

Caerphilly County Borough Local Development Plan

Hearing Session 5: Bedwas Colliery (Friday 7th May 2010)

Examination 2010

Examination Statement reference :	ES5.1

Submission date : 31 March 2010

Hearing Session 5: Bedwas Colliery

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 Issues 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. Is the proposed HG1.64/CF1.34/LE allocation sound?

- What is the overall planning rationale for the allocation?
- 2.1 The Bedwas Colliery site has been assessed for its suitability for allocation in the LDP through the Candidate Site Process. The site accords with the LDP Strategy on 7 of the 8 principle components, only failing on providing opportunities in the Heads of the Valleys Strategy Area. The site significantly contributes to the delivery of development on Brownfield sites in the Southern Connections Corridor, providing substantial contributions towards meeting housing, education and leisure need for the plan period. The allocation of the site conforms to the role and function of Bedwas as a key settlement. It is also allocated in accordance with national guidance.
- 2.2 The Inspector's attention is directed to the following documents in the Evidence Base, which support this position, as follows:
 - SB85: LDP Candidate Sites Register Volume 1 (Page 228 of PDF Document) [Assessment For Allocation In The LDP];
 - **SB31**: Background Paper 6 Population and Housing (Pages 6.22 6.29) [Housing Requirement]
 - ED31: Background Assessment of Candidate Sites (Page A4.30 (42) A4.32 (44)) [Reasons For Allocation]
- What are the reasons for the Council's continued pursuit of the proposed allocation in the Plan despite the extent of local opposition?
- 2.3 The Bedwas Colliery site is an appropriate housing allocation for the LDP, as outlined above and the Inspector's attention is directed to the following documents in the Evidence Base, which support this position, as follows:

- SB85: LDP Candidate Sites Register Volume 1 (Page 228 of PDF Document) [Assessment For Allocation In The LDP];
- **SB31**: Background Paper 6 Population and Housing (Pages 6.22 6.29) [Housing Requirement]
- ED31: Background Assessment of Candidate Sites (Page A4.30 (42) A4.32 (44)) [Reasons For Allocation]
- 2.4 In determining whether a site should be included in the LDP, many factors and issues have to be taken into account, including taking account of local opinion. However the decision has to be a balance between conflicting issues and, whilst there has been demonstrable objection to the allocation, the benefits of reclaiming and redeveloping the site for the allocated uses outweighs the negative factors. This stance is in accordance with Planning Policy Wales Guidance and the Inspector's attention is directed to the following document in the Evidence Base, which supports this position, as follows:
 - **SB60:** Council Report on Deposit and Alternative Sites Consultations Volume 4 (*Consideration of Public Opinion*)
- Is the proposed housing allocation based on a robust site assessment exercise?
- 2.5 The Inspector's attention is directed to the Evidence Base as follows:
 - SB60: Council Report on Deposit and Alternative Sites Consultations – Volume 4 (Consideration of Public Opinion)
 - **SB85**: LDP Candidate Sites Register Volume 1 (Page 228 of PDF Document) [Assessment For Allocation In The LDP];
 - SB31: Background Paper 6 Population and Housing (Pages 6.22 6.29) [Housing Requirement]
 - ED31: Background Assessment of Candidate Sites (Page A4.30 (42) A4.32 (44)) [Reasons For Allocation]
- Is the location and scale of the housing allocation appropriate to the size, form, characteristics and function of the existing settlement?
- 2.6 The allocation of the site accords with the role and function of Bedwas. Bedwas has been identified as a key settlement with residential, employment, cultural and recreational roles. The allocations will expand the residential role of Bedwas and provide associated community and leisure facilities to further increase the attractiveness of the area. The Inspector's attention is directed to the Evidence Base as follows:
 - **SB8**: LDP Preferred Strategy Appendices, Pages 87 96 (especially 90 and 95)
- 2.7 Bedwas lies on the periphery of the largest settlement in the county borough (Caerphilly) and the electoral ward of Bedwas, Trethomas and

Machen is the 3rd largest ward in terms of population. Therefore the size of the site is in accordance with the position Bedwas occupies. The site is well related to the existing settlements of Bedwas and Trethomas, although the site is in an elevated position above them. The site has been included within the designated settlement boundary of all the development plans that have covered the area since 1983 when works ceased on the site. As such the site has always been considered to be part of the urban fabric and the allocation of the site for the proposed uses reflects this.

- What is the brownfield/Greenfield mix of the land proposed for development?
- 2.8 The allocated site comprises 28.9ha of brownfield land and 7.3ha of greenfield land. This is a ratio of approximately 4:1 brownfield land to greenfield land.
- What is the planning rationale for the proposed community facility and leisure components of the mixed use allocation?
- 2.9 The Inspector's attention is directed to the Evidence Base as follows:
 - SB60: Council Report on Deposit and Alternative Sites Consultations, Volume 4 (Pages 59 & 60 (School))
 - **SB41**: BP10 Leisure (Pages 10.19 to 10.23)
- Can adequate access be obtained for the development? What are the estimated access provision costs and how would these be met?
- 2.10 The Inspector's attention is directed to the Evidence Base as follows:
 - **SB60:** Council Report on Deposit and Alternative Sites Consultations, Volume 4, Pages 55 57 (Transport Issues), Pages 66 67 (Site Features).
- 2.11 The access road has not been subject to detailed investigation and design, as this would only be appropriate at detailed design stage for the whole site. However preliminary investigations and design work, relating to establishing feasibility, has been undertaken and a broad-brush estimate of cost can be based upon this. In determining the estimated cost it should be noted that a number of assumptions have been made in respect of the engineering works and that costs for statutory infrastructure measures and land acquisition have not been included. Therefore the estimated cost should be viewed as a broad-brush, ballpark figure that provides an indication of the likely construction cost of the road. The estimated cost of the road is £4.5 million.
- 2.12 The road would be provided as part of the redevelopment of the site, as the access road is not eligible for WAG reclamation funding. The council has considered the viability of the redevelopment of the site, incorporating the access road costs, which identifies that the

redevelopment of the site (and the access) is viable, when the reclamation is supported with an element of public funding.

Would the proposed means of access have unacceptable effects on open space and woodland areas?

- 2.13 The Inspector's attention is directed to the Evidence Base as follows:
 - SB60: Council Report on Deposit and Alternative Sites Consultations, Volume 4, Pages 55 – 57 (Transport Issues), 66 – 67 (Site Features), 70 - 71 (Policy Issues).
- 2.14 An indicative map, showing the relationship between a provisional road alignment and the extent of the SINC designations, has been attached as Appendix 1 to this report for information.

• Would the proposal result in unacceptable traffic and air quality effects for the existing road network?

- 2.15 The Inspector's attention is directed to the Evidence Base as follows:
 - **SB60:** Council Report on Deposit and Alternative Sites Consultations, Volume 4, Pages 55 57 (Traffic Issues).
- 2.16 There is currently no identified air quality issue in the Bedwas/Trethomas area. Any adverse impact upon air quality as a result of traffic generation will be addressed through the transport assessment that will need to be submitted as part of a detailed planning application for the redevelopment of the site.
- 2.17 The Council has designated an Air Quality Management Area in Caerphilly Town Centre and is monitoring the situation throughout the town. The Council is in the process of developing an action plan to address the air quality issues in the Town Centre, which will take account of the traffic generated from the Bedwas Colliery redevelopment.

Can contamination and pollution issues be properly addressed?

- 2.18 The Inspector's attention is directed to the Evidence Base as follows:
 - **SB60:** Council Report on Deposit and Alternative Sites Consultations, Volume 4, Pages 61 62 (Pollution, Contamination & Reclamation Issues).
- 2.19 Advice to the council to date identifies that, with appropriate funding, the contamination and pollution on site can be appropriately addressed as part of the remediation and reclamation of the colliery site.

Are drainage and sewerage infrastructure adequate?

2.20 The current drainage infrastructure for the site is not capable of accommodating the proposed development. However the reclamation of the site requires that a new surface-water drainage regime be provided

that will alleviate much of the existing flooding problems, as well as incorporating adequate provision for the proposed development. It has been identified that the sewerage infrastructure will require improvement in order to facilitate the proposed development, and, unless the improvements are included in a 5 –year programme of funding, they will be provided by the development. The Inspector's attention is directed to the Evidence Base as follows:

- SB60: Council Report on Deposit and Alternative Sites Consultations, Volume 4, Pages 57 (Flooding & drainage)
- 2.21 In its current condition the Colliery Tips discharge significant run off into drainage infrastructure that runs along Navigation Street. This infrastructure is prone to flooding in adverse weather conditions. The provision of the new drainage system as part of the reclamation scheme will have the added benefit of redirecting significant flows from Navigation Street through the proposed new drainage infrastructure. This will free-up capacity in the Navigation Street infrastructure that could be utilised by the proposed development.

Will development have adverse flooding consequences for existing property?

- 2.22 A new drainage regime, with new infrastructure, will be required as part of the reclamation of the site. This will greatly improve the situation in respect of existing flooding. In addition to this the Colliery surface discharges significant run off into drainage infrastructure t hat runs along navigation Street. This infrastructure is prone to flooding in adverse weather conditions. The provision of the new drainage system as part of the reclamation scheme will have the added benefit of redirecting significant flows from Navigation Street through the proposed new drainage infrastructure. This will greatly improve conditions in the Navigation Street. The Inspector's attention is directed to the Evidence Base as follows:
 - SB60: Council Report on Deposit and Alternative Sites Consultations, Volume 4, Pages 57 – 58 (Flooding & drainage)

How will the necessary reclamation/remediation works be funded?

- 2.23 The Inspector's attention is directed to the Evidence Base as follows:
 - SB60: Council Report on Deposit and Alternative Sites Consultations, Volume 4, Pages 69 (Public Opinion/Involvement), 71 (Policy Issues)
- 2.24 Correspondence from WAG has been received stating WAG's position in respect of the Bedwas Site and outlining funding issues and prospects. This correspondence has been attached as Appendix 2 to this report for information.

- How will reclamation of the spoil tips above the site be realised? Has funding been identified? Does a timescale exist for this?
- 2.25 The Council's position is that the reclamation of the Tips and the remediation/reclamation of the colliery surface should be undertaken as one project, rather than as two separate entities. The reclamation of the Tips is also reliant upon funding from WAG and will come forward at the same time as the reclamation of the colliery surface. The Inspector's attention is directed to the Evidence Base as follows:
 - SB60: Council Report on Deposit and Alternative Sites Consultations – Volume 4, Page 48 (Site and Development), Page 70 (Policy Issues).
- Is the proposed location of the new school site appropriate?
- 2.26 The Inspector's attention is directed to the Evidence Base as follows:
 - **SB60:** Council Report on Deposit and Alternative Sites Consultations Volume 4, Pages 60 61(Site Safety Issues).
- 2.27 It should be noted that the exact location of the proposed school within the wider site boundary has not been set as this will considered during the master-planning and detailed design and application stages of progressing the site.
- How will the proposed school and leisure developments be funded and provided?
- 2.28 Both the school and leisure developments will be provided as part of the development. The Inspector's attention is directed to the Evidence Base as follows:
 - **SB81**: Deposit LDP up to 2021 Appendices to Written Statement (incorporating Focused Changes and Additional Focused Changes) Page A20.21 (School)
 - SB81: Deposit LDP up to 2021 Appendices to Written Statement (incorporating Focused Changes and Additional Focused Changes)
 Page A20.22 (Leisure Facilities)
- Has a development viability assessment been carried out? What are its conclusions?

- 2.29 Formal viability assessments have not been undertaken for any site allocated in the LDP, including Bedwas Colliery. This is due to the fact that viability testing for specific sites requires detailed and exact information on dwelling numbers, dwelling types, obligations burdens etc. This information is not available until the site has been subject of detailed design, which would normally accompany a planning application, and would be inappropriate for consideration through the LDP.
- 2.30 However, the council has undertaken a preliminary viability assessment of the site using the DAT Model (used to produce the Affordable Housing Viability Assessment document SB35), which have been undertaken across a broad range of alternatives in terms of housing numbers, grant levels and obligation requirements. The assessment has identified that the site is viable, although an element of grant assistance is required in respect of the reclamation of the site.
- Has an assessment of the development's potential to contribute to affordable housing provision been carried out? What are its conclusions?
- 2.31 The Inspector's attention is directed to the Evidence Base as follows:
 - ED7: Reply from Council on Bedwas Colliery Site, Bedwas Colliery -Council Response Table A - Plan Order, Bedwas Colliery - Council Response Table B - Anticipated Delivery
- What are the realistic prospects for delivery of the development within the Plan period?
- 2.32 Prior to any redevelopment the site requires grant assistance to undertake the remediation/reclamation of the site. It is acknowledged that this introduces uncertainty over potential deliverability of the site within the plan period. However, the former WDA, and now its successor WAG, have already committed funding for site investigation works across the colliery surface and tips and initial design work for the reclamation of the tips area. Whist there is still a significant amount of work required to produce finalised, detailed reclamation proposals, the grants assistance already awarded to the site by the former WDA, and now WAG, shows a commitment to undertaking the work necessary to progress the design of the reclamation through to its finalised proposals and into a position where a decision can be made on whether grant assistance will be made to the scheme as a whole.
- 2.33 Further to this, correspondence from WAG has been received stating WAG's position in respect of the Bedwas Site and outlining funding issues and prospects, which has been attached as Appendix 2. The position is also positive in respect of the third party owners of parts of the site. The agents acting on behalf of Powerscreen International, who own the colliery surface, have submitted correspondence outlining their willingness to progress the remediation/reclamation and redevelopment

- of their land in partnership with the council and WAG, and this correspondence is attached as Appendix 3.
- 2.34 The council accepts that the funding provided so far by WAG and the former WDA does not commit WAG in terms of providing the grant assistance for the site as a whole. However, the council believes that benefits derived from the reclamation/remediation of the site in conjunction with the benefits of the proposed redevelopment, and with the co-operation of the landowners, indicate that the site will be progressed during the plan period. It is acknowledged that this will be in the latter part of the period. The Inspector's attention is directed to the Evidence Base as follows:
 - ED7: Reply from Council on Bedwas Colliery Site
 - SB33: BP6 Supplementary Paper 2 Housing Site Categorisation Exercise – Pages 2 and 10
- 2.35 It is a national aim to develop on brownfield sites in preference to greenfield ones where this is possible. However many brownfield sites require reclamation/remediation prior to their redevelopment. A number of these sites cannot be brought back to beneficial use without some form of grant assistance, which introduces uncertainties over deliverability within specified timescales. However, the case for attracting funding for such schemes is significantly enhanced where they are included as allocations in development plans. Omitting such sites from development plans due to uncertainty over when, or if, funding will be granted could have significant implication for the amount of brownfield development that will be achieved.

Should the site instead be developed as a country park? Is this a realistic and deliverable proposal?

- 2.36 The Bedwas Colliery site is not necessary for the establishment of a country park within the Caerphilly Basin or indeed in the Bedwas/Trethomas area itself. The Inspector's attention is directed to the Evidence Base as follows:
 - SB60: Council Report on Deposit and Alternative Sites Consultations, Volume 4, Pages 62 – 63 (Requirement for Country Park/ Local Facilities)
- 2.37 The LDP already includes the allocation of a large area of land in the Bedwas/Trethomas area for the establishment of a Community Park (59.1ha). This could easily form the basis of a new Country Park and could include the Tips area within the overall designation following their reclamation. The council is currently investigating the possibility of establishing a country park and has set up an internal working group to progress it.
- 2.38 The site is dependent upon grant assistance for the remediation/reclamation of the site prior to any afteruse for the site commencing. Therefore the establishment of a country park would also require the remediation/reclamation of the colliery site and the tips. Even

though the uses on the site are less intensive and intrusive, the contamination on the site, which comprises a significant proportion of the overall reclamation cost for the site, will need to be addressed. The site would also require reclamation of the dereliction and the tips would need to be subject to reclamation as well, to ensure that the landform is suitable for its intended use. In practical terms, the reclamation cost for a country park is only slightly less than it would be for the allocated redevelopment uses. Given the priorities operated by WAG in apportioning their grant regime, it is, and always has been, the council's view that reclamation and remediation of the site for use as a country park would be extremely unlikely to receive grant assistance and has a significantly higher risk of not being delivered.

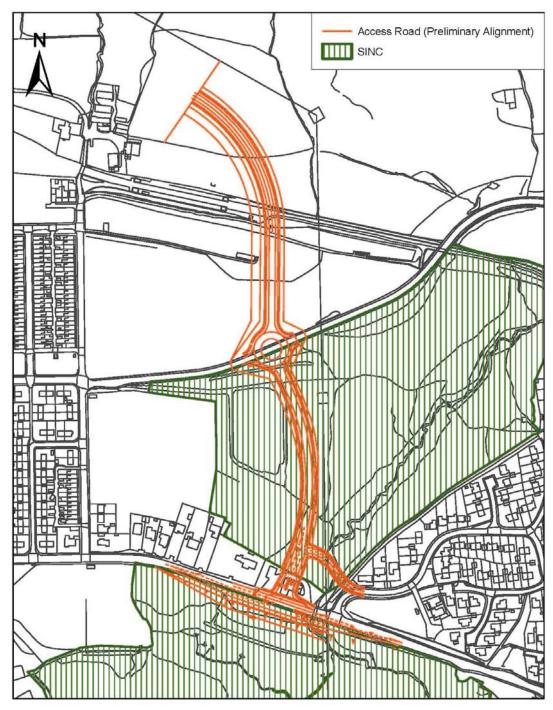
- Should the site instead be developed for employment purposes? Is this a realistic and deliverable proposal?
- 2.39 The Bedwas area already has 61ha of employment land and the allocation of this site for employment uses will lead to a massive overprovision in the Bedwas area and for the county borough as a whole, contrary to government guidance. The allocation of the site is unlikely to make the commuting situation any better, as a significant level of commuting already exists in relation to the employment opportunities already in close proximity to the site. The Inspector's attention is directed to the Evidence Base as follows:
 - SB60: Council Report on Deposit and Alternative Sites Consultations, Volume 4, Pages 63 - 65 (Site Required for Employment & Leisure Uses)
- 2.40 The grant site dependent upon assistance the remediation/reclamation of the site prior to any afteruse for the site commencing. Therefore the use of the site for employment use will require the remediation/reclamation of the colliery site and tips. The redevelopment of the site for employment use accords with the priorities afforded to the grant regime, providing an economic afteruse for the site. However employment use is a significantly lower value economic use than the proposed housing development and therefore there would be limited scope for clawback of grant finance making such a scheme less attractive and the risk of the site not being delivered is significantly higher. In addition to this, the employment development market suffers more and over a longer period than the housing development market does in times of recession, which also increases the risk of the site not being delivered within the plan period. Overall the development of the site for employment use is less likely to be delivered in the plan period than the allocated uses.
- What would be the implications of deletion of the housing allocation for delivery of the Plan's housing strategy and overall development strategy?
- 2.41 The Inspector's attention is directed to the Evidence Base as follows:

- ED7: Reply from Council on Bedwas Colliery Site,
- 2.42 Whilst the deletion of Bedwas Colliery would not compromise the strategy or delivery of the required total number of houses for the county borough, it would significantly reduce the numbers of units within the Caerphilly basin and, to a lesser extent, the SCC. Whilst the loss of numbers would not undermine the strategy for the SCC or its delivery (with the exception of not delivering development on this brownfield site), in terms of sustainability and the overall spatial distribution of housing, alternative provision is likely to be required. Only one comparable site of sufficient size and location has been considered in the plan process as an alternative to the Bedwas Colliery Site, and that is the Ness Tar site. The Inspector's attention is directed to the Evidence Base as follows:
 - **ED31**: Background Assessment of Candidate Sites (Page A4.30 (42) A4.32 (44)) [Reasons For Allocation]
- 2.43 It should be noted that the Ness Tar site includes greenfield land release to realise development costs on the brownfield land. The Ness Tar site is also smaller than the Bedwas Colliery site, and would require a significantly larger element of Greenfield land release to realise a similar number of units compared to Bedwas Colliery (8.35ha brownfield and 18.9ha Greenfield, at a ratio of approximately 2:5 brownfield to Greenfield). This does not accord with SCC Strategy aim of maximising brownfield development and limiting Greenfield land release. A map outlining the greenfield/brownfield distribution of land relating to the Ness Tar Site is appended as Appendix 4.

Appendix 1 - Provisional Access Alignment and SINCs

Caerphilly CBC Illustrative Drawing Impact of Bedwas Colliery Access Road

1:3,500



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Mae atgynhyrchu heb awdurdod yn torri hawlfraint y Goron.

Gall hyn arwain at erlyniad neu achos sifil. Cyngor Bwrdeistref Sirol Caerffill, 100025372, 2010.

Appendix 2 – WAG Correspondence On Bedwas Colliery Site

Adran yr Economi a Thrafnidiaeth Department for the Economy & Transport

Ein cyf * Our ref: SLS/TS/55.64

23rd March 2010



Welsh Assembly Government

Dave Lucas Principal Planner Strategic & Development Planning Caerphilly County Borough Council Civic Centre Pontllanfraith NP12 2YW

Dear David

Bedwas Colliery Land Reclamation Scheme LDP Examination

Further to your request for a statement on the Department's position on this site, I am pleased to provide below a response on the four specific issues raised.

It may be helpful as background to confirm that grant support for projects such as Bedwas Colliery is provided in accord with the powers available under the Welsh Development Agency Act 1975 (as amended and transferred to the Welsh Assembly Government). A programme of land reclamation schemes has been developed for managing the delivery of projects within the resources available.

1. **Funding Availability**

- Allocations for each project in the programme are considered on an annual
- The principal criteria for consideration are the fit with regeneration objectives (with reference to all areas of Welsh Assembly Government policy and objectives) and the outcomes in terms of economic, social and environmental benefits (including enhancements to public safety).
- The Bedwas Colliery project has been identified for potential future funding allocation as a continuation of the £1m grant already expended on preliminary studies and design.

2. **Timescale**

The level of funding available for land reclamation projects within any one financial year varies from year to year in accord with the criteria referred to above and competing budget priorities.



- In addition, we will have regard to the interests of land owners at the subject sites or on adjacent land. Wherever necessary, working in partnership with private developers or land owners is the preferred approach and this opportunity seems to be available at Bedwas.
- An agreed scheme and an appropriate LDP allocation will need to be in place prior to any funding being considered for reclamation works. It may prove difficult without an allocation in the LDP to secure a funding commitment for the investigation and design which will be necessary prior to physical works commencing.

Delivery during the plan period

- The Welsh Assembly Government cannot give any firm indication in this
 respect. This will be dependent on an appropriate scheme being agreed by
 all parties and adopted.
- In accord with this requirement, the Council and the land owner will be the principal parties determining the timescale.

4. Impact of alternative use designation

- Significant work has been undertaken to characterise the site and define
 the risks. It is our understanding that the scale of remediation and
 reclamation work required will not vary substantially for other uses of the
 land, e.g. employment or country park.
- As a result, the call on Assembly resources may still be required (potentially at a higher net cost than for delivery of a commercial development). In addition, the priority of the project may differ due to changes in the project appraisal.

Yours sincerely

Steve L Smith
Senior Manager Land Reclamation
Department for the Economy and Transport –
Economic Development Group

Appendix 3 – Correspondence On behalf Of Powerscreen International

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23 March 2010

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Dear Mr Whetter

Bedwas Colliery - LDP Examination

We write on behalf of our client, Powerscreen International (PI) which, as you know, owns a large part of the Bedwas Colliery site ("the Bedwas site") identified in the proposed LDP for mixed use development.

We understand that a key issue which the Council needs to address at the forthcoming LDP Examination is the deliverability of the Bedwas site within the LDP period.

Our client wishes to underline its support for a scheme to bring the Bedwas site forward well within the next decade. The Bedwas site is a brownfield site and is capable of making a real contribution to the provision of housing and regeneration of the area in accordance with Government planning policy. There are many challenges associated with bringing forward the Bedwas site which we believe will take time to address. However, we are confident that the process of resolving these challenges should not impact upon the prospects of developing the Bedwas site within the LDP period.

Our client views the strengthening of the relationship between itself and the Council over the last year as evidence that delivery is achievable in this timescale. We would draw the following points to the Inspector's attention to demonstrate this:

- The current discussions with the Council relating to the scope of the next stage of ground and groundwater investigation of the land is an important illustration of the combined intent of both parties to work in partnership to bring this site back into use.
- These discussions, over the last year, mark a departure from the previous status quo.
- Our client found the meeting in February last year with the Council and the Welsh Assembly Government a useful spring-board for the work that has been undertaken since and which continues.

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23 March 2010 Dave Whetter

. Our client has spent this time evaluating the information before it and presenting a way forward.

Our client therefore feels that, through continued cooperation with the Council, the Bedwas site has a very good prospect of being delivered within the LDP period and will continue to work towards that goal.

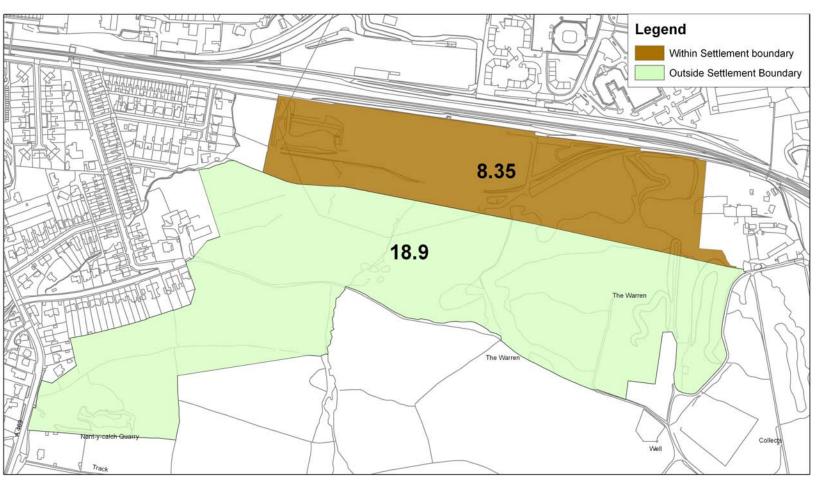
Yours sincerely

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Appendix 4 – Plan of Land Relating to Ness Tar Site Representations

Appendix 4, Areas in hectares



CIS Products: © 100025372, 2008. MasterMap⁵⁴, 1.10000, 1.25000, 1.50000, 1.250000. Image Layers: © 2006 produced by COVAI AVS for the Welsh Assembly Government's Destroment. Planning and Countryside.

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