

To: Media Outlets.

10th December 2010

PRESS RELEASE BY BETTWS NEWYDD OPPOSITION GROUP.

(In response to the decision by the Welsh Assembly Planning Inspectorate to allow the appeals regarding Bettws Newydd)

We deeply regret the decision to allow the building to remain.

We note that the Inspector, in the first part of the decision, agrees with us that the building breaches planning policies in many serious respects. This confirms that the 2006 decision of the National Park Authority to grant permission was a flagrant mistake.

The inspector's long list of breaches of policy includes such items as:

“..the completed building would be visually intrusive and insensitively sited.”

“..it also currently impinges upon the level of amenity enjoyed by local people particularly on the appearance of this part of the town and adjoining countryside”

“..when completed, the building would fail to harmonise with, or enhance the landform and landscape character of the National Park as required by Policy 15 of the LDP.”

“.. Due to the prominence and scale of the 2- and 3-storey elevations, the building is incompatible with its surroundings and due to the visually intrusive nature of the building I conclude that the retention and completion of the development would have an unacceptable impact on local amenity contrary to LDP Policy 30.”

On sustainable development: “the large modern dwelling that has been built on the site fails to meet many of the criteria of the approved LDP policies.”

(More details below)

The reason for allowing the appeal, as we see it, is that the inspector believes that since the developer has permission to build something that would be equally as bad, there is no point in pulling down the existing illegal building.

This decision means that the community and many visitors to this area will continue experience the effects of this eyesore due to the dreadful mistake made by the National Park planners when they granted the original permission back in 2006. We deeply regret that this means that the efforts of ourselves, of all our supporters, and the Planning Committee Members to rectify the mistakes of the officers have all been in vain. We also regret that the planners' mistakes will now be protected from further legal scrutiny, by way of an action for a claim for compensation from this developer.

We would like to thank the many supporters of our campaign and to state we will now be seeking immediate advice as to whether we have any viable prospect of seeking a remedy, whether by means of judicial review or otherwise.

In more detail :

The disappointment of the Bettws Newydd Opposition Group cannot be overstated. As so called “third-parties”, we, along with Newport Town Council, immediate neighbours and the general public visiting and walking the neighbouring rights-of-way, have no rights under the planning system to appeal against wayward grants of planning permission by incompetent planning authorities.

It is the Welsh Planning Inspectorate which is the final independent arbiter for the proper administration of the system of planning administration, and so we had looked for at least a measure of flexibility and fairness in the Inspectorate’s approach to this travesty, especially in that Inspectorate’s function of correcting gross errors and flagrant departures arising when a local planning authority is found to have failed to achieve even minimal standards in relation to the mistaken grant of planning permission.

The Inspector accepts that the 2006 decision of the National Park Authority to grant permission in this case was just such a flagrant mistake, resulting in the grant of permission for a development which manifestly departed from compliance with a veritable list of applicable planning policies with regard to ‘*unacceptable visual intrusion and loss of amenity*’ (para 14),, failure to ‘*harmonise with, let alone enhance, landform or landscape character*’ (para 15), ‘*unacceptable impact on local amenity*’ , having regard to relationship with existing built environment (para 16), site of development incompatible with many other criteria on sustainable development (para 17), all of which current LDP planning policies reflect exact equivalents that preceded them, in the 2006 JUDP plan, applicable at the time.

Never the less, the Inspector then goes on to conclude that, because he finds the differences between that ‘approved development’, mistakenly granted consent in 2006, and the ‘as-built development’ now erected, which even the Appellant accepts was not in compliance with that consent, are only in his view marginal or minor, and that it is now too late to rectify the original errors which led to that 2006 consent, it follows that we must now also accept those later lesser transgressions of this Appellant, and what is more not only decline to take enforcement measures against them, but indeed grant him a retrospective consent to legally authorise his further flouting of the planning system.

Clearly a large part of the error, most certainly as respect the initial mistaken grant of planning permission, here rests with the planning authority. Who will, ironically, now be protected from further legal scrutiny, by way of an action for a claim for compensation from this developer, as that threat has now been lifted by this decision.

Furthermore, those original gross failures have now been successfully relied upon in turn, by the Developer, to subsequently not only excuse, but even retrospectively authorise, that same Developer’s further flagrant breaches of the system !

Travesty is too small a description, mockery, farce and charade barely do the case justice. BNOG will now be seeking immediate advice as to whether we have any viable prospect of seeking a judicial remedy, whether by means of judicial review or otherwise.

Robbie Manson

English language spokes person for and on behalf of the Bettws Newydd Opposition Group.
Full details at <http://parrog.org.uk/about.htm>