



Caerphilly County Borough Local Development Plan

Hearing Session 1: Plan Preparation, Strategy
and Policy Content
(Tuesday 20th April 2010)

Examination 2010

Caerphilly County Borough Council submission

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1. Introduction

- 1.1 This Topic Paper has been prepared by Caerphilly County Borough Council in order to help facilitate appropriate discussion at the relevant Hearing Session of the Caerphilly County Borough Local Development Plan Examination. The Paper is structured in accord with the Issue and Matters Agenda set out by the Planning Inspector (Mr Alwyn Nixon), as part of the Hearing Sessions Programme and provides a succinct response to the questions raised as part of that Agenda.
- 1.2 Where the Council does not intend to provide any additional written evidence the Inspector's attention is directed to the relevant part of the Evidence Base, which in the view of the Council addresses the matters raised. The paper will not repeat evidence previously submitted for consideration.

2. Procedural Matters

- 2.1 For aural consideration

3. Is the Plan development strategy consistent with the Wales Spatial Plan (WSP); regional plans/strategies; neighbouring authority plans/strategies; and national policy guidance?

- *Does the strategy reflect the broad spatial response to development issues affecting the area as identified in the WSP?*
- 3.1 **Paragraphs 0.46 to 0.51 of SB80 Deposit LDP (Incorporating Focused Changes and Additional Focused Changes)** outlines how the Wales Spatial Plan has informed the development strategy that underpins the plan.
 - *Is the identified hierarchy, role and function of the main settlements consistent with the settlement hierarchy identified in the WSP?*
 - 3.2 The WSP identifies Blackwood and Caerphilly as Primary Key Settlements that have a critical role to play in the success of the Capital Region. It further recognises that these settlements do not exist in isolation and that they have an interface and inter-relationship with their neighbours. The WSP expects that other important towns in the Capital region will be identified through the LDP process (**W.44 WSP 2008 Update Page 128**). In preparing the LDP the Council undertook a functional analysis of the five Community Plan Areas and concluded that in line with the aspirations of the WSP the plan would identify a hierarchy of settlements comprising Principal Towns, Key Settlements and Residential Areas which reflect the inter-relationship between settlements within the county borough and the region. **Note: This is not simply a retail hierarchy.**

- ***Does (i) the identification of 5 settlements with principal town centre boundaries (policy SP19); (ii) the identification of Bargoed as a principal town (policy SP4); make the Plan unacceptably at variance with the WSP?***
- 3.3 In identifying other important towns in the Capital Region as primary key settlements (Principal Towns in the LDP) the WSP (**W.44 WSP 2008 Update Page 128**) indicates that such settlements “*must be successful in their own right and, where appropriate function as service and employment hubs for smaller settlements.*” In this context the settlement strategy (policy SP4) contained within the LDP identifies five Principal Towns namely, Bargoed, Blackwood, Ystrad Mynach, Caerphilly and Risca all of which have a distinct role and function in Caerphilly CB as major employers, retail centres, providers of services and centres of population but critically all of which contribute to a coherent and efficient urban network
 - 3.4 Policy SP19 defines the town centre boundaries for the 5 Principal Towns in order to indicate the area within which commercial service provision and employment opportunities will be encouraged to drive forward further economic growth within the plan period.
 - 3.5 The LDP identifies Bargoed as a Principal Town in the Heads of the Valleys Regeneration Area. This designation recognises that the town provides a wide range of services to the wider population of the Upper Rhymney Valley (*refer to Para 3.1to 3.4 of the LDP (SB80)*). Its allocation as a Principal Town coupled with the major town centre regeneration scheme will expand the town’s functions and increase its sphere of influence. Furthermore it will strengthen the town’s strategic relationship with other settlements in the county borough and also with neighbouring local authority areas. In this context the Heads of the Valleys Strategy recognises the role that Bargoed plays in terms of contributing to a cluster of settlements across the Heads of the Valley area.
 - 3.6 The WSP also recognises the need to modernise towns in the Heads of the Valleys Regeneration Area to provide vibrant and attractive areas to live and work (**W.44 WSP 2008 Update Page 128**). The Upper Rhymney Valley Holistic Area Regeneration Plan (HARP) has been prepared to deliver on the aspirations of the WSP and the LDP and is intended to be a vehicle for delivering a more holistic approach and a shared agenda for regeneration within this part of the County Borough.
- ***Is the Plan consistent with regional strategies, plans and programmes (eg: transport; minerals; waste)?***
- 3.7 **Paragraphs 0.52 to 0.61** of **SB80** Deposit LDP (Incorporating Focused Changes and Additional Focused Changes)) provide an overview of the regional plans and strategies that are particularly pertinent to the development of the plan. Additional information is also contained within Appendix 7 of the Consultation Report (**SB.66**), September 2009 in the Council’s Self-Assessment of the Soundness of the Deposit Plan.

- ***Does the Plan relate coherently to the emerging LDP strategies and policy approaches of neighbouring authorities?***
- 3.8 Appendix 7 of the Consultation Report (**SB.66**) provides an indication of some of the collaborative working that has taken place in order to inform the strategy and policies contained within emerging LDPs that has contributed to coherence in the emerging policy framework for the region.
- 3.9 **ED37** Cross Boundary Issues – Site Specific Land Allocations provides a specific overview of the policy approach of the Caerphilly LDP compared to that of neighbouring local authority areas and provides details in respect of cross boundary matters. Where the policy approach is at variance then justification is provided.
4. **Is the Plan development strategy sound in sustainability terms and founded on robust evidence?**
- ***Does the Plan strategy seek a sustainable balance between where people live and access to employment, commercial, community and leisure facilities?***
- 4.1 The Inspector's attention is directed to the Evidence Base as follows:
- **SB.3** Development of Strategic Alternative Options,
 - **SB.7** LDP Preferred Strategy - **Section 6**
 - **SB.18** Part 1 Document 3 SEA/SA Assessment of LDP Strategies
 - **SB.80** Deposit LDP up to 2021 – Written Statement (incorporating Focused Changes and Additional Focused Changes) **Paragraphs 1.27 to 1.56.**
- ***Does the Plan have adequate regard to the objective of reducing reliance on car-borne travel?***
- 4.2 The Inspector's attention is directed to the Evidence Base as follows:
- **SB.3** Development of Strategic Alternative Options
 - **SB.7** LDP Preferred Strategy Section 6, in particular 6.28 – 6.36
 - **SB 18** Part 1 Document 3 SEA/SA Assessment of LDP Strategies
 - **SB.43** BP 12 Transport
- ***Does the Plan seek an appropriate balance between re-use of brownfield sites and development of Greenfield land?***
- 4.3 The Inspector's attention is directed to the Evidence Base as follows:
- **SB.3** Development of Strategic Alternative Options
 - **SB.7** LDP Preferred Strategy - Section 6, in particular 6.25 - 6.27
 - **ED31** Background assessment of candidate sites (whole document)

- ***Does the Plan strategy demonstrate a sustainable approach to achieving levels and types of development appropriate to the character, role and function of individual settlements?***

4.4 The Inspector's attention is directed to the Evidence Base as follows:

- **SB.7** LDP Preferred Strategy Section 6, in particular 6.45
- **SB.8** LDP Preferred Strategy Appendix 6

5. **Delivery of Plan Strategy and Policies**

- ***Are the strategy aims and key objectives consistent with the provisions of the Plan?***

5.1 There are a number of key concepts in the Vision Statement for the LDP that guide the plan's aims and strategy. The Key Objectives in turn contribute to the achievement of one or more of the aims of the plan and also serve to address the eight component parts that realise the Vision and the Strategy.

5.2 Each Strategy Policy is cross-referred to the Key Components of the strategy listed on page 32/33 of **SB80** Deposit LDP (Incorporating Focused Changes and Additional Focused Changes)

5.3 The County Wide policies provide the criteria-based policies against which all development proposals submitted as planning applications will be determined across the whole county borough.

5.4 The introduction to each of the three strategy areas in the final section of the plan identifies those policies and proposals that support the role and function of each settlement in the area.

5.5 The plan is coherent and internally consistent and the provisions in the plan deliver on the Aims and Key Objectives outlined.

- ***Does the Plan adequately demonstrate how and when development will be realised over the Plan period? Is there a need for greater clarity on strategic-level timing, linkages to infrastructure and funding sources?***

5.6 The Inspector's attention is directed to the Evidence Base as follows:

- **SB80** Deposit LDP up to 2021 – Written Statement (incorporating Focused Changes and Additional Focused Changes) Paragraph 1.45
- **SB81** Deposit LDP up to 2021 – Appendices to the Written Statement (incorporating Focused Changes and Additional Focused Changes) Appendix 20 & Appendix 7
- **SB33** BP6 Supplementary Paper 2 Site Categorisation Exercise

- ***Is a clearer monitoring framework needed within the Plan, linked to specific objectives to indicate when strategy or policy review will be required?***

5.7 The Inspector's attention is directed to the Evidence Base as follows:

- **SB80** Deposit LDP up to 2021 – Written Statement (incorporating Focused Changes and Additional Focused Changes) Paragraph 0.95 – 0.107
- **SB81** Deposit LDP up to 2021 – Appendices to the Written Statement (incorporating Focused Changes and Additional Focused Changes) Appendix 19.
- **ED36** LDP Draft Monitoring Framework

6. Plan Strategy: Development and Flood Risk.

- ***Does policy SP8 Flood Risk satisfactorily translate national policy concerning development and flood risk down to the local level? Is it drafted as a land-use policy?***

6.1 The Inspector's attention is directed to the Evidence Base as follows:

- **SB61:** Council Report on Deposit and Alternative Sites Consultations – Volume 5 (**pp163-170**)
- **SB83:** Comprehensive List of Changes (Incorporating Focused Changes and Additional Focused Changes) January 2010 – FC22 (**pp 66-67**)

- ***Do the Plan's development allocations demonstrate adequate recognition of national policy concerning development in zone C areas?***

6.2 The Inspector's attention is directed to the Evidence Base as follows:

- **SB44** BP13 Broad Level Flood Risk Assessment
- **ED20** Areas Susceptible to Surface Water Flooding and Revised TAN 15 Development Advice Maps.

6.3 As a consequence of work undertaken on the preparation of **ED20**, the Council met with the Environment Agency to discuss our position in respect of the flood issues that relate to LDP allocations HG1.05 – Maerdy Garage adjacent to Maerdy House in Rhymney and HG1.60 Tyn Y Waun Farm in Machen. A Statement of Common Ground has been produced which sets out the agreed position of both parties in respect of the principle issues of contention.

6.4 Paragraph 2.31 of the Deposit LDP (Incorporating Focused Changes & Additional Focused Changes) states: *“Every industrial site that is allocated or protected for use class B2 is considered suitable, in principle, for the location of waste manage facilities.”* This statement is made within the context of national policy and guidance and consequently should be translated as such. However in light of discussions with the Environment Agency it may be appropriate to ensure that developers that have proposals for 'in building' waste management facilities (highly vulnerable

development) on protected employment sites, have specific due regard to the requirements of TAN 15. In this context the Inspector might consider that there is a need for explicit reference to the TAN within paragraph 2.31. It is suggested that this could be by way of a short footnote to this paragraph.

- ***Is reference required within policy SP7 Planning Obligations to measures which seek to enhance flooding resilience where development is found to be justified in areas of flood risk?***

6.5 Policy SP7 recognises that the provision of adequate infrastructure is a prerequisite of development taking place, as it is crucial for the environmental, social and economic sustainability of the County Borough. The obligations that may be sought as part of planned development listed within policy SP7 are not exhaustive and this is necessary to allow sufficient flexibility for the Council to be able to take on board new measures that may emerge during the plan period. There is however sufficient scope within the policy for the Council to negotiate obligations in respect of flood management where this is necessary to enable development to proceed. In addition the Council can produce Supplementary Planning Guidance as necessary in this regard.

7 Do other strategy and countywide policies within the Plan have a distinctive local dimension? Do they satisfactorily translate national policy down to the local level? Do they unnecessarily re-iterate national policy requirements?

7.1 Policies *SP10 Renewable Energy*, *SP22 Transport Requirements for Development* and *Policy CW 7 Design Considerations – Telecoms Apparatus* are considered to be important in terms of clearly articulating in a concise way the policy requirements of the Council in this regard. These policies have been included as they serve to deliver on the Strategy and the Aims and Objectives of the plan. It is however acknowledged that these policies add little to national guidance.

7.2 Paragraph 0.45 of **SB80** Deposit LDP Written Statement (Incorporating Focused Changes and Additional Focused Changes) indicates that the plan only provides the policy framework for issues of a locally distinct nature. Where the plan does not provide a local policy framework, development proposals will be assessed in accordance with the requirements of National Planning Policy. If the Inspector recommends the removal of these policies then the Council would merely rely on national policy to deliver on these elements of the plan.

Policy CW 1 Sustainable Buildings

7.3 Attention is drawn to Focused Change 24 in particular, which recommends the deletion of the policy. The Inspector's attention is directed to the Evidence Base as follows:

- **SB61: Council Report on Deposit and Alternative Sites Consultations – Volume 5 (pp211-213)**

- **SB83: Comprehensive List of Changes (Incorporating Focused Changes and Additional Focused Changes) January 2010 (pp 70-71)**
 - **Policies CW 4 and CW 5 General Design Considerations**
- 7.4 Attention is drawn to Focused Change 25 and Focused Change 26 in particular, which recommend the deletion of these two policies. The Inspector's attention is directed to the Evidence Base as follows:
- **SB61: Council Report on Deposit and Alternative Sites Consultations – Volume 5 (pp216-217, 218-220)**
 - **SB83: Comprehensive List of Changes (Incorporating Focused Changes and Additional Focused Changes) January 2010 (pp72-76)**

8 Other policy matters

- **Is the requirement to maintain or enhance the main characteristics of SLAs and VILLs in Criterion A of policy CW 8 Natural Heritage Protection too restrictive?**
- 8.1 The Council has designated SLAs and VILLs in those areas where there is good reason to believe that normal planning policies cannot provide the necessary protection for the special nature of the landscape from inappropriate forms of development.
- 8.2 The policies are not designed to be unduly restrictive in their application of criterion A. Appendix 1 & 2 of **SB81** Deposit LDP up to 2021 – Appendices to the Written Statement (Incorporating Focused Changes and Additional Focused Changes), provides detailed information in respect of those aspects of the landscape that contribute to the importance of the designated SLAs and VILLs. Any proposals for development within, or adjacent to, these areas would be required to demonstrate how having regard for the information contained within Appendix 1 or 2 their proposal seeks to maintain or enhance the area in question. In particular in respect of the features identified by the *Key Policy, Management and Development Control Issues* section. It is not considered that the policy is restrictive, rather it will provide a positive policy tool to ensure that any development has regard to those aspects of the landscape that are considered to be of particular importance.
- ***Is policy CW 9 Trees, Woodland and Hedgerow Protection sufficiently clear and precise? Is the policy unreasonably onerous?***
- 8.3 The need to provide adequate protection for trees, woodland and hedgerows is discussed in **SB.25** BP 2 Natural Heritage Section 5.5. The policy as drafted is clear and precise.
- 8.4 **LA.35** SPG 4 Trees & Development sets out detailed guidance on the way in which the policy will be applied and importantly ensures that tree, woodland and hedgerow retention and protection, and additional planting is considered at the outset of the development process. The policy is not

considered to be onerous and there is recognition in the policy at Criterion C that there may be occasion where trees are proposed for removal. The presence of trees or hedgerows on a site should not be considered as a constraint to be removed but as an opportunity to provide good design, which maximises the natural assets of a site and serves to minimise the environmental impact of new development. It is particularly important that proposals to amend or create new landscapes are not considered as an afterthought and that the long term impact on the landscape is fully understood.

- ***Should policy CW 17 General Locational Constraints allow for tourism and affordable housing as potentially suitable developments outside settlement boundaries?***

8.5 The Inspector's attention is directed to the Evidence Base as follows:

- **ED.18** BP6 Supplementary Paper 8 Maximising Affordable Housing - Section 3
- **SB61:** Council Report on Deposit and Alternative Sites Consultations – Volume 5 (pp244-246)
- **SB83** Comprehensive List of Changes (Incorporating Focused Changes and Additional Focused Changes) January 2010 – Focused Change 28 (FC 28 pp 57-58)

- ***Does the supporting text (para 2.43) to policy CW 22 Locational Constraints – Conversion, Extension and Replacement of Buildings in the Countryside need to include reference to forestry complexes?***

8.6 Policy CW22 relates specifically to the conversion, extension or replacement of buildings outside of settlement boundaries. This policy is designed to ensure that rural buildings can be put to beneficial use where proposals meet the specified criteria. There is no need therefore to make specific reference to Forestry Complexes either within the policy itself or within the reasoned justification.

8.7 Policy CW21 provides the local policy context for Rural Development and Diversification and provides an indication where such schemes will be permitted. Whilst specific reference could be included within this policy to Forestry Complexes it is not considered necessary to single this form of development out for inclusion.

- ***Does policy CW 23 Gypsy and Traveller Caravan Sites satisfactorily translate national policy down to the local level?***

8.8 The Inspector's attention is directed to the Evidence Base as follows:

- **SB31** BP6 Population & Housing Section 9

- **SB61** Council Report on Deposit and Alternative Sites Consultation
Volume 5, Pages 255 – 261

- ***Is policy CW 26 Supplementary Planning Guidance drafted as a land use policy? Is a policy concerning this necessary?***

8.9 The LDP is concerned with the principle of development, not detailed proposals or issues. Consequently there will be a need for the Council to produce Supplementary Planning Guidance to compliment and amplify the policies contained in the plan. Whilst it is recognised that Policy CW26 is clearly not a land-use policy, it was included to clearly indicate in what circumstances SPG will be produced to supplement the LDP. If the Inspector is minded to delete this policy, it is suggested that the first two sentences of Paragraph 0.36 should be amended to read:

“Supplementary Planning Guidance (SPG) will be produced and will be the subject of appropriate public consultation. SPG does not form part of the LDP

8.10 The Inspector’s attention is directed to the Evidence Base as follows:

- **SB61** Council Report on Deposit and Alternative Sites Consultation
Volume 5. Pages 262 – 263

- ***Is proposed additional policy CW xx Water Protection (Focused change FC 03) needed to make the Plan sound? Does it unnecessarily reiterate national policy and the requirements of other legislation? Does it have a distinctive local dimension? Is requirement A precise and reasonable***

8.11 The Inspector’s attention is directed to the Evidence Base as follows

- **SB83** Comprehensive List of Changes (Incorporating Focused Changes and Additional Focused Changes) January 2010 (pp FC03 10-12)
- **SB61** Council Report on Deposit and Alternative Sites Consultation
Volume 5, Pages 316-318

8.12 The Inspector’ attention is directed to the Statement of Common Ground with the Environment Agency in this regard.