenfield land and lies entirely within a designated Special Landscape Area. Based on the stated scoring methodology, this suggests that a Red classification could be more consistent with the guidance provided.

11.1.3 FCA requirement

On page 22 the FCA requirement and discounting rule is clear:

“Sites which are not accompanied by a FCA or do not meet the tests shall be automatically discounted from further consideration.”

Site 2299 does not have an FCA, so should have been discounted.

11.2 Deposit assessment audit-trail concerns (BP18A) and unexplained shifts

Inconsistencies in the deposit candidate site assessment narrative are noted:

- BP18A p.14 describes the site 2299 as conforming with strategy/initial filter and uses language indicating it is ‘adjacent’ to the settlement; later narrative suggests it is ‘in’ the settlement without a published boundary justification.
- BP18A p.20 notes ‘suitable for further consideration’ while listing constraints without explaining why those constraints did not prevent progression under BP16.
- BP18A p.34 significantly downplays flood risk (references only a part in Flood Zone 3) and does not reflect mapped intermediate surface water risk covering around half the site, historical flood data and ground water risk.
- BP18A p.77 contains a ‘Acceptable at PS stage’ recorded as “N/A” for site 2299 and a ‘Justification’ field recorded as “N/A” for site 2299, which undermines transparency.
- BP18A also indicates that detailed site proformas exist and are available on request. The Council should disclose the full Site 2299 proforma used for decision-making, including RAG scoring rationale and any override decisions.
- BP18A p.34 – indicates a viability assessment has been submitted for site 2299 which demonstrates that the site is deliverable as an affordable housing led site. Only a summary

table has been published, which appears to under cost, and may need validating in light of flood risks, SUDs viability, no sewerage on site, and contributions to education and infrastructure costs cited elsewhere.

11.3 Independent viability evidence gap and deliverability risk (BP42A)

- BP42A (December 2025) provides Independent Financial Viability Assessments of five strategic/key sites. Site 2299 is not included. Planning Policy Wales (PPW 12) directs that: *“as part of demonstrating the deliverability of housing sites, financial viability must be assessed prior to their inclusion as allocations in a development plan. At the ‘Candidate Site’ stage of development plan preparation, land owners/developers must carry out an initial site viability assessment and provide evidence to demonstrate the financial deliverability of their sites.”*
- BP42A states it is concerned with financial viability only and not broader constraints.
- Site 2299 is not a low-risk site; it is flood constrained, and requires a robust management plan, SUDs viability needs testing (extending to SSSI implication), requires full new sewage/drainage infrastructure, has access uncertainties and SLA landscape constraints. These drive abnormal costs. Without site-specific viability testing, deliverability and affordable housing delivery cannot be assumed.
- Site 2299 has viability tension: as abnormal costs rise (flood mitigation, SuDS, groundwater management, highway works, sewage/drainage installation and potential off-site reinforcement), affordable housing delivery is typically the first pressure point. The RLDP must evidence deliverability for this site, not assume it.

12 Tests of soundness

For the RLDP to be sound it must be Justified, Effective and Consistent with National Policy.

12.1 Not Justified

The allocation is not supported by proportionate evidence:

- the RLDP already provides 770 dwellings above the housing requirement
- the site contributes only 0.42% of projected affordable housing delivery
- no specific local affordable housing need has been demonstrated within Aberthin
- the site conflicts with the spatial strategy which limits growth in Minor Rural Settlements
- the allocation represents a departure from the Council's own site assessment methodology
- the allocation lacks a transparent audit trail
- does not demonstrate why this constrained countryside site is the most appropriate option, particularly given delivery elsewhere in the corridor and strategic sites

12.2 Not Effective

The site cannot be shown to be deliverable because:

- significant flood risk constraints remain unresolved
- no Flood Consequence Assessment has been undertaken
- groundwater monitoring recommended in the evidence has not been completed
- the SuDS strategy has not been demonstrated to be viable
- potential impacts on Cors Aberthin SSSI hydrology have not been assessed
- no-worsening test absent
- access, drainage and infrastructure constraints remain uncertain
- viability is not independently tested or fully costed

12.3 Not Consistent with National Policy

The allocation conflicts with Technical Advice Note 15 (Flood Risk) because:

- the site partly lies within Flood Zone 3
- residential development is highly vulnerable development
- TAN15 states such development should not occur on greenfield land in Flood Zone 3 unless essential to the LDP

- the RLDP already contains a substantial housing surplus, meaning the site cannot be considered essential

12.4 Conclusion

For these reasons the allocation of HG4(2) – Land West of Maendy Road, Aberthin cannot be considered sound.

The site should therefore be removed from the RLDP.

10.3 Not consistent with national policy: the allocation conflicts with national objectives for sustainable location and robust flood risk management (including safe access/egress and no worsening).

13 Formal request and proposed modifications

1. Primary request: delete Site 2299 from the RLDP and remove it from Policy HG4.
2. Settlement boundary: do not redraw the Aberthin settlement boundary to include this field parcel; if already redrawn, reinstate the defensible boundary aligned to existing built form unless a published boundary review justifies change.

Evidence disclosure requests (minimum):

- a. Robust evidence qualifying necessity under HG4, aligned to national policies
 - b. Full Site 2299 proforma (BP18A indicates proformas exist and are available on request), including all scoring and override rationale.
 - c. Full FCA including modelling outputs, assumptions, and climate change allowances for both fluvial and pluvial events, surface runoff from surrounding slopes, high groundwater susceptibility, principal aquifer conditions, cumulative testing, implications on the nearby SSSI wetland habitat, ecology assessment and no worsening test.
 - d. Surface water modelling demonstrates intermediate risk treatment, exceedance routing and no worsening.
 - e. The advised 12-month Groundwater monitoring and data
 - f. SuDS feasibility and design, including implications on the nearby SSSI and ecology.
 - g. Drainage strategy demonstrating foul connection feasibility, capacity, and any required off-site reinforcement.
 - h. Dry access/egress assessment for residents and emergency vehicles during flood events.
 - i. Highways feasibility: access location, visibility, swept-path tracking and road safety audit.
 - j. Active travel and public transport assessment with deliverable mitigation package and funding mechanism.
 - k. Landscape/visual assessment for SLA impacts.
 - l. Ecology and heritage appraisals including SSSI proximity and Conservation Area setting.
 - m. Site-specific viability appraisal (including all abnormal costs) demonstrating affordable housing deliverability.
3. Confirmation regarding protection of hedgerow
 4. Confirmation regarding PRow