

Representor No: 2282

# **WELSH ASSEMBLY GOVERNMENT**

## **Position Statement**

**Examination Hearings: April 2010**

**Session 1: Plan Preparation, Strategy and  
Policy Content**

**Caerphilly Local Development Plan**

**Matter 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?**

**Yes**

The strategy promotes a balanced approach to growth as set out in the Wales Spatial Plan for South East Wales, reflecting the Heads of The Valleys (HOV) regeneration strategy.

- **Is the identified hierarchy, role and function of the main settlements consistent with the settlement hierarchy identified in the WSP?**

**Yes**

As the WSP settlements are identified, this is consistent with the WSP. The issue is terminology between the two documents. The Wales Spatial Plan 2008 Update identifies two 'key settlements' within Caerphilly County Borough; Caerphilly and Blackwood. The LDP identifies three additional key settlements; Bargoed, Ystrad Mynach and Risca/Pontymister, termed 'principal towns'.

The role/function of settlements needs to be clearly evidenced with the strategy supporting this hierarchy. A clear expression of the terminology and inter-relationship would be beneficial.

- **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?**

**No**

The LDP also identified four lower tier settlements equivalent to the WSP 'local centres' but has named them 'key settlements' (Newbridge, Nelson, Bedwas and Rhymney). Whilst the identification of a settlement hierarchy is logical, the terminology used could lead to confusion as 'key settlements' is used both within the WSP and LDP to refer to different settlements. This issue was raised in our Deposit representation. Clarity on terminology i.e. definitions, would be of assistance.

- **Is the Plan consistent with regional strategies, plans and programmes (eg: transport; minerals; waste)?**

In relation to the Regional Waste Plan, we consider that the LDP, supported by the evidence base as revised (Background Paper 4 and its Supplementary Papers 1 & 2), adequately translates the provisions of the Regional Waste Plan (RWP) down to the level of Caerphilly Borough, in terms of meeting minimum requirements contained in the Policy Clarification Note CL-04-04. In conjunction with Policy SP11 the availability and suitability of B2 land should provide a flexible approach and enable the County Borough Council to contribute towards the provision of an adequate network of waste

management facilities (see our representation on Session 9, Minerals and Waste).

- **Does the Plan relate coherently to the emerging LDP strategies and policy approaches of neighbouring authorities?**

No comment.

**Matter 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?**

No Comment.

- **Does the Plan have adequate regard to the objective of reducing the reliance on car-borne travel?**

No Comment.

- **Does the Plan seek an appropriate balance between re-use of brownfield sites and development of Greenfield land?**

HOVRA =	45% housing Greenfield	55% housing Brownfield
NCC =	36% housing Greenfield	64% housing Brownfield
SCC=	4% housing Greenfield	96% housing Brownfield

The authority should be in a position to demonstrate the deliverability of the distribution across all three sub-areas of its administrative area. In addition, clarification of market interest and take-up levels would assist deliberations. This could be important for differing reasons in both the SCC and HOVRA. In the SCC, particularly around Caerphilly, careful explanation of the housing trajectory and its ability to respond to identified pressures will be important. Conversely, there could be potential difficulties in delivering market housing in the HOVRA through the private sector. If other factors are in place to aid regeneration, the inter-relationships should be stated. Specific difficulties in bringing forward brownfield sites (if appropriate) should also be identified.

- **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?**

The plan should be the spatial interpretation of responding to the issues identified through the preparation process. The type and scale of development should relate to the role and function of settlements. If this is not the case, the implications of a different approach, based on evidence, should be articulated.

### **Matter 5 Delivery of Plan strategy and policies**

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

The strategy needs to demonstrate how it maximises provision and delivery of affordable housing, in order to satisfy objective 9.

- **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?**

**No**

The plan would benefit from a more explicit demonstration of how and when development will be realised over its lifetime. Greater clarity on the timing, linkages to infrastructure (both scale and location) and funding sources, albeit at a strategic scale, would add clarity and certainty. This is particularly in terms of the Community Infrastructure Regulations which came into force on 6<sup>th</sup> April 2010, where section 123 limits the scope of using Section 106 obligations beyond 6<sup>th</sup> April 2014. As this scope is reduced, and a greater encouragement to produce a CIL Charging Schedule to support infrastructure across the broader area, a good understanding of what infrastructure is required will be important. The plan would benefit from further elaboration on this matter.

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

**Yes**

The monitoring framework should be embedded in the plan with transparency and links to SMART objectives for indicating when strategy or policy review will be necessary. Subsequent to submitting the LDP, Caerphilly have published a Supplementary Paper 'LDP Draft Monitoring Framework' (ED.36). This provides a basis for monitoring and review and should be linked to the viability work used to underpin the evidence base for the plan. Changes in land values could form a trigger within a specified range within which a review of the plan (possibly in part) could be undertaken to reflect changing economic circumstances. The remainder of the assumptions, i.e. profit margins, could remain constant. This should not result in any disadvantage, yet respond to realise the maximum delivery of affordable housing.

### **Matter 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?**

**No**

**Statement Submitted by Welsh Assembly Government – Represorator No. 2282  
Caerphilly Local Development Plan 2006 - 2021  
Examination Hearing Session 1: Plan Preparation, Strategy and Policy Content**

The Welsh Assembly Government's response to Caerphilly's Deposit consultation raised concern that policy SP8 Flood Risk was drafted as a strategic objective, rather than a strategic policy. The deletion of policy SP8 by FC 22 is supported.

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

**Yes**

Reflecting our previous comments in our Deposit representation, further clarification from the county would be welcomed on allocated sites subject to zone C. It is noted from the Focussed Changes that the Navigation Colliery site at Crumlin and St. Ilans Comprehensive in Caerphilly have been deleted. The deletion of sites within flood zone C2 is welcomed and is in accordance with Technical Advice Note 15, Development and Flood Risk.

- **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?**

**Yes**

The Welsh Assembly Government stated in the response to the Deposit consultation that where allocations are made in zone C2, then action should be taken to manage flood risk. Measures which seek to enhance resilience for those sites and in the wider community should be identified as part of Policy SP7 Planning Obligations. This should accord with the three tests set out in the Community Infrastructure Regulations, section 122, which came into effect from 6<sup>th</sup> April 2010:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development."

**Matter 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?**

- **Policy SP10 Renewable Energy**

See previous comments made in our Deposit representation.

- **Policy SP22 Transport Requirements for Development**

See previous comments made in our Deposit representation.

- **Policy CW1 Sustainable Buildings**

The Welsh Assembly Government supports the deletion of Policy CW1 Sustainable Buildings by FC24, as LDPs should not repeat national planning policy without translating it to the local level (Ministerial Interim Planning Policy Statement 01/2009 Planning for Sustainable Buildings).

- **Policies CW4 and CW5 General Design Considerations**

**Statement Submitted by Welsh Assembly Government – Representer No. 2282  
Caerphilly Local Development Plan 2006 - 2021  
Examination Hearing Session 1: Plan Preparation, Strategy and Policy Content**

The deletion of policies CW4 and CW5 by FC 25 and FC 26 is supported. The submission of a design and access statement is now a statutory requirement for certain types of planning application (see Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2009, and Technical Advice Note 12: Design (2009)).

- **Policy CW7 Design Considerations – Telecoms Apparatus**

See previous comments made in our Deposit representation.

### **Matter 8 Other policy matters**

- **Is the requirement to maintain or enhance the main characteristics of SLAs and VILLs in Criterion A of policy CW8 Natural Heritage Protection too restrictive?**

No comment.

- **Is Policy CW9 Trees, Woodland and Hedgerow Protection sufficiently clear and precise? Is the policy unreasonably onerous?**

The ethos of the policy is in accordance with Planning Policy Wales (paragraphs 5.5.13-5.5.15). We have no comments on the detailed wording.

- **Should policy CW17 General Locational Constraints allow for tourism and affordable housing as potentially suitable developments outside settlement boundaries?**

The Welsh Assembly Government would support the inclusion of tourism (FC28) as a potentially suitable development outside settlement boundaries as it accords with Planning Policy Wales, paragraphs 11.4 -11.7. The Ministerial Interim Planning Policy Statement on Housing (01/2009, paragraph 9.2.23) states that authorities should include a policy on affordable housing on exception sites in rural areas. It is noted that paragraph 1.77 of the Deposit LDP states “Caerphilly County Borough is a rural authority with almost 80% of the area classified as countryside”. This would assist the authority in maximising the delivery of affordable housing.

- **Does the supporting text (para 2.43) to policy CW22 Locational Constraints – conversion, Extension and Replacement of Buildings in the Countryside need to include reference to forestry complexes?**

We have no comment on the detailed wording.

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

The Welsh Assembly Government’s Deposit representation stated that the policy should be brought inline with WAG Circular 30/2007 ‘Planning for Gypsy and Traveller Caravan Sites’. We are content with FC30 to Policy CW23.

**Statement Submitted by Welsh Assembly Government – Representor No. 2282  
Caerphilly Local Development Plan 2006 - 2021  
Examination Hearing Session 1: Plan Preparation, Strategy and Policy Content**

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

Policy CW 26 is drafted as a statement of intent, rather than a policy. It is not considered necessary.

- **Is proposed additional policy CW xx Water Protections (Focussed 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?**

As stated in our representation on the Focussed Changes, the policy largely repeats national policy on protecting water resources and quality. It is not clear from the Focussed Changes document itself whether there are particular circumstances which need reflecting in the plan, or whether particular evidence has been put forward which would warrant a particular approach in the plan towards protection of the water environment. As drafted the policy is general and adds little value over and above national planning policy.

- **Does the absence of a policy recognising the need to rationalise, replace and redevelop redundant health and hospital sites make the Plan unsound?**

No comment.