

Barry/Vale Friends of the Earth
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Cyfeillion y Ddaear

Petitions Committee,
Welsh Assembly / Senedd,
Cardiff Bay CF99 1AA

20th April 2012

Petition – P-04-341: Supplementary Evidence for 1st May session

We understand that *Cardiff Against the Incinerator* are presenting evidence in the light of the Ombudsman's decision that residents in the neighbourhood of the proposed Viridor waste incinerator, within 1000m of the site, suffered an injustice through Cardiff Council failing to notify and consult them, and that this amounts to maladministration by Cardiff Council.

We would bring to the Committee's attention that plans for two waste incineration plants on Barry dock were considered at a similar time by the Vale of Glamorgan Council and that also in this case the Council failed to notify residents and businesses in the neighbourhood. In both cases, the planning officer recommended approval on the basis of the land being allocated for waste management purposes in the draft Local Development Plan (LDP), so the planning dept. had an interest in minimising public notification of the two developments. It should be noted, however, that the draft LDP was still confidential and in initial form, approved presumably by the Cabinet Member responsible (Cllr Jeff James), but the planning officer's report still cited the document. Only earlier this year was the draft LDP published, with this proposed designation for waste management purposes.

The two incineration plants are

- a) BioGen municipal waste incinerator on Atlantic Way, Barry Dock (2009/00021/FUL) very visible from housing on Barry Island (Dyfrig St and Redbrink Cres) and in Castleland (Dock View Road), both being elevated above the dock and about 800metres away. The nearest housing on Bendricks Rd is 550m away. Small businesses on David Davies Rd and Woodham Rd are 350-400m away to the north-west.
- b) Sunrise waste wood incinerator (2008/00828/SC1) on Woodham Rd, still closer to Dock View Road housing at about 300metres.

The Sunrise plant was rejected by the Council, then approved on appeal, so there was much information in the public domain by the end; but the BioGen plant was simply approved by the Council in Sept 2009 with few people aware of it and minimal notification of the public by the Council. We should add that Cllr Jeff James as chair of the Planning committee arranged for the proposers BioGen to give a presentation for the Planning Committee (and interested local Councillors, but not the public) on the afternoon prior to the Planning Committee meeting. This pre-meeting was not only prejudicial, but also gave relevant information that the public could not see and could not comment on. The Council's legal officer dismissed complaints at this.

We submit therefore, on the basis of the Ombudsman decision in Cardiff, that the Vale of Glamorgan Council was likewise guilty of maladministration. Would the Petitions committee note this and include the Barry cases with its further actions on the Cardiff/Viridor case.

Max Wallis
Barry & Vale Friends of the Earth