



Caerphilly County Borough
Local Development Plan

STATEMENT OF COMMON GROUND
Miller Argent (South Wales) Limited
&
Caerphilly County Borough Council
With regard to
The Wording of Natural Heritage
Policies

Examination 2010

Caerphilly County Borough Council submission

Examination document reference :

ED.43

Submission date :

17 May 2010

1. INTRODUCTION

- 1.1 In light of the comments and observations raised by Miller Argent during Hearing Session 1 of Caerphilly County Borough Council's Local Development Plan Examination, a number of issues were raised in respect of minerals and the natural heritage policies contained within the plan. A meeting was held between Miller Argent and CCBC to discuss these points on 11th May 2010, prior to Hearing Session 9: Minerals and Waste to seek common ground.
- 1.2 The following statement of common ground addresses the objection raised by Miller Argent in relation to the inconsistent wording of the natural heritage policies and reasoned justifications within the plan.

2. AREAS OF AGREEMENT - WORDING OF NATURAL HERITAGE POLICIES AND REASONED JUSTIFICATIONS

- 2.1 Both Miller Argent and CCBC have agreed the following amendments to the wording of policies SP12, CW8 and NH1, 2 and 3.

SP12 Conservation of Natural Heritage

**The Council will protect, conserve, enhance and manage the natural heritage of the County Borough in the consideration of all development proposals within both the rural and built environment.
(key components met 3 & 8)**

- 1.76 The term Natural Heritage covers the geology, geomorphology, biodiversity, landscape and amenity value of the County Borough. It embraces the relationships between landform and landscape, habitats and wildlife and the natural and built environment. It also includes natural features such as trees, woodlands, hedgerows and rivers. The natural heritage is not confined to the countryside or designated sites and is just as prevalent and important in urban areas. The natural heritage is a positive asset that enriches people's quality of life and promotes the regeneration of areas.
- 1.77 Almost 80% of Caerphilly County Borough Council is classified as countryside. Whilst change is inevitable and opportunities for growth and development of the Borough need to be provided, respecting the unique and distinctive features or characteristics of the natural heritage of the County Borough is essential in protecting, conserving, enhancing and managing the valuable features in both the natural and built environment.

Natural Heritage Protection

CW8 Development proposals that affect locally designated natural heritage features will only be permitted:

- A Where they conserve and where appropriate enhance the distinctive or characteristic features of the Special Landscape Areas (SLA) or Visually Important Landscape Areas (VILLS).
 - B Within, or in close proximity to sites designated as Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), Regionally Important Geological Sites (RIGS), Green Corridors or Local Priority Habitats and Species that either:
 - i Conserve and where appropriate enhance the ecological or geological importance of the designation, or
 - ii Where the need for the development outweighs the ecological importance of the site and, where harm is minimised by mitigation measures and offset as far as practicable by compensation measures designed to ensure there is no reduction in the overall value of the area or feature.
- 2.18 The natural heritage of the County Borough is diverse and contains specific biodiversity protection areas from European to local designations, together with local landscape designations. It is important that these are protected from inappropriate development. This policy test applies to any development proposal that would, or would be likely to, have a detrimental effect upon the distinctive biodiversity, geological or landscape features and characteristics of the County Borough. The level of potential harm will be assessed, taking into account, mitigation, compensatory and restoration measures.
- 2.19 Minerals underlay the majority of the County Borough, and the Council aims to balance the need to conserve the distinctive features and characteristics of the natural heritage with the need to safeguard nationally important mineral resources. Proposals for mineral workings are subject to other policy tests, as set out in Minerals Planning Policy Wales (MPPW), 2000, Minerals Technical Advice Note 1 (Aggregates) (MTAN1) and Minerals Technical Advice Note 2 (Coal) (MTAN2). These will need to be considered in respect of the distinctive features and characteristics of the natural heritage identified within the plan.

SECTION C – AREA SPECIFIC POLICIES

Conservation of Natural Heritage

Special Landscape Areas (SLAs)

NH1 Special Landscape Areas are identified and will be protected at the following locations:

NHxx (to be completed as per the strategy area)

- 3.19 Special Landscape Areas are local non-statutory designations that seek to protect areas that exhibit distinctive landscape, historical, cultural, biodiversity and geological features and characteristics within the County Borough. They are locally important elements of the natural heritage of the rural and urban environments, and provide a living history of the evolution of the area's landscape as well as cultural backdrop and visual setting. The designation of SLA's highlights the holistic consideration of the landscape, with emphasis placed on the 'special' nature of the distinctive landscape features and characteristics in these areas. (LDP Paragraph 3.19 – HOVRA, 3.100 – NCC and 3.190 – SCC).
- 3.20 These areas will be protected from any development that would harm their distinctive features or characteristics. The policy is not designed to preclude development. However, an applicant will need to demonstrate that any development proposal will not have an unacceptable impact on the distinctive features or characteristics associated with the specific Special Landscape Area. (LDP Paragraph 3.20 – HOVRA, 3.101 – NCC and 3.191 – SCC)
- 3.21 LANDMAP is the national information system for taking landscape into account in decision-making. It separates landscape into five aspect areas: geological landscapes, visual and sensory, landscape habitats, cultural landscapes and the historic landscapes. The system allows information to be gathered, organised and evaluated within a nationally consistent data set. All of the Special Landscape Areas have been identified using LANDMAP information and Special Landscape Area designation methodology. This recognises that an SLA may include small parts of the local landscape that do not display the same level of landscape importance. A detailed description of the Special Landscape Area designations can be found in Appendix 1, which provides a breakdown of the distinctive landscape features and characteristics within the SLA. (LDP paragraph 3.21 – HOVRA, 3.102 – NCC and 3.192 – SCC).

Visually Important Local Landscapes (VILLs)

NH2 Visually Important Local Landscapes are identified and will be protected at the following locations:

NH2XX (to be completed as per the strategy area)

- 3.22 Visually Important Local Landscapes (VILLs) are non-statutory designations that seek to protect the distinctive features or characteristics of the visual and sensory landscape of the County Borough and how we perceive and respond to the landscape around us. VILLs have been identified using only the visual

and sensory layer of LANDMAP. (LDP Paragraph 3.22 – HOVRA, 3.103 – NCC and 3.193 – SCC)

- 3.23 Development will only be permitted where it conserves and, where appropriate, enhances the distinctive visual and sensory landscape features or characteristics of the VILL. Development proposals should demonstrate that these features of the visual and sensory LANDMAP aspect layer are conserved and, where appropriate enhanced for the benefit of the visual landscape. A detailed description of the VILL designations can be found in Appendix 2, which provides a breakdown of the distinctive visual and sensory landscape features and characteristics within the VILL. (LDP Paragraph 3.23 – HOVRA, 3.104 – NCC, 3.194 – SCC).

Sites of Importance for Nature Conservation (SINCs)

NH3 Sites of Importance for Nature Conservation are identified and will be protected at the following locations:

NH3XX (To be completed as per the strategy area)

- 3.24 Sites of Importance for Nature Conservation (SINCs) are an important biodiversity resource covering significant areas of priority habitats and species. Designations should be based on objective scientific criteria to accord with the (developing) Wales wide guidelines. This policy applies to all sites that meet the criteria for designation. (LDP Paragraph 3.24 – HOVRA, 3.105 – NCC and 3.195 – SCC).

- 3.25 Development will normally be permitted where it would not cause unacceptable harm to the features of the SINC. Where harm is unavoidable it should be minimised by effective mitigation measures to ensure that there is no reduction in the overall nature conservation value of the area or feature. Where this is not possible, compensation measures designed to conserve, enhance and manage locally distinctive natural habitats and species should be provided, including for example details of restoration and reclamation schemes. A description of the Sites of Importance for Nature Conservation can be found in Appendix 4. (LDP Paragraph 3.26 – HOVRA, 3.107 – NCC and 3.197 – SCC)

3. OUTSTANDING ISSUES –

3.1 SLA and VILL Appendices

Miller Argent consider that a summary of the key landscape features should be provided in a summary box in the SLA and VILL Appendices in order to clarify what makes these areas special and what distinctive features and characteristics the policy seeks to conserve. Whilst CCBC does not object in principle to this suggestion, it is considered that the general characteristics of the landscape designations are currently addressed under the 'Need' heading and the primary landscape qualities and features. CCBC are willing to review the structure of the appendices during the review of the plan, and make necessary amendments at this stage in light of other comments received and the ability to implement and interpret the information in the appendices.

3.2 Supplementary Planning Guidance

In light of discussions with Miller Argent, it was suggested by CCBC that Supplementary Planning Guidance should be prepared to supplement the SLA and VILL policies. The SPG would address in more detail the issue of appropriate development within SLA's and VILL's, mitigation, compensation and restoration requirements and issues associated with the landscape value of specific areas within the SLA or VILL. It was considered that the preparation of SPG on the local landscape designations would also be helpful for the implementation of the policies within the development control process.