

CAERPHILLY LOCAL DEVELOPMENT PLAN 2006-2021

EXAMINATION IN PUBLIC

(APRIL/MAY 2010)

**Objections to Omission of land adjacent to Pen-y-Cwarel Road,
Wyllie for residential development as an extension of Proposed
Allocated Housing Site HG 1.53 (Representor No 2712).**

**SUBMISSION BY THE TRUSTEES OF JOSEPH THOMAS DAVIES
(DECEASED)**

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1 INTRODUCTION

- 1.1 This statement is produced on behalf of our clients RE Phillips Ltd, who are in turn acting for the Trustees of Joseph Thomas Davies (Deceased) and responds to various issues raised by the Inspector for consideration by Written Representations and attendance at the hearing sessions, through the Examination in Public procedures.
- 1.2 We are objecting to the omission of the land adjacent to the existing proposed site allocation (HG 1.53) at Pen-y-Cwarel Road, Wyllie (Reference 2712, D13, D14) as a residential land allocation as an extension of the site. Whilst we draw the Inspectors attention to the previous representations made, we are submitting further written evidence to the Inspector for consideration through the Examination process. This assesses the proposal against the 10 Tests of Soundness, and analyses the Council's response to previous representations submitted, with the aid of the Ecological Site Appraisal undertaken by Soltys Brewster.
- 1.3 We have played a full part in the preparation of the Local Development Plan, and welcome this opportunity to submit evidence to the Inspector.
- 1.4 This statement is structured as follows:
- In Section 2 we consider the submission in the context of the 10 Criteria for assessing soundness as identified in Local Development Plans Wales
 - In Section 3 we provide a response to the Council's Analysis of the Site
 - Our Conclusions are recorded in Section 4

2.0 CONSIDERATION AGAINST TESTS OF SOUNDNESS

2.1 This section examines the Plan against the 10 criteria for assessing soundness, as identified in Local Development Plans Wales (Welsh Assembly Government, 2005). These are categorised below under the Procedural (P 1-2), Consistency (C 1-4) and Coherence and Effectiveness Tests (CE 1-4).

P1: the Plan has been prepared in accordance with the Delivery Agreement including the Community Involvement Scheme.

2.2 The Addendum to the Delivery Agreement, including the Community Involvement Scheme, made provision in the Indicative Timetable, agreed by the Council in 2009, to consider 'Focused Changes'. This reflected Welsh Assembly Government Circular CL-01-2009 which allowed planning authorities to consider focused changes appropriate to ensure that the Plan is sound.

2.3 Whilst the first set of Focused Changes was rescinded by the Council following pressure from the Welsh Assembly Government, it is clear from the decision of Full Council on 15th September 2009 to seek to delete major allocations that no political will exists to progress development of the sites. On this basis the Delivery Agreement, which states in paragraph 9.15 that "*Elected Members are directly accountable to the electorate and are the people who will make the final decisions at key stages throughout the process*" is open to question given the Members' decision at a late stage to change the Plan, albeit that the decision was subsequently revised.

P2: the Plan and its policies have been subjected to sustainability appraisal including strategic environmental assessment.

2.4 It is apparent that in meeting some SA/SEA objectives, such as the need to exploit brownfield opportunities where appropriate, not enough emphasis has been placed on focusing on those green-field opportunities which are in

sustainable locations, are well related to the existing settlement pattern, are deliverable within the Plan period, and which would contribute to an improved form of development as an extension of an existing, proposed housing land allocation.

- 2.5 The credibility of the SA/SEA process was diminished during the original 'Focused Changes' stage which involved the re-assessing of sites which were proposed to be deleted. It was clear from this that the officers allowed political factors, not based on a proper planning or sustainability rationale, to influence the exercise, which should be iterative, transparent and objective.

C1: it is a land use plan which has regard to other relevant plans, policies and strategies relating to the area or to adjoining areas.

- 2.6 The predominantly brownfield strategy for the Southern Connections Corridor in the Caerphilly Local Development Plan places considerable emphasis on the Bedwas Colliery Site to deliver its required housing. The colliery surface site represents the largest housing land allocation proposed in the Plan. As such it has major significance for the three Strategy areas and the delivery of the LDP as a whole.

- 2.7 In citing 'Housing Issues' in their responses to previous representations on the LDP the Council have stated that *"no development on the Bedwas Colliery site could have significant and wide ranging implications on housing provision within the Caerphilly Basin and for the wider LDP."* This statement suggests that a reliance on the site being developed for housing to deliver a key component of the LDP's housing target has been placed throughout the Plan Period with no alternatives considered. This does not provide any confidence that a sufficient choice of housing sites can be provided which will realistically be developed in the remaining 11 years of the Plan period.

- 2.8 Evidence being put forward by the Home Builders Federation will support the argument that an insufficient range and choice of housing land is proposed to

be provided in the LDP, and will question the ability of the Plan to meet revised 2006 – based population projections published by the Welsh Assembly Government. The southern part of the Caerphilly County Borough in a regional context is a sustainable location in terms of its proximity to both Cardiff and Newport and its good public transport links. In this respect the Caerphilly Local Development Plan does not have regard to adjacent local authority areas, including Newport and Rhondda Cynon Taf, where through their respective LDP strategies, are promoting high growth scenarios which are consistent with the up to date household based population projections.

C2: it has regard to national policy

- 2.9 The key policy documents that relate to the site being promoted are Planning Policy Wales and the Housing Ministerial Planning Policy Statement – MIPPS 01/06. Paragraph 9.2.9 of the MIPPS states that, in deciding which sites to allocate for housing, planning authorities should consider the ‘physical and environmental constraints on development of land’ and the ‘compatibility of housing with neighbouring established land uses’.
- 2.10 Contrary to the Council's assessment the site could be developed as a minor extension of the existing pattern of development and the current allocation, which does not encroach upon the wider countryside where gradient and woodland constraints act as a logical limit to development, would not have a major impact in visual terms. In respect to this site, therefore regard has not been paid to national policy, which in the above MIPPS, in paragraph 9.2.3, states that local planning authorities must “ensure that sufficient land is genuinely available or will become available to provide a 5 year housing land supply”.

C3: it has regard to the Wales Spatial Plan

- 2.11 The Wales Spatial Plan (WSP) provides a framework for the future spatial development of Wales, and integrates the spatial aspects of national strategies, including social inclusion, economic health, transport and

environmental policy. The South East Development Framework proposes distinct approaches for three areas in South East Wales. Wyllie is included in the Connections Corridor, which includes the lower South Wales valley areas. Here there is emphasis on initiatives in key settlements, including Caerphilly and Blackwood, where there will be a focus on creating affordable and attractive places to live and improving transportation linkages.

- 2.12 The Caerphilly Local Development Plan, in not identifying a sufficient range of readily developable, green-field housing development opportunities in attractive locations in the Southern Connections Corridor, which are accessible to the key settlements has not had full regard to the provisions of the Wales Spatial Plan.

C4: it has regard to the relevant community strategy

- 2.13 The Caerphilly County Borough Community Strategy : Community Planning in Action, was published in 2004 (Examination document LA 11 refers). This sets out objectives under 4 themes of Living Environment; Regeneration; Education for Life and Health, Social Care and Well-Being. One of the Objectives under the theme of Living Environment is to:

“encourage the development and maintenance of high quality, well designed and efficient sustainable homes and environments which can meet all needs.”

- 2.14 In the light of the points made elsewhere in this section in respect of the other Consistency Tests, it is apparent that a wide range and choice of housing sites is required, which will not be met by the provisions of the Plan as it currently stands.

CE1: the Plan sets out a coherent strategy from which its policies and allocations logically flow and, where cross boundary issues are relevant, it is compatible with the development plans prepared by neighbouring authorities.

2.13 The Plan is coherent in the sense that, in broad terms the Strategy Areas identified exhibit differing characteristics which the policies seek to address. However, the site allocations proposed in the Southern Connections Corridor, in placing a reliance on brownfield land ignore further potential sites, such as the site being promoted, which could contribute to the delivery of the strategy. In seeking to achieve aspirational targets of maximising the amount of 'brownfield' land to be developed, the Council is therefore failing the above Coherence test in ignoring deliverability issues and the provision of a satisfactory range and choice of housing opportunities.

2.14 As such the Caerphilly LDP should reflect Plans of adjacent local authorities, including Cardiff, Newport and Rhondda Cynon Taf in seeking to meet up to date household projection figures, encourage more opportunities encourage wider opportunities on both brownfield land, and smaller, 'rounding off' sites, such as the site being promoted as an extension of an existing site allocation.

CE2: the strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.

2.15 Further to the above points, the Plan as it stands assumes that its housing land allocations will come forward within the remaining 11 years of the Plan Period. This is questionable as two of the largest housing land allocations proposed, at the Aberbargoed Plateau (413 units) and at Bedwas Colliery (630 units) are constrained by a number of factors. The Bedwas Colliery site is heavily dependent on public funding and the allocation as a whole is unsound. The Aberbargoed site was proposed to be rejected by Council Members at the Council meeting of 15th September and it is clear that no political will exists to further the development of the scheme.

CE3: There are clear mechanisms for implementation and monitoring.

2.18 Mechanisms previously used for monitoring, which will continue to be

employed include the Joint Housing Land Availability Studies. It will be important to monitor the uptake of land and status of sites, in terms of achieving a 5 year housing land supply, particularly in the Southern Connections Corridor (SCC).

2.19 In considering the sites proposed for development in the LDP, in the SCC, the Table below illustrates the degree of uncertainty which exists.

Site (No of Units)	Site Issues
Bedwas Colliery (HG1.64 – 630 units)	Reclamation of tips required, removal of contaminants, new access, significant public objections. Development highly unlikely in Plan Period.
Cardiff Road, Caerphilly (HG 1.69 -127 units)	Dependent on major town centre scheme, where the developers – Midland and Regional are in receivership. Large proportion of flats – unlikely to come forward in current market.
Caerphilly Miners Hosp (HG 1.72 -114 units)	Pressure to retain original buildings for community use – may reduce numbers.
School Sites, (HG 1.65 -49 units; HG 1.68 – 200 units; HG	All dependent on education strategy and funds for replacement facilities being available.
Reclamation sites, (HG 1.50 – 269 units; HG 1.59 -88 units;	HG 1.50 (South Celynen), HG 1.59 (Suflex Factory, Pontymister), and HG 1.71 (Gas Works site, Caerphilly) have flood risk issues. HG 1.77 (Windsor Colliery) is a reclaimed site in Council ownership which has been
Former Petrol Filling Station, Trethomas ! HG 1.62 – 10 units)	Planning permission for Tesco Express. Also ground condition constraints – old mine shaft.

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2.20 It can be seen from the above that the deliverability of a significant proportion of the total units allocated in the Southern Connections Corridor is questionable and there are no clear mechanisms for implementation.

CE4: it is reasonably flexible to enable it to deal with changing circumstances.

2.21 As can be seen from the above, the plan as it stands, particularly in the Southern Connections Corridor, which includes the village of Wyllie, places an over-emphasis on sites which are either constrained in physical terms, or where there is future uncertainty due to current uses on the site.

2.22 In the case of the site being promoted, a sympathetic housing development, could be achieved which would deliver a good design solution to complement the edge of settlement location. A revised Self Assessment of the site against accepted Sustainability Appraisal/Strategic Environmental Assessment criteria is included in Appendix 2. The Council's assessment of the site is challenged in the following section.

3 RESPONSE TO COUNCIL'S ANALYSIS OF THE SITE

3.1 The Council's assessment of the Site, as published in the Council Report on the Deposit and Alternative Sites Consultation (Examination Document SB56) of 15th September 2009 concludes that:

" The inclusion of the site identified as HG1.53 in the Deposit LDP is considered to comply with the Tests of Soundness and the Preferred Strategy, the development of this site would be realistic and achievable in terms of access, biodiversity and landscape.

The inclusion of candidate site E387 was ruled out at the preferred strategy stage as a result of its unacceptable encroachment into the countryside and ecological and landscape constraints. It has not been demonstrated that the development of a larger area of land is acceptable in planning terms or that it would comply with the Preferred Strategy. Further it has not been demonstrated that the Deposit LDP is unsound without the proposed change. "

It was recommended to the Planning Inspector that no change be made to the plan in respect of the representations.

3.2 It has been established in the previous section of this submission document that the desired change would not adversely effect the soundness of the plan, but would, indeed help to make the plan sound. Site specific considerations are discussed below. In this context the Inspector is also requested to refer to previous submissions made at the Deposit Plan, Alternative Sites and initial Focussed Changes stages.

3.3 An Ecological Site Appraisal was undertaken in November 2008 by Soltys Brewster. This is included in Appendix 3. Whilst this survey found that the development potential of the area surveyed was broadly consistent with the LDP Housing land allocation, an additional area, consisting of bracken/bramble scrub was also considered suitable. Contrary to the Council's analysis of the site, therefore, additional land could be incorporated without any adverse ecological impacts and the site would form a reasonable extension of the existing settlement form.

3.4 It is accepted that land further to the west is constrained by the areas of

woodland and steep gradient. However, this will provide a 'soft edge' to the development. Furthermore it will not lead to a precedent for further encroachment into the wider countryside.

3.5 The Council Report considers that sufficient land has been allocated within Wyllie via site HG1.53. However, in order to help retain existing facilities and to make Wyllie a more sustainable settlement, some additional housing land is required.

3.6 It can therefore be concluded that the proposed additional land, would have limited impact on the countryside and would relate well to the existing settlement form. It is requested that the extended boundary is applied, with the acknowledgement that not all the land included will be developable. In order to meet the Tests of Soundness there is a need to release such additional land in order to provide more attractive sites for developers which will ensure that objectives for creating more sustainable settlements can be achieved.

4 **CONCLUSION**

- 4.1 This Statement is submitted as a response to issues raised by the Inspector on the Caerphilly Local Development Plan on behalf of RE Phillips Ltd, who are in turn acting for the Trustees of Joseph Thomas Davies (Deceased).
- 4.2 My Clients are challenging the soundness of the LDP on the basis that it has not been subject to a proper assessment by the Council. The soundness tests are therefore challenged, in particular, it is considered that due to the reliance placed on brownfield, and other sites not likely to be developed in the shorter term, the LDP fails to meet Test CE2 in that it has not had regard to appropriate alternative sites. In addition, the absence of a sufficient range of sites which are attractive to developers results in the Plan failing Soundness Test CE4 in that it is not sufficiently flexible to deal with changing circumstances.
- 4.3 It is therefore considered that the allocation of additional land is required in order that the Plan meets the above tests of Soundness, and that the site being promoted as a limited extension of the existing housing land allocation HG1.53 is well placed to meet additional housing needs in the village, and which will contribute to meeting housing needs in the Southern Connections Corridor as a whole where there is a distinct shortfall of readily developed sites. In order to address ecological constraints it is recognised that not all of the additional land area is developable, but a proportion of it has no significance in ecological terms.
- 4.4 The Council's analysis of the site promotion is questioned in this respect as its boundaries are well defined and there are no over-riding constraints which would prevent development as an extension of an existing housing development.
- 4.5 Our Clients respectfully urge the Inspector to give careful consideration to their representations and to determine that the additional site area be included within the proposed residential land allocation HG1.53 in the Local

Development Plan.

April 2010

APPENDIX 1

ECOLOGICAL SITE APPRAISAL, PREPARED BY SOLTYS BREWSTER