

Bettws Newydd Opposition Group (BNOG)
The Old Mill, Upper Bridge Street,
Newport, Pembrokeshire, SA42 0PL
tel. 01239 820889 email: atkinsonreg@talktalk.net

Mr Tegryn Jones,
Chief Executive, Pembrokeshire Coast National Park Authority,
Llannion Park Pembroke Dock
Pembrokeshire

20th March 2011

Dear Mr Jones,

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT: before the Development Management Committee on 23rd March under OTHER PLANNING MATTERS

(hereinafter termed the HDM Report)

concerning the request by BNOG for the Authority to make an Order under Section 102 of the Town and Country Planning Act 1990 requiring the removal of the as-built dwelling at Bettws Newydd, Newport. (ref.NP/10/033)

I am writing on behalf of BNOG to comment on the above Report which the Head of Development Management will bring to the Development Management Committee on Wednesday.

BNOG firmly believes that it is expedient in the interests of the proper planning of this area (including the interests of amenity) to remove the as-built dwelling at Bettws Newydd.

BNOG does not agree with the Analyses and Conclusion in the Head of Development Management's Report, and we have written at length to all Members of the Development Management Committee to explain why.
(Copy of letter and attachments enclosed)

In summary,

- The HDM has not taken into account within the Analysis of the expediency of issuing a s.102 Order, the Advice to the Authority of Graham Walters, that the Appeals Inspector erred in law in concluding that the Authority had agreed that conditions 2 (approved plans) and 3 (finished levels) had been met.
- The HDM has defined the 2006 consented scheme as including "levels" she herself
- unlawfully "agreed" in February 2007 and purportedly "approved" by way of the 26th July 2007 letter to the Developer, which she should not have done. The Authority has always advised BNOG, that levels in the 2006 scheme fall to be determined as and when that scheme is implemented.
- As we pointed out in our letter to you of 10th February, "Mr Walters himself has stated in the Closing Submissions on behalf of PCNPA to the Inquiry last October that "*A scheme meeting all conditions could be advanced, it would not harm amenity as does the as-built – it would be less visually intrusive and therefore materially better than the as-built.*"
- Lynn Powell, the Planning consultant representing PCNPA at the Appeals Inquiry considered that the development could be set 4 metres lower into the landscape, thus massively reducing the visual impact and harm to amenity.
- It is for this reason, that BNOG argues, that to proceed with a Discontinuance Order alone could be effective in achieving construction of a development which is in conformity with the LDP and other planning policies, whether built to the 2006 approved plans or to some alternative plans granted planning permission by the Authority, if the development were to be properly managed by the Authority's planning department in future.

- It follows that BNOG does not agree with your Officers that “*Accordingly it is appropriate to consider in addition the powers of the authority to revoke the 2006 permission.*” (HDM Report page7)
- However, BNOG believes it would be expedient for the Authority to make a declaration concerning the invalidity of the 26th July 2007 letter, affirming that the Authority remains free to take such a position on the future fulfilment of condition 3, at the relevant time that it may determine best allows it to satisfy its statutory obligations and democratic purposes.
- BNOG is not at all convinced by your Officers’ statement that “*it is not considered that any precedent has been set that would cause any greater impact in the National Park and thus wider implications that would not be in the public interest.*” (HDM Report page 8)
- BNOG finds it confusing that the analysis of the degree of harm is carried out in the HDM Report under the heading of Revocation and not under the heading of a Discontinuance Order, and feels that Members will find this equally so. (HDM Report page 6)
- BNOG objects very strongly indeed to the statement made to you by the Head of Development Management in this Report, as follows:-

“It is not considered that the impact of this dwelling has more than a localised impact and does not cause such sufficient and damaging harm to the overall special qualities and landscape character of the National Park to justify revocation of permission.” (and by implication, a Discontinuance Order) (HDM Report page 6)

- In view of the history of this case, BNOG is understandably wary of the judgement of your Officers. BNOG regrets, therefore, that the Authority has not sought an independent judgement by outside planning consultants in deciding the appropriateness of applying s.102 of the Act.
- BNOG has repeated the request to the Members, that if they decide against issuing an Order, with the prohibitive cost being the deciding factor, that the Committee make it clear to all, that on the basis of the first test, “*that in the interests of proper planning of (this) area (including the interests of amenity)*”, to pursue an Order under section 102 of the Act for removal of the building, would have been your course of action.

Finally, I wish to emphasise to you as Chief Executive of the Authority, that BNOG is astounded, that it is stated for the first time and “in passing” in this document, that Officers, after “*careful consideration*”, hold “***that the 2006 development was more visually intrusive than the original dwelling on the site; a criterion in the then policy 56 in relation to replacement dwellings***” This is said without explanation as to why Officers have suddenly decided this to be the case after 5 years of arguing otherwise, and without admission of the mistakes made in issuing and managing the 2006 consent, and furthermore without apology to Members and to local people and visitors to the National Park. It appears to us that Officers are simply unaware of the true implications for the rest of us of their past judgements and actions over Bettws Newydd.

We apologize for the late arrival of this letter which was almost unavoidable when a Report is published so close to a Meeting, but we trust that you will be able to further consider these very serious matters with your Chairman before Wednesday.

Yours sincerely,

Reg Atkinson Chairperson BNOG