

**CAERPHILLY LOCAL DEVELOPMENT PLAN 2006-2021**

**EXAMINATION IN PUBLIC**

**(APRIL/MAY 2010)**

**Objections to Omission of land as a residential land allocation –  
Caerphilly Road, Ystrad Mynach (Representor No 2632/697).**

**SUBMISSION ON BEHALF OF GB ENGINEERING LTD**

**(Asbri Ref: 07.174)**

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## **1 INTRODUCTION**

- 1.1 This statement is produced on behalf of G.B. Engineering Ltd and responds to various issues raised by the Inspector for consideration by Written Representations and appearance at the relevant Hearing session on 5<sup>th</sup> May 2010, through the Examination in Public procedures. Additional supporting information will be submitted by Ashtenne Industrial Fund Ltd who will also attend the hearing session.
- 1.2 My Clients are objecting to the omission of the site at Caerphilly Road, Ystrad Mynach (Reference 679. D14,D15 and 2632. D1, D2) as a residential land allocation. The site comprises that area which lies within existing development limits, but is protected for industrial use under Policy EM2.14.
- 1.4 A large proportion of the units, particularly at the southern end of the site are however, vacant and many are not 'fit for purpose' as modern facilities for industrial operations. The current operational activities on the site are mainly a combination of retail, leisure, community and sui – generis units. A large unit in my clients ownership is in B8 (storage and distribution) use. 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.
- 1.5 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 15<sup>th</sup> 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.

***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 sites which are brownfield in nature, which are deliverable within the Plan period, which reflect the existing pattern of development, and where the existing uses do not merit retention on

employment grounds.

- 2.5 The credibility of the SA/SEA process was also 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 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.
- 2.7 Whilst the identification of the 'Northern Connections Corridor is highlighted as an area of comparative growth, the sites proposed to be allocated can accommodate only 1,818 units. This level of growth, whilst acknowledging there is an allowance for 'windfall sites' is nevertheless disputed in providing a sufficient range and choice of housing land opportunities. There is a need to provide for a wider choice of sites by further specific allocations such as Caerphilly Road Industrial Estate in order to give more certainty.

### ***C2: it has regard to national policy***

- 2.8 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'.
- 2.9 As such development at Caerphilly Road, Ystrad Mynach would be compatible with established land uses, as the site is overlooked by existing housing. In respect to this site, therefore regard has not been paid to national policy, which in Planning Policy Wales, encourages preference for the re-use of land which secures land for urban extensions and facilitates the regeneration of existing communities (Paragraph 2.7.2).

### ***C3: it has regard to the Wales Spatial Plan***

- 2.10 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. Ystrad Mynach 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.
- 2.11 Ystrad Mynach is well suited to meeting Wales Spatial Plan objectives in being close to employment opportunities at Dyffryn Industrial Estate, the new hospital complex, Ystrad Mynach College, the new Council offices at Tredomen, the town centre, which is within walking distance of the site, and accessible to bus routes along Caerphilly Road and passenger rail services at Ystrad Mynach station.

**C4: it has regard to the relevant community strategy**

- 2.12 The Caerphilly County Borough Community Strategy: Community Planning in Action, was published in 2004 (Examination document LA 11). 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.”***

- 2.13 In the light of the above points made 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.***

- 2.14 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 Northern Connections Corridor, in placing a reliance on constrained sites ignore further potential sites, such as the land at Caerphilly Road, Ystrad Mynach, which does not merit protecting for employment uses, and could contribute to the delivery of the strategy. In seeking to achieve aspirational targets of maximising the amount of constrained '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.
- 2.15 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 on

brownfield land, such as the site being promoted, which is deliverable and which would meet other objectives, including an improvement to local residential conditions.

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

2.16 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 several of the largest housing land allocations proposed, including the Aberbargoed Plateau (413 units), the Navigation Colliery Site, Crumlin (145 units) and at Bedwas Colliery (630 units) are constrained by a number of factors. Evidence submitted separately by Asbri Planning at the Examination will effectively demonstrate that the Bedwas Colliery site is heavily dependent on public funding and the allocation as a whole is unsound. The Aberbargoed and Crumlin sites were proposed to be rejected by Council Members at the Council meeting of 15<sup>th</sup> September and it is clear that no political will exists to further the development of the schemes.

2.17 Allied to the above is the fact that a large proportion of units on sites in the Northern Connections Corridor, suffer major constraints and/or are currently categorised as 3(i) in the most recent Joint Housing Land Availability Study (JHLA) and may not come forward within the remaining Plan period. These include the following large sites:

Site	Number of Units
HG 1.47 – Fields Park, Newbridge – 3(i) in HLA	80
HG 1.32 – Hawtin Park (Previous resolution to delete from	194
HG 1.34 – Tiryberth (33 in UDP - 3(i) in JHLA)	173
HG 1.25 – Navigation Colliery (Previous resolution to	145
Total	592



Total	592
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- 2.18 The large sites referred to above make up almost a third of the units on the sites allocated in the Northern Connections Corridor. Even if development were to commence at the latter stages of the Plan Period, it is unlikely that more than some 30 units per annum would be completed on any of the sites in question.

***CE3: There are clear mechanisms for implementation and monitoring.***

- 2.19 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 Northern Connections Corridor.
- 2.20 There are no clear mechanisms, however, for bringing sites forward which are constrained. The Council is relying heavily on improved market conditions which, even in a buoyant economy, may not favour the uptake of many sites. In order to secure realistic development opportunities in this area, the release of those brownfield sites in attractive, accessible locations on the edge of settlements, where existing uses would be more appropriately located elsewhere in purpose built accommodation is necessary.

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

- 2.21 The Local Development Plan is seeking a high proportion of proposed residential development on previously used, brownfield sites in the Northern Connections Corridor – 67%. In concentrating on previously developed sites, an emphasis should be placed on those which will be more likely to be marketable in the continuing, uncertain housing climate.

2.22 In the case of the site being promoted, a comprehensive housing development, providing a range of housing types could be achieved which addresses site constraints and delivers a good design solution to complement the edge of settlement location. A Masterplan for the site was submitted at previous stages of the Plan process. 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 15<sup>th</sup> September 2009 concludes that:

***“In summary, it is not considered appropriate to allocate the site for housing development because the site is justifiably protected for industrial use, and the plan already makes sufficient provision for housing in the NCC strategy area.”***

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 and initial Focussed Changes stages, and to additional submissions made by Ashtenne.
- 3.3 Representations previously made have emphasised that the land being promoted does not merit protection as a previous employment land study undertaken by Atkins in 2006, and subsequently reviewed by the Council, indicates that overall, there is an oversupply of employment land in the County Borough. Furthermore the site is identified as 'poorly performing' and that significant investment is necessary to make it suitable for renewed employment use. Several years have now lapsed since the Atkins Report, and despite the vacant units being marketed during that time, no interest has been forthcoming.
- 3.4 Atkins suggested that the site can be categorised as 3, ie having scope for mixed uses, retaining an employment function. The Council, in their

assessment of the site regard it as a secondary site, with potential for “a range of alternative commercial uses which find it difficult to locate in town centres because of high rents, or in residential areas because of amenity considerations. These would include gyms, nurseries, play centres and the like.”

- 3.5 It is argued, however, that the site represents a reasonable extension of the existing residential development to the west and therefore is not suitable for ‘bad neighbour’ industrial uses. Whilst uses such as leisure, nurseries etc could be considered as part of the overall residential scheme, there is certainly no need to protect land for such purposes. It was emphasised in the previous site submission that marketing exercises have demonstrated that little or no interest has emerged for the re-use or redevelopment of existing units on the site. 18 months since the Deposit Plan was produced, this is still the case. Uses such as the Council's Adult Day centre and indoor play centre would be better relocated elsewhere, as these buildings are not fit for purpose. Indeed the adult day centre, which provides for disabled people and people with learning difficulties comprises two buildings, constructed in different styles, where there is a pronounced change of levels.
- 3.6 The Council state that they would agree with the reasoning that the redevelopment of the site would be compatible with the Ministerial Interim Planning Statement on Housing (MIPPS) with regard to the re-use of previously developed land and buildings, in reducing the need for green-field site releases, were it not for the need to retain employment land and the flood constraint. It is clear from the above that a proven need to retain any of the existing uses does not exist as they are predominantly non employment uses. Furthermore, encouraging the site's redevelopment for employment uses would impact on the existing residential uses opposite.
- 3.7 The site lies within category C1 of the TAN 15 Development Advice Maps, ie ‘Served by significant infrastructure, including flood defences. The proposed new hospital complex currently under construction to the north of the site lies

within a similar designation, and this, like residential uses is a vulnerable use (indeed uses currently on the site such as the adult day centre are vulnerable uses). Clearly the Environment Agency has accepted the principle of the hospital development and mitigation measures have been put in place. The site being promoted has not flooded within living memory and is raised at least 4 metres above the River Rhymney. It is known that the bunding on the opposite bank of the river has been reduced in order to create additional flood storage. For these reasons therefore it is not considered that flood risk represents a major constraint and that a Flood Consequences Assessment will establish that residential development is achievable, subject to any mitigation recommended. Ashtenne will prepare additional information to this effect.

- 3.8 As we have established above, therefore, the need to retain the employment land has not been demonstrated convincingly by the Council and we are confident that the flood constraints can be overcome. There is therefore no reason in principle, why this site can not come forward for residential development.

#### **4 CONCLUSION**

- 4.1 This Statement is submitted as a response to the Caerphilly Local Development Plan on behalf of G.B. Engineering Ltd who are promoting land for development at Caerphilly Road, Ystrad Mynach.
- 4.2 My Clients are challenging the soundness of the LDP and an assessment of the Plan against the 10 tests of soundness. In particular, it is considered that due to the reliance placed on 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 more readily available 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. The desired change would therefore contribute to making the Plan more sound.
- 4.3 It is therefore considered that the allocation of additional sites is required in order that the Plan meets the above tests of Soundness, and that the site being promoted is well placed to meet housing needs, which will contribute to a wider range and choice of sites in the Northern Connections Corridor.
- 4.4 The Council's analysis of the site promotion is questioned in this respect as it does not merit protection as employment land as most of the units are either vacant, not fit for purpose or accommodate non – employment related uses. A Flood Consequences Assessment would demonstrate that the site can be developed for residential purposes with appropriate mitigation measures to reduce flood risk.
- 4.5 Our Clients respectfully urge the Inspector to give careful consideration to their representations and to determine that the site be included as a residential land allocation in the Local Development Plan.

## **APPENDIX 1**

### **Site Plan**