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Cllr Simon Hancock,  
Chairman, Pembrokeshire Coast National Park,  
35 Honeyborough Green, Neyland,  
Milford Haven, Pembrokeshire. SA73 1RG

12<sup>th</sup> May 2009

Dear Councillor Hancock,

I am writing to you as Chairman of the National Park Committee to express my continuing concern about the way the current application for **Bettws Newydd, Newport** is being handled by Development Management Officers and about the advice that Officers are giving to Members of the Development Management Committee.

Consecutive Officers' reports to Committee have emphasised (only the minor and not the major) differences between the approved plans and what exists. This has been the case, even after the application began to be correctly considered under s.73A of the Act, needing to be judged afresh, as the Counsel advising the National Park has clearly stated, against Development Plan (JUDP) policies. (from "Advice" David Forsdick, Landmark Chambers 4th Dec. 2008) Only if the development was judged not to comply with the Plan should other material considerations such as the existing consent have been taken into account. This is expressed in the minutes of the April meeting, thus,

*The report before Members noted that the key considerations in dealing with the application were whether the development met adopted planning policies; or, should the development not meet those policies, whether there were any other material considerations that would indicate that the development should nonetheless be approved. Members were reminded that there was a valid planning permission relating to the site and this would need to be taken into account in determining the application. (my emphasis)*

There has never been any agreement by the Committee that the development does not comply with the Plan and there has been no decision or instruction that consideration of the existing planning permission, though stated to be a material consideration, is of sufficient import to override the Development Plan.

Instead Officers' reports have continued to appear to persuade Members that what mattered were the minor differences between the approved and current applications and officers have thoroughly confused the committee by such as the following:-

*"In conclusion, therefore, officers considered that the proposal met current adopted planning policy and would be recommended for approval irrespective of the existing extant planning permission. Notwithstanding that conclusion, it was also considered that there was not a material difference between what was before the Committee and the existing planning permission which could be a 'fallback' position in the event of a refusal of the existing application. As such this existing permission might be considered to be a compelling material consideration to grant consent in this instance. The application was therefore recommended for approval. (Minutes of 15<sup>th</sup> April Development Management Committee 2009 meeting)  
(my emphasis)*

Whilst the existing consent is indeed a fallback for the applicant if the Committee were to refuse consent (and this has been so described by the Counsel advising the National Park), it is not a material consideration that should be allowed to override policy. However, it was left in April to a member of the Bettws Newydd Opposition Core Group to try to explain this to the Committee in the 3 minutes allowed to speakers.

Unfortunately, but not surprisingly in view of the advice received from officers, the Development Management Committee Chairman, Cllr Brinsden, at a critical point in the April meeting, just before the vote was taken, was reported to have stated that, *“the application to be determined that day centred on differences between it and the permission granted by the Committee in 2006 not the cottage which had existed on site previously. He did not believe that the differences were sufficient to justify refusal of the application.”* (Minutes of 15<sup>th</sup> April Development Management Committee 2009 meeting)

(The handwritten notes on the planning file, show that Cllr Brinsden added, *“We would certainly be overturned on appeal”*. This, I suggest, must also have affected the decision, but it was not recorded in the minutes.)

The Bettws Newydd Opposition Group has struggled to present objective information to the Committee on the differences between the original dwelling and the new development so that it could be judged whether the building that is now standing (the ridge of which is 6metres higher above datum, with a footprint two and a half times the size, and which is twice the height of the original) is in compliance with JUDP policies. This is information is surely important to those of the Committee who did not know the original but also to those who did not attend the site visit or have otherwise been on the site. Such information was absent from the Officers’ Report in March 2006 and it is still absent from Reports up until the present day.

I have today written to the Head of Conservation who had agreed that such information should have been available to you in 2006 and in his 2007 report in response to my official complaint to the PCNPA monitoring officer has said,

*“I do feel that there are good practice points arising from the complaint that the Authority should recognise and take action on. Specifically in the case for applications for replacement dwellings – and other redevelopment proposals – the Officers’ Report should make specific reference to the comparative siting, size and heights of the existing and proposed buildings as relevant contextual information. ... I would propose to issue instructions to this effect.”*

I have asked Mr Jones to ensure that this information will be presented by the officers to the May meeting so that it can be judged whether the landscaping and glazing details that you are about to consider will bring the development into compliance with the Plan.

I am writing to you now to ask you to exercise your authority as chairman to make sure that the Development Management Committee Members clearly understand that this application must be judged by compliance with JUDP policies. I also ask you to ensure that the Committee is presented with the necessary objective criteria by which such a judgement should be made, before this application comes before the Committee again.

Yours Sincerely,  
Mrs Sandra Bayes