

**Tuesday 8 December 2009 at 10.00 am
Penallta Chamber, Ty Penallta, Tredomen Park, Ystrad Mynach**

1. Opening and introductions

Present: Alwyn Nixon (AN) (Inspector); Richard Jenkins (Planning Officer PINS); Barbara Prosser (Examination Programme Officer).

Caerphilly CBC (the Council): Pat Mears; Roger Tanner; Rhian Kyte (RK); Victoria Morgan (VM); Roger Morgan (RM).

Welsh Assembly Government (WAG): Mark Newey (MN); Elaine Ancrum (EA).

2. Purpose and scope of Exploratory Meeting (EM)

AN: The EM has been called to discuss certain initial concerns raised by the Inspector relating to the evidence base submitted in support of the LDP. The purpose of the EM is to identify discrepancies/omissions in the evidence base and to consider the need for more information to enable the soundness of the Plan to be properly assessed.

It is not the role of the EM to hear evidence or examine its merits; this will take place by way of the Hearing sessions in due course.

The EM is intended to be an open and constructive discussion, to identify areas where more evidence is needed and agree a course of action in relation to this. This will enable an appropriate timetabling of the subsequent stages of the Plan examination process. A note of the EM and action agreed will be circulated following the EM.

3. LDP focussed and other changes

AN: Certain of the focussed changes put forward following the Council's consideration of representations on 15 September lacked a proper evidence based supporting rationale in terms of their implications for the Plan's soundness. However, it was understood that the Council had reconsidered its position in relation to these changes on 1 December.

RK: The Council meeting of 1 December considered the implications of the focussed changes in question and resolved to withdraw focussed changes: FC04; FC07; FC08; FC09; FC10; FC11; FC16. The Council intends to advertise the withdrawal of all these focussed changes.

AN: Confirmed his view that these latest changes should be advertised. It is important that there is adequate clarity and publicity as to the content of the Plan being put forward by the Council.

MN: Stated that procedurally the safest option would be to consult on the up-to-date position as intended by the Council.

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AN: Thanked CCBC for the prompt work in relation to the above. However, it remains important that adequate evidence is submitted in relation to all of the outstanding changes to the Plan put forward for examination. For example, insufficient rationale has been given in support of FC15 (St. Ilans Comprehensive site, Caerphilly) and HG1.25 (Navigation Colliery, Crumlin). Initially there was strong evidence in support of these allocations.

RK: The changes made to FC15 and HG1.25 are proposed due to the Council's education strategy and the representations made by Environment Agency Wales (EAW).

AN: In relation to FC15 St Ilans, there is insufficient evidence concerning the details of the education strategy; how the position has changed, how far it goes in identifying a need to utilise the St Ilan's site and how definitively the emerging circumstances preclude allocation of some or all of the site for housing. The evidence base should provide a robust rationale for the site status in the Plan now being put forward, incorporating an explicit consideration of the alternatives. It should also consider the implications of deleting the deposit Plan allocation (eg implications for delivery of the Plan strategy in terms of housing provision in the right places and delivery of affordable housing). The possible need for replacement allocations in order to maintain delivery of the Plan's objectives should be considered.

Turning to HG1.25 Navigation Colliery, this change appears to arise from the stance of EAW regarding mitigation of potential flooding consequences for development downstream, despite the fact that the Council does not share EAW's view of the level of investigative work needed at this stage. Given the significance of the site, further evidence is needed so that the position can be assessed against guidance in TAN15. Further dialogue between Council and EAW is therefore suggested with EAW to try and resolve the impasse prior to the hearing sessions. Issues of clarity and consistency would arise from not allocating the site yet not amending the settlement boundary. Further evidence is required for the examination process to be able to assess the implications of non-allocation for delivery of the Plan's spatial strategy.

RK: Responded that significant discussion has taken place with EAW over the Navigation Colliery site. EAW want a level of detail that CCBC believes is only suitable at planning application stage. CCBC is able to provide an 'evidence document' detailing the current situation/background evidence for this site.

AN: The matter may need to be examined at a specific hearing session to which EAW is invited.

MN: The evidence to support the Focussed Changes regarding the St Ilan and Navigation Colliery sites is currently lacking in robustness. Greater clarity and certainty regarding the Education Strategy and concerns over flood risk would assist consideration of the LDP evidence base. The implications of their removal from the plan on the housing provision, both individually and strategically, will require further consideration.

A vague or uncertain position with regard to key sites is an unsatisfactory approach in a planned system. The contribution that FC15 could make to the overall housing supply should be reflected, potentially coming forward as an unidentified brownfield opportunity.

AN: The submitted change for the St Ilans site (FC15) also is insufficiently clear as regards the Plan's intentions for the site. Allocation as "white land" does not have a recognised meaning within the current development plan system.

It is important to note procedure guidance that focussed changes should only be made exceptionally, ie when there is a need to change/rectify a defect in the Plan brought to light by representations or by a significant change in circumstances, thereby ensuring the Plan's soundness.

Changes made without good reason, or which are not sufficiently clear or definitive, can cause procedural problems and delay in terms of the examination process and may also jeopardise the Plan's soundness. Many of CCBC changes appear not to be focussed changes or editorial changes, but rather are intermediate changes which are nonetheless substantive. Formal

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advertisement of such changes is the safest way to ensure that the Plan has been adequately publicised and opportunity given for representations.

MN: Referred to the WAG Circular letter in relation to focussed changes. The deposit Plan is considered by the local authority to be sound when it is placed on deposit so focussed changes should be exceptional (would imagine no more than 10 changes), potentially due to new information or clarification with national planning policy. It is accepted that some changes could result in the need for consequential changes elsewhere. Legal challenge is potentially more likely the greater the number of focussed changes. It is important to limit any focussed changes to ensure the risk of legal challenge is minimised and they are as 'secure' as possible.

RK: The changes have been kept to a minimum. They have now been put into one document and are not separate as before.

AN: It is still difficult to identify all changes made to the deposit Plan (deletions as well as highlighting added text), especially in relation to consequential changes, eg: housing and employment land numbers in policies, text and tables changing as a result of site allocation deletions. If such changes are not subject to appropriate procedures, including consultation, it may not be clear to others exactly what the LDP is seeking.

RK: A document showing all changes clearly can readily be made available.

AN: To ensure that all are aware of the changes put forward the examination library should be updated with submitted Plan Written Statement/Appendices Documents differentiating all changes to the deposit Plan, to go alongside a complete Addendum listing the changes.

MN: The Welsh Assembly Government would not endorse publication of a composite plan showing all the changes/deletions in one document as standard practice for other LPAs to follow. However, a 'strike-through' document may be appropriate in this specific case as a pragmatic way of assisting in moving the Plan forward.

AN: Agreed that suggested way forward is a practical response to move the Caerphilly LDP forward, given the position already reached. Also emphasised that advertisement now should cover all changes, to avoid need for later further corrective action.

EA: Made it clear that when re-consulting there is no need for representors to restate their previous representations. Clarity on stakeholders ability to comment would be helpful.

AN: Confirmed that original representations would be taken into account.

4. Plan housing provision and 2006-based household projections

AN: Alluded to the WAG letter dated 11 June 2009 sent out with the projections. The Supplementary Background Paper does not go far enough in examining the implications of the projections for the Plan and options for addressing these. The justification for not adopting the new projections is unclear. The analysis of flexibility within the Plan to respond to household growth at a rate higher than that catered for within the Plan's Moderate Growth scenario needs to be reviewed, in the light of the changes to the Plan now proposed. The implications of the 2006-based projections need to be analysed on the basis of the net in-migration assumptions in the deposit Plan. At present the evidence simply tries to minimise the discrepancy between the deposit Plan household provision and the 2006-based projection. A more robust evidence base for the Council's position is needed, and reasonable options and alternatives considered as part of this.

MN: The WAG projections are not a target for local authorities to meet, but are an important piece of evidence that needs to be considered and justified if there is a deviation with the LDP housing provision. Recognised that the timing regarding the publication of the projections was not good for CCBC, but inevitably there are always changing factors which the LDP needs to address through the process. Aware that the regional grouping (SEWSPG) is considering the 2006 projections. Each local authority has access to the data and methodology used which may

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result in some 'fine-tuning' but should not result in fundamental changes. Robust evidence is needed for any deviation from 2006 projections.

VM: Focussed changes have revised housing figures to a 650 dwelling deviance. There is enough land to cover 14 years of the Plan period with Plan Review offering the opportunity for review. Look at nil-migration scenario was an options exercise only.

AN: Clarification of the implications of the 2006-based projections for the Plan strategy based on the deposit Plan migration assumptions would be helpful, along with consideration of the significance of the new figures for the Plan strategy and clearer articulation of the options considered by the Council in response to the new information.

RK: Council will provide an update of the Background Paper to address these matters.

5. Affordable housing policies and Plan targets

AN: First issue is greater clarity required within the Plan as to the level of affordable housing need and the target of affordable housing to be delivered through the planning system.

MN: Referred to TAN2 and MIPPS. Requirement is for an authority-wide target met through the planning system. Policy should express target to be delivered by the planning system – whilst potential delivery figure by all methods provides useful context, this should come within the explanatory text, not the policy itself. Caerphilly's technical work to address financial viability for affordable housing provision is welcomed. WAG wishes to maximise the contribution of affordable housing delivery from the planning system to meet identified needs, which also means looking at thresholds and sites. It is recognised that the 10 dwelling/0.3 hectare threshold is lower than some other LDPs coming forward. Nonetheless, given the significance of affordable housing provision identified within the Plan strategy, all possible means of delivery need to be fully considered.

AN: Given the policy context, the level of identified need and the Plan's much lower affordable housing target (which itself relies significantly on some sites which may not deliver as hoped), there is a need to demonstrate that all options for delivering affordable housing have been considered and are being utilised unless there is a clear reason why not. It is not clear from the existing evidence base why the threshold is set at 10 units/0.3 hectare. The consideration of an appropriate form of affordable housing exceptions sites policy is absent from the existing evidence base. The evidence base should fully consider all practicable alternatives.

RK: All options have been considered. Some evidence has already been submitted in the form of background papers. It is difficult to respond to this in more detail without getting to a level more appropriate to a hearing session. However, work concerning these matters has been undertaken and will be made available as part of the evidence base.

AN: A third issue concerning the Plan and its supporting evidence base concerns the apparent absence of consideration of providing flexibility within the Plan to respond to changing market conditions.

MN: Financial viability is currently at a low point given the existing economic climate. LDPs should identify appropriate trigger points within the plan period for mini-reviews of affordable housing as market circumstances change. This would provide a more reliable basis for securing appropriate levels of affordable housing, reflecting changes in market conditions.

6. Policy WM 1 – Waste facilities site serving more than one authority area (Cwmbargoed Washery site)

AN: The evidence base supporting this policy and designation is inadequate. It lacks information as to how this proposal fits with the strategy, policies and proposals being pursued by the neighbouring authority (Merthyr Tydfil CBC). There is no evidence of a joint authority

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approach to consideration of the use of the site, which straddles the boundary of the two local authority areas. It is also unclear to what extent the existing use of the site precludes delivery of the facility envisaged by the Plan within the Plan period. These issues of consistency/coherence with the approach of the neighbouring authority and feasibility of delivery within the Plan period are important matters which the evidence base needs to address.

RM: Some discussions have taken place with Merthyr Tydfil CBC and with the site owner/operator. There are ongoing discussions with agents for the site, with a view to producing a statement of agreed facts. The Council is happy to meet further with Merthyr Tydfil CBC to ensure consistency of approach.

MN: What the evidence base should demonstrate is exactly what has occurred in terms of joint working and the position that has been reached as a result.

RK: Indicated that the Council would produce an evidence paper setting out the joint work carried out and the extent of agreement reached with Merthyr Tydfil CBC.

7. Surface water flooding maps

AN: Requested confirmation that the Council had received the 3 November surface water flooding information produced by EAW and was assessing its implications for the Plan.

RK: EAW have done a screening exercise and the Council has also appointed engineers to look at all sites affected. A background paper will be prepared to demonstrate receipt and consideration of this new evidence.

AN: Praised the Council's proactive attitude. Asked for indication of whether many site allocations likely to be significantly called into question as a result of this new evidence.

RK: There have been discussions with EAW and WAG. The evidence is not considered to be an issue at a strategic level, but will need addressing at individual scheme design stage. This has been agreed with WAG and EAW

MN: Commented that the maps were produced primarily for emergency planning purposes, rather than land use planning. In terms of Caerphilly CBC, the areas affected appear to be within C1 and C2 areas of flood risk meaning relatively few sites may be affected. This does not appear to be a strategic issue.

8. Options for proceeding and timescales

AN: Provided a brief summary of the main areas where there are deficiencies in the existing evidence base and asked Council to indicate how it broadly wished to proceed in relation to the matters raised.

RK: Sought clarification as to whether 4 week readvertisement of the pre-Hearing Meeting could overlap with the 6 week advertisement period for the further changes.

AN: Confirmed that this was acceptable in his view. Mentioned that any need for Council resolutions also needs to be factored in.

RK: Indicated that some matters may need to go to Council Members. Hopefully the necessary consultations could be completed by end January/early February.

AN: Indicated that Council can consider option of suspension of examination process to "stop the clock" whilst additional work is carried out.

RK: Stated that the Council did not want to suspend the examination. Possibly two or three months would be required to address the evidence matters raised.

AN: Replied that he was encouraged by the initial responses provided by the Council at the meeting. However, he would need formal confirmation of the scope of the work to be undertaken and the timescale within which this would be completed before deciding whether

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continuation of the examination without suspension is realistic. Requests that the Council produce a formal list of matters to be addressed and timescale for this work to be completed. If satisfied that all can be accommodated without unacceptably disrupting the examination process, will agree to continue examination without suspension. However, reserve final decision on this until programme of additional work arising from the discussions is agreed.

RK: Indicated that the Council would prepare a work timetable by the end of the week, hopefully to be agreed with the Inspector by the middle of next week.

AN: Agreed this initial action, following which it would be possible to confirm dates for the Pre-Hearing Meeting and the start of the Hearing Sessions.

MN: Indicated that he was pleased with the positive response from the Council. He also took the opportunity to indicate to LPAs that discussions are taking place with CCW concerning the position in relation to alternative sites put forward through the LDP process and requirements concerning SA/SEA . Further advice concerning this can be expected shortly.

9. Close of Meeting

AN: Expressed his thanks to all those participating in the EM. Also restated to those observing that those who wished to appear at the hearing sessions would have the opportunity to participate at that stage, when examination of the evidence would take place.

The Meeting was formally closed at approximately 12.30 pm.

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