



COUNCIL – 15 JUNE 2010

SUBJECT: CAERPHILLY COUNTY BOROUGH DEPOSIT LOCAL DEVELOPMENT PLAN UP TO 2021: EXAMINATION

REPORT BY: DIRECTOR OF THE ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 The purpose of this Report is to update members on the Examination in respect of the Local Development Plan, and to inform members of a number of proposed changes that are to be made to the LDP as a result of discussions with the Inspector at the Hearing Sessions during the Examination.

2. SUMMARY

- 2.1 The Caerphilly County Borough Council Local Development Plan (LDP) provides the strategy and policy framework for the development and conservation of the County Borough for the fifteen-year period, from 2006 to 2021. This is presently the subject of Examination. A series of changes to the LDP have arisen through the examination sessions, which are included at Appendix 1 for council consideration.

3. LINKS TO STRATEGY

- 3.1 The Deposit LDP embodies the land-use proposals and policies of the Council, including those contained in the Community Strategy and other strategic policy documents. The Unitary Development Plan (UDP) is currently the overarching land-use policy statement of the Council. This will be replaced by the LDP in due course.

4. THE REPORT

Examination

- 4.1 Caerphilly County Borough Council submitted the Local Development Plan (LDP) to the Welsh Assembly Government and the Planning Inspectorate for Examination on the 7th October 2009.
- 4.2 The Examination into the Caerphilly County Borough Local Development Plan formally opened on the 20th April 2010. The Planning Inspector (*on behalf of the Welsh Assembly Government*) is now in the process of examining the LDP, together with the background evidence, the Sustainability Appraisal Report and all Representations to the plan to determine whether or not the plan is sound.
- 4.3 The Inspector (Mr Alwyn Nixon) has invited a cross section of representors to speak at the 10 hearing sessions held to date, in order to further inform him on certain aspects of the evidence.

CHANGES TO THE LDP

- 4.4 During the examination procedure the Planning Inspector indicated that the Council should take responsibility for undertaking work of an editorial nature arising from discussions at the Hearing Sessions. The changes that result from this work should not materially affect the substance or soundness of the submitted plan. The Council is required to provide such changes so that the Inspector can simply accept them. The Inspector will check the changes

in order to satisfy himself that they are minor and do not affect the soundness of the LDP or require further publicity or sustainability appraisal.

- 4.5 Under the Council's Constitution the Planning Officer has delegated powers to agree procedural changes and matters that do not go to the heart of the plan. The Planning Officer does not have the power to make changes to the Policy Framework of the Council.
- 4.6 In order to ensure that changes that are agreed by officers are appropriate under the Council's constitution a comprehensive list of the changes that have been discussed through the Examination are appended at Appendix 1 for consideration. Of these changes it is considered that a number require formal agreement by Council as they would result in changes being made to the policy framework of the Council.
- 4.7 In addition to the above the Inspector has asked the Council to provide him with a number of new policies for consideration for inclusion within the plan so that if he comes to the view that a policy is needed on a specific issue for example Rural Exceptions Policy, he has the appropriate wording for inclusion. It is important to note that if the Council does not provide appropriate wording in respect of these policy issues then the Inspector will draft the policies as he sees fit.
- 4.8 The Inspector's views are binding, and Caerphilly County Borough Council must make any changes recommended.
- 4.9 Mr Nixon has indicated that he intends to publish his findings on the soundness of the plan in September 2010. This date is provisional and will be confirmed at the last Hearing Session, which is currently scheduled to take place on the 29 June 2010.
- 4.10 Within 8 weeks of receiving the Inspector's Report, the Council must prepare an Adoption Statement, and advertise the fact that the LDP has been adopted and where it can be inspected.

5. FINANCIAL IMPLICATIONS

- 5.1 The changes proposed will not result in any costs over and above those already budgeted for in respect of the LDP.

6. PERSONNEL IMPLICATIONS

- 6.1 None

7. CONSULTATIONS

- 7.1 All comments received have been incorporated in this report.

8. RECOMMENDATIONS

- 8.1 That the Council formally consider and agree the changes proposed to the LDP contained in Appendix 1 as a basis for consideration for the Inspector to include within his binding report.

9. REASONS FOR THE RECOMMENDATIONS

- 9.1 To facilitate the preparation of the Caerphilly County Borough Local Development Plan in accordance with planning guidance and regulations.

10. STATUTORY POWER

10.1 The Council as local planning authority has a statutory duty to take these actions under the Town and Country Planning Acts and associated Regulations and Guidance.

Author: Rhian Kyte (kyter@Caerphilly.gov)

Consultees: Cllr. Rob Gough, Cabinet Member for Transportation and Planning
Stuart Rosser, Chief Executive
Anthony O’Sullivan, Director for the Environment
Nigel Barnett, Director of Corporate Service
Sandra Aspinall, Director of Education
Albert Heaney, Director of Social Services

Pat Mears, Chief Planning Officer
Roger Tanner, Group Manager, Strategic Planning and Urban Renewal
Dan Perkins, Chief Legal Officer

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Change to:	PROPOSED CHANGE:
INTRODUCTION	
PARAGRAPH 0.36	<p>Propose that Paragraph 0.36 should be amended to read:</p> <p>“Supplementary Planning Guidance (SPG) will be produced and will be the subject of appropriate public consultation. SPG does not form part of the LDP...”</p>
PARAGRAPH 0.44-0.45	<p>Propose that Paragraph 0.44-0.45 be amended to read:</p> <p style="padding-left: 40px;">“National Planning Guidance</p> <p style="padding-left: 40px;">0.44 In producing the LDP, the Council has had regard to national planning policies. The Assembly Government’s national land use planning policies are set out in Planning Policy Wales, Circulars and Ministerial Interim Planning Policy Statements (MIPPS) supplemented by Technical Advice Notes (TANs).</p> <p style="padding-left: 40px;">Minerals Planning Policy</p> <p style="padding-left: 40px;">0.45 Mineral Planning Policy Wales (MPPW) sets out the land use planning policy of the Assembly Government in relation to mineral extraction and related development in Wales, which includes all minerals and substances (including onshore oil, gas and coal bed methane) in, on or under land extracted either by underground or surface working. MPPW is supplemented by Mineral Technical Advice Notes (MTANs) and Ministerial Interim Minerals Planning Policy Statements (MIMPPS).</p>

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Change to:	PROPOSED CHANGE:
	<p>Repetition of National Guidance</p> <p>0.46 In accordance with guidance contained in LDP Wales, LDPs should have regard to national planning policies, but they should not repeat them. The LDP should therefore be considered in conjunction with the Planning Policy Wales Companion Guide, which identifies those areas where clear statements of national development control policy should not need to be repeated as local policies in the LDP. It should be noted therefore that the LDP only provides the policy framework for issues of a locally distinct nature. Development Proposals that do not present specific locally distinct issues will be assessed in accordance with the requirements of National Planning Policy.</p> <p>0.47 Caerphilly County Borough Council is the Mineral Planning Authority with responsibility for planning control over minerals exploration and working within the county borough. There is not a Companion Guide in terms of Minerals Planning Policy Wales. However, the Council has taken the decision that on minerals issues, national policy and guidance is sufficiently clear and therefore will be relied upon in the determination of planning applications in relation to mineral extraction and related development.</p> <p>x.xx National policy and guidance, taken together with the policies in the LDP set out the planning framework for Caerphilly County Borough. It is important to remember that policies are interrelated and must be read together to understand their combined effect upon a planning proposal.”</p>
SECTION A- STRATEGY	

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Change to:	PROPOSED CHANGE:
KEY DIAGRAM	Propose that the following changes are made to the key diagram: <ul style="list-style-type: none"> • Amend the terminology of ‘key settlements’ to ‘local centres’ • Cross reference to the introduction in Section C, which elaborates on the role of centres Include a footnote on the key diagram, which indicates that each strategy area has its own more detailed diagram
PARAGRAPH 1.20	Propose that the paragraph 1.20 be amended to include a reference that outlines that residential areas are those areas that are defined by settlement boundaries as follows: “ Residential areas within settlement boundaries that have neighbourhood shops and/or individual units serving more immediate needs.”
SP 4 SETTLEMENT STRATEGY	Propose that reference to ‘Key Settlements’ should be changed to ‘Local Centres’ in line with the Wales Spatial Plan and cross refer to the key diagram
SP 7 PLANNING OBLIGATIONS	Propose that an additional criterion is inserted into this policy in respect of flood mitigation measures as follows: Planning Obligations SP7 The Council will seek to secure Planning Obligations (S106 Agreements) where they are necessary to remove obstacles of planned development, meet local needs and make development more sustainable. Such obligations will include: A Infrastructure for walking, cycling, public transport, parking

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Change to:	PROPOSED CHANGE:
	<p>B Schools and ancillary facilities</p> <p>C Community Facilities</p> <p>D Strategic highway improvements in the Northern and Southern Connections Corridors</p> <p>E Flood defence measures required to mitigate the risk of flooding</p> <p>F Formal and informal open and leisure space</p> <p>G Affordable housing; and</p> <p>H Other facilities and services considered necessary</p> <p>(Key Components Met: 1, 3, 6 & 7)</p>
<p>SP 7 PLANNING OBLIGATIONS Supporting Text Paragraphs 166 & 167</p>	<p>Propose that the supporting text for SP7 be amended as follows:</p> <ul style="list-style-type: none"> • Paragraph 1.66 amend to include the following at the end of the paragraph: “In line with national guidance the Council will ensure that the level and scale of obligation is necessary, directly related to the development and fairly and reasonably related in scale and kind.” • Paragraph 1.67, replace the current paragraph with the following: “In the case of previously used land, the Council will take into consideration abnormal costs associated with the redevelopment of a site when negotiating the level of planning obligation to be sought. Where a developer considers that the level of obligation sought may

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Change to:	PROPOSED CHANGE:
	affect the viability of a development proposal to an unacceptable degree the Council will require the developer to provide sufficient evidence to support this position as part of the planning obligation negotiation process.”
SP 10 RENEWABLE ENERGY	Delete Policy SP10 Renewable Energy
SP 22 TRANSPORT REQUIREMENTS FOR DEVELOPMENT	Delete Policy SP22 Transport Requirements For Development
SP 16 TOTAL HOUSING REQUIREMENTS & SUPPORT TEXT PARAGRAPHS 1.83 & 1.84	<p>Propose that Policy SP16 and the supporting text of paragraphs 1.83 & 1.84 be amended as follows:</p> <p>Propose that Policy SP16 and the supporting text of paragraphs 1.83 & 1.84 be amended as follows:</p> <ul style="list-style-type: none"> • Policy SP16 – consider the rewording of Policy SP16 to read: <ul style="list-style-type: none"> “The Council has made provision for the development of up to 10,024 new dwellings in the County Borough between 2006 and 2021 in order to deliver the 8625 new dwellings required to meet the moderate growth strategy. This 14% over provision allows for flexibility and choice.” • Paragraph 1.83 – consider the inclusion of the text in italic, to read: <ul style="list-style-type: none"> “The Local Development Plan ensures that sufficient residential land is made available to meet the future

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Change to:	PROPOSED CHANGE:
	<p>needs of communities for both market and affordable housing. On the basis of sites allocated for housing under Policy HG 1, as well as completions, units under construction and allowances for windfall sites, small sites, conversions, demolitions and bringing empty properties back into beneficial use, the Plan makes provision for 10,024 dwellings. This represents 1,399 (14%) residential units more than the 8,625 dwellings required <i>to meet the dwelling housing requirement identified by the moderate growth strategy. This allowance provides for choice and flexibility.</i> The assumptions used to underpin this housing land provision are set out in the Population and Housing Background Paper.</p> <ul style="list-style-type: none"> Paragraph 1.84 – consider the inclusion of the text in italic, to read: Opportunities for residential development will be distributed across the whole County Borough, in line with the role and function of individual settlements. In particular, housing development will be targeted at settlements with good rail and bus services and also former mining villages that require additional housing in order to promote and sustain them as viable residential areas. Furthermore, brownfield sites will be promoted over greenfield sites where appropriate.”
<p>SP 17 AFFORDABLE HOUSING TARGETS AND SUPPORTING TEXT PARAGRAPH 1.86</p>	<p>The planning obligation requirements for affordable housing as set out in Policy CW14, directly impacts on the calculation of the Affordable Housing Targets identified in Policy SP17. If the Inspector is mindful to reduce the threshold in CW14 from 10 units to 5 units as a means of increasing affordable housing, this will have a consequential impact on SP17, requiring its amendment. In this context the wording of SP17 and Paragraph 1.86 would need to be amended as follows:</p> <ul style="list-style-type: none"> SP17 be amended to read: “SP17 The Council will seek to deliver 3,640 affordable dwellings between 2006 and 2021 in order to contribute to mixed communities”

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Change to:	PROPOSED CHANGE:
	<ul style="list-style-type: none"> Paragraph 1.86 be amended to read: The target of 3,600 dwellings to be delivered within the plan period reflects the number of units that can be delivered across the County Borough using a range of delivery mechanisms in response to levels of need. The planning system, through the use of planning obligations, is one method of securing 'affordable housing' and it is anticipated that 940 units can realistically be delivered through planning obligations during the lifetime of the plan.
SECTION B – COUNTYWIDE POLICIES	
CW14 AFFORDABLE HOUSING PLANNING OBLIGATION	<p>Propose that if the Inspector is minded to reduce the threshold to 5 dwellings or 0.15 Ha as a means of increasing the affordable housing target, it is suggested that Policy CW14 be amended as follows:</p> <p>“Affordable Housing Planning Obligation</p> <p>CW 14 LEGAL AGREEMENTS WILL BE REQUIRED TO ENSURE THAT THERE IS PROVISION OF AN ELEMENT OF AFFORDABLE HOUSING, IN ACCORDANCE WITH AN ASSESSMENT OF LOCAL NEED, FOR ALL ALLOCATED AND WINDFALL HOUSING SITES THAT:</p> <p>A Accommodate 5 or more dwellings; or B Exceed 0.15ha in gross site area, or C Where the combined product of adjacent housing site proposals would exceed the thresholds set in A or B above</p> <p>Where there is evidence of need, the Council will seek to negotiate the following affordable housing targets of:</p>

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Change to:	PROPOSED CHANGE:
	<ul style="list-style-type: none"> • 40% of the total number of dwellings proposed on sites within the Caerphilly Basin (excluding Aber Valley); • 25% in the Northern Connections Corridor (excluding Newbridge); and • 10% in the Rest of Caerphilly County Borough (including Newbridge but excluding the Heads of the Valleys Regeneration Area”
CW7 DESIGN CONSIDERATIONS: TELECOMS APPARATUS	Delete Policy CW7 Design Considerations: Telecoms Apparatus
CW8 NATIONAL HERITAGE PROTECTION	<p>Propose that the wording of Criterion B, Clause ii is revised, consider the revision of words “same standard and size”</p> <p>Suggested rewording as follows:</p> <p>Natural Heritage Protection</p> <p>CW8 Development proposals that affect locally designated natural heritage features will only be permitted:</p> <p style="padding-left: 40px;">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).</p>

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Change to:	PROPOSED CHANGE:
	<p>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:</p> <ul style="list-style-type: none"> 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	<p>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.</p>
2.19	<p>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.</p>

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Change to:	PROPOSED CHANGE:
<p>CW9 TREES AND WOODLAND PROTECTION & SUPPORTING TEXT PARAGRAPH 2.21</p>	<p>Propose that Policy CW9 and its supporting text be amended as follows:</p> <ul style="list-style-type: none"> • Criterion B – consider the rewording to read: “The trees, woodland and / or hedgerows and their root systems which are to be retained are adequately protected prior to and during the development • Criterion D – consider adding: “or on land adjacent to the development within the control of the developer • Criterion E – clarify what is meant by ‘Ancient Trees’ • Supporting text – The supporting text should be more proportionate and should clarify terminology. Paragraph 2.21 should indicate that the removal of trees within the context of development would need to be justified by virtue of the need for the level of development proposed <p>Suggested rewording as follows:</p> <p>Trees, Woodland and Hedgerow Protection</p> <p>CW9 Development proposals on sites containing trees, woodlands, hedgerows, ancient woodland and veteran trees, or which are bordered by one or more such trees or hedgerows, will only be permitted provided that:</p> <p>A Where arboricultural surveys are required, they are received and approved, and any mitigation, compensation or management requirements are submitted as part of the planning application.</p> <p>B The root systems will be retained and adequately protected prior to and for the duration of all</p>

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Change to:	PROPOSED CHANGE:
	<p>development activity on site.</p> <p>C Development proposals have made all reasonable efforts to retain, protect and integrate trees, woodlands or hedgerows within the development site.</p> <p>D Where appropriate, suitable replacements are provided where existing trees, woodlands or hedgerows are removed.</p> <p>2.19 Trees, woodlands and hedgerows make a positive contribution to both the natural and built environment. They enhance the amenity value, character and diversity of the landscape, provide vital habitat for biodiversity and offer substantial environmental benefits such as offsetting of noise and improving air quality. Trees can occupy a substantial part of a development site and because of their potential size can have a major influence on the planning and use of the site. Arboricultural surveys identify, evaluate and propose mitigation on the effects of development on trees. Arboricultural surveys, including topographical surveys, tree survey and categorisation, tree constraints plan, and arboricultural implications assessment provide important information on the quality, quantity of trees and identify, evaluate and recommend mitigation on the potential impacts of the development proposals, including the construction process on existing trees and woodlands, including the root systems.</p> <p><i>2.20 All reasonable effort should be taken to protect existing trees, woodlands and hedgerows that have been identified as worthy of retention through the arboricultural survey process. These features, if integrated sensitively and with due care and consideration will make a significant contribution to the amenity value of the</i></p>

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Change to:	PROPOSED CHANGE:
	<p><i>development and protect a valuable natural heritage resource to enhance sites, to protect amenity and biodiversity value and to minimise the blanket loss of trees and woodlands.</i></p> <p><i>2.21 Where the loss of quality trees, woodlands and hedgerows is unavoidable, appropriate suitable replacements will minimise the impact of the loss, which could affect the overall amenity, landscape and biodiversity value of the immediate and wider setting by the Local Planning Authority.</i></p> <p><i>2.22 The requirements to be observed with regards to trees and woodland are detailed in Supplementary Planning Guidance: Trees and Development – A Guide to incorporating Trees in Proposals for Developing Land.</i></p>
<p>CW 14 AFFORDABLE HOUSING PLANNING OBLIGATION</p>	<p>Propose that if the Inspector is minded to reduce the threshold to 5 dwellings or 0.15 Ha as a means of increasing the affordable housing target, it is suggested that Policy CW14 be amended as follows:</p> <p>“Affordable Housing Planning Obligation</p> <p>CW 14 LEGAL AGREEMENTS WILL BE REQUIRED TO ENSURE THAT THERE IS PROVISION OF AN ELEMENT OF AFFORDABLE HOUSING, IN ACCORDANCE WITH AN ASSESSMENT OF LOCAL NEED, FOR ALL ALLOCATED AND WINDFALL HOUSING SITES THAT:</p> <p>A Accommodate 5 or more dwellings; or</p>

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Change to:	PROPOSED CHANGE:
	<p>B Exceed 0.15ha in gross site area, or C Where the combined product of adjacent housing site proposals would exceed the thresholds set in A or B above</p> <p>Where there is evidence of need, the Council will seek to negotiate the following affordable housing targets of:</p> <ul style="list-style-type: none"> • 40% of the total number of dwellings proposed on sites within the Caerphilly Basin (excluding Aber Valley); • 25% in the Northern Connections Corridor (excluding Newbridge); and • 10% in the Rest of Caerphilly County Borough (including Newbridge but excluding the Heads of the Valleys Regeneration Area”
CW15 - PARAGRAPH 2.31 – INSERT A FOOTNOTE	Propose that a footnote to Paragraph 2.31 is inserted which cross refers to TAN 15 Flood Risk
CW22 BUILDINGS IN THE COUNTRYSIDE AND SUPPORTING TEXT PARAGRAPHS 2.41 & 2.44	<p>Propose that Policy CW22 and its supporting text be amended. Suggested rewording as follows:</p> <p>CW 22 The conversion, extension or replacement of a building outside the settlement boundaries will be permitted where:</p> <p>A The proposed use, scale, form, siting, design and materials are suitable within its context.</p>

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Change to:	PROPOSED CHANGE:
	<p>B A conversion is justified by demonstrating that:</p> <ul style="list-style-type: none"> i The building is not makeshift in nature and is of permanent, substantial construction; and ii The building is structurally sound and capable of conversion or rehabilitation without major alteration or reconstruction; iii The building is capable of re-use without materially changing its existing character; iv The development does not result in the domestication of an otherwise rural setting. <p>C Extension is justified by demonstrating that:</p> <ul style="list-style-type: none"> i The existing building remains the dominant element; ii The extension does not result in the loss of undeveloped countryside land or features; iii The extension does not result in the domestication of an otherwise rural setting; iv In the case of proposals to extend buildings or land that has previously been extended, the proposal should have regard for the scale and character of the original part of the building or land area. <p>D Replacement is justified by demonstrating that:</p> <ul style="list-style-type: none"> i The building is structurally unsound and not capable of conversion or rehabilitation without major alteration or reconstruction; and ii The existing use has not been abandoned; iii The existing use is no longer suitable or appropriate for the building; and iii it can be demonstrated that all other appropriate alternatives for re-use have been examined.

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Change to:

PROPOSED CHANGE:

2.41 Many buildings outside of the settlement boundary become redundant and fall into disrepair with many becoming unfit for the purpose they were originally intended. When assessing planning applications for the re-use or adaptation of a building, the primary consideration will be whether the nature and extent of the new use proposed for the building is acceptable in planning terms.

2.42 When permitting development beyond the settlement boundary a careful balance is required to conserve, protect and enhance the rural environment through a considered approach to design including scale, form, siting and the use of materials, all of which should be suitable for the context of the proposed development. Consideration should also be given to the character of the immediate and wider setting of the building.

2.43 Proposals for the conversion of buildings outside of the settlement boundary should respect local building styles and materials and should be sympathetic to the character of the original building and the locality. For conversion to be acceptable the building should be structurally sound and capable of conversion or rehabilitation without major alteration or reconstruction; it should be of permanent and substantial construction and should not result in the domestication of an otherwise rural setting. Buildings that are clearly ruinous or abandoned would not normally be considered suitable for conversion.

2.44 Many buildings beyond the settlement boundary require an extension or alteration to meet the modern day demands placed upon them. Where an extension is proposed it should respect the character, size and scale of the host building, with the host building remaining the dominant element of the overall building. Careful consideration should be given to proposals that would further extend buildings that have previous

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	<p>extensions. It is important that the character of the original host building is not compromised. Proposals should respect the scale of both the host building and its immediate and wider setting and should not lead to an unacceptable loss of undeveloped countryside land or features.</p> <p>2.45 In order to retain appropriate forms of development in the countryside and avoid their replacement with inappropriate development, replacement buildings will only be permitted where criterion D can be satisfied. This policy is designed to ensure that where buildings are clearly ruinous or abandoned they are not classed as buildings that require re-building; and that where buildings are replaced, the new development is sympathetic to its location in terms of its use and design.</p>
CW25 LOCATIONAL CONSTRAINTS – MINERALS BUFFER ZONES	<p>The title of CW25 be amended to refer to ‘Minerals’ rather than ‘quarry’</p> <p>Two additional paragraphs be inserted after Policy CW25 and paragraph 2.48 as follows:</p> <p>“In line with national guidance, buffer zones have been delineated around active, inactive and dormant quarry sites. In relation to active and inactive sites, the buffer zones are drawn from the outer edge of the permission boundary. The extent of the buffer zone will reflect the known effects of mineral working at the site and may exceed the minimum distances set out in MPPW, MTAN1 and MTAN2. For dormant sites, where there is no experience of the impact of mineral extraction operations, the minimum distances set out in guidance will apply.</p>

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Change to:	PROPOSED CHANGE:
	Whilst dormant sites retain permission, full modern conditions would be applied to the extant permission in accordance with national guidance prior to any working recommencing on site. National guidance also recognises the importance of determining the future use of dormant and inactive sites to give certainty to local communities that may be affected by future mineral operations. Having regard to this, the council will continue to review, on an annual basis, those sites that have not worked to any substantial extent in the preceding two years and will consider an appropriate strategy for the future use and restoration of those sites, which may include Modification, Suspension, Discontinuance, Revocation or Prohibition Orders where appropriate."
CW26 SUPPLEMENTARY PLANNING GUIDANCE	Delete Policy CW26 Supplementary Planning Guidance
WATER PROTECTION POLICY AND REASONED JUSTIFICATION	Propose that the Water Protection Policy be amended to insert the word " unacceptable " before the word "adverse" in Criterion A and amend the reasoned justification to insert a suitable narrative to give further explanation to Criterion A in addition to making reference to the Sirhowy and Ebbw River.
SECTION C - AREA SPECIFIC POLICIES	
NH1 SPECIAL	Propose that the supporting text providing the reasoned justification for Policy NH1 (Paragraphs 3.20, 3.101 & 3.191)

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Change to:	PROPOSED CHANGE:
<p>LANDSCAPE AREAS – SUPPORTING TEXT PARAGRAPHS 3.20, 3.101 & 3.191</p>	<p>is amended to be consistent with the requirements of Policy CW8 as follows:</p> <p>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).</p> <p>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)</p> <p>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,</p>

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Change to:	PROPOSED CHANGE:
	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).
NH2 VISUALLY IMPORTANT LOCAL LANDSCAPES – SUPPORTING TEXT PARAGRAPHS 3.23, 3.104 & 3.194	<p>Propose that the supporting text providing the reasoned justification for Policy NH2 (Paragraphs 3.23, 3.104 & 3.194) is amended to be consistent with the requirements of Policy CW8 as follows:</p> <p>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)</p> <p>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).</p>
NH3 SITES OF IMPORTANCE FOR	<p>Propose that the supporting text providing the reasoned justification for Policy NH2 (Paragraphs 3.24, 3.105 & 3.195) is amended to be consistent with the requirements of Policy CW8 as follows:</p>

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Change to:	PROPOSED CHANGE:
<p>NATURE CONSERVATION – SUPPORTING TEXT PARAGRAPHS 3.24, 3.105 & 3.195</p>	<p>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).</p> <p>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)</p>
<p>HEADS OF THE VALLEYS REGENERATION AREA - NEW POLICY</p>	<p>Propose a New Policy to read: “Coal Buffer Zone –Heads of the Valleys Regeneration Area MX A 500m Buffer zone is identified around the Ffos Y Fran Open Cast Coal Site.</p> <p>The development restrictions associated with this zone are described in Policy CW25 in section two of the Plan.”</p>

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Change to:	PROPOSED CHANGE:
<p>HEADS OF THE VALLEYS REGENERATION AREA POLICY WM1.1 CWMBARGOED WASHERY SITE</p>	<p>Propose that the potential wording of WM1.1, Paragraph 3.27 and Appendix 6 – Page A6.1 be amended as follows:</p> <ul style="list-style-type: none"> Propose that Policy WM1.1 be re-worded to read: <p>“Specific Mixed Use Employment Site MU1 A site has been identified as suitable for Minerals Handling and Despatch, Waste Management Facilities and for Rail-Dependent Employment Uses, as follows: MU1.1 Cwmbargoed Washery Site, north west of Fochriw”</p> Propose that Paragraph 3.27 be re-worded to read: <p>“The Cwmbargoed Washery complex straddles the boundary between Caerphilly County Borough and Merthyr Tydfil County Borough. The majority of this site that lies within Caerphilly County Borough is being utilized for the washing and dispatch of opencast coal from the Ffos y Fran area. Alternative uses including Aggregate Handling and Dispatch, Waste Management Facilities or Rail- Dependent Employment uses would be acceptable. A detailed description of this site can be found in Appendix 6”</p> Propose that Appendix 6 Page A6.1 be amended to read: <p>“MU1.1 – Cwmbargoed Washery, north-west of Fochriw – 24.2 Ha – Proposal: Site for Minerals Handling and Dispatch, for Waste Management Facilities and for Rail Dependent Employment Use. Plan allocation – a brownfield site substantially occupied by a coal washery and dispatch facility. The site complex continues into Merthyr Tydfil CBC area in two small parcels. It lies on the edge of the Ffos y Fran Coal Recovery operation and has direct access to the rail network. The coal washery has its own railhead and</p>

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Change to:	PROPOSED CHANGE:
	<p>other associated industrial / mineral land uses have been accommodated in the past. Aggregate Handling and Dispatch, Waste Management Facilities and Rail- dependent employment activities are also considered acceptable land uses on this site. A tiny sliver of land within the allocated site has been identified as a SINC any future proposals should have regard to the presence of the SINC and provide sufficient mitigation in terms of any likely impact on this part of the site.”</p>
<p>NORTHERN SOUTHERN CONNECTIONS CORRIDOR – MN1 BUFFER ZONES & MN1</p>	<p>Quarry Buffer Zones – Northern Connections Corridor</p> <p>MN1 Buffer Zones are identified around the following quarries:</p> <p>MN1.1 Bryn Quarry - Active</p> <p>MN1.2 Hafod Fach Quarry - Active</p> <p>MN1.3 Gelligaer Quarry – Active</p> <p>MN1.x Caerllwyn Quarry – Dormant</p> <p>MN1.xx Darren Felin Farm Gravel Pit - Dormant</p> <p>Quarry Buffer Zones – Southern Connections Corridor</p> <p>MN1 Buffer Zones are identified around the following quarries:</p> <p>MN1.4 Machen Quarry – Active</p>

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Change to:	PROPOSED CHANGE:
	<p> MN1.5 Cefn Onn Quarry – Dormant MN1.6 Cwmleyshon Quarry – Inactive MN1.7 Blaengwynlais Quarry – Inactive MN1.xxx Pontymister Quarry – Dormant </p> <p>Corresponding amendments to the Proposals Map will need to be made. Annex A provides the buffer zones to be included in respect of the sites not previously identified in the plan.</p>
<p>SOUTHERN CONNECTIONS CORRIDOR – NEW POLICY</p>	<p>New Policy TR10 Propose that the LDP be amended to include a new policy to safeguard the Machen Quarry railhead and associated freight rail line in the Southern Connections Corridor.</p> <p>“TR10 The existing railhead and rail line serving Machen Quarry are safeguarded for freight use.</p> <p>3.255 The South Wales Regional Technical Statement recommends that the railhead and line serving Machen quarry be safeguarded to facilitate the future operation of the quarry and facilitate rail transport for the aggregate. Given the potentially intermittent operation of minerals workings, safeguarding the rail route to protect it for freight use during periods of mineral activity will ensure that continued availability of the rail transport for mineral aggregate will continue. In addition to this the council will investigate the feasibility of new passenger rail link from Trehir to Machen and Newport, which could utilise this rail line, and protecting the line would facilitate this as well.”</p>

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Change to:**PROPOSED CHANGE:****APPENDICES**

APPENDIX 7 HG1.22
PARK ESTATE,
BARGOED

Propose that the relevant paragraph of the HG1.22 housing site description contained within Appendix 7, be amended to make reference to the Taraggan Project, which occupies the former school site that lies to the north east of the allocated site. The Taraggan site lies outside the site allocated under HG1.22. However it is important that the proposed development respects the presence of the Taraggan project and provides a layout conducive to the continued, and potential expanded, operation. The housing site description for the site, contained in Appendix 7, could be amended to take this into account, and include the following text:

“The Taraggan Project, a community based organic allotment and education facility, adjoins the north-eastern corner of the housing allocation. Care will need to be taken that the layout of the proposed development takes appropriate account of the Taraggan project to ensure its continued operation, and accommodate some limited expansion if required.”

APPENDIX 7 HG1.53
PEN-Y-CWAREL
ROAD, WYLLIE

Propose that the relevant paragraph of the HG1.53 housing site description contained within Appendix 7, be amended to reflect an error which states “additional land would need to be required in order to ensure adequate visibility” in order to access site HG1.53.

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Change to:	PROPOSED CHANGE:
PROPOSAL MAP	
PROPOSALS MAP: SETTLEMENT BOUNDARY CHANGE – LAND ADJOINING ABERBARGOED TIP, ABERBARGOED	Propose that a settlement boundary change be made in this location to provide a more defensible boundary

The Inspector has invited the Council to provide new policies for consideration in respect of Affordable Housing on Rural Exception Sites and Urban Exceptions Sites to maximise the potential to deliver affordable housing within the county borough. Whilst officers have provided policies in order to comply with the Inspector's request, officers do not support the change to the plan to include these policies.

CHANGES NOT SUPPORTED BY OFFICERS	
NEW COUNTYWIDE POLICY FOR AFFORDABLE HOUSING ON RURAL	If the Planning Inspector considers that a policy on Rural Exceptions Affordable Housing was warranted, a potential wording of this policy is set out below: CWXX Affordable Housing on Rural Exceptions Sites

<p>EXCEPTION SITES</p>	<p>Permission will be granted for small affordable housing sites in or adjoining rural settlements on land that would not otherwise be released for housing where:</p> <p>A The site is solely for affordable housing and there are suitable arrangements to ensure that the housing is affordable for the initial and subsequent occupants; B A genuine local need for affordable housing has been identified in the village or settlement; C It can be demonstrated that the need for affordable housing in the village or settlement cannot be satisfactorily met within the settlement or within a neighbouring settlement; D The site is at an appropriate scale and is in-keeping with the form and character of the settlement</p> <p>This policy would need to be supported by a reasoned justification such as this:</p> <p>Exception sites are a potential means of delivering affordable housing in rural areas. Such developments must relate to rural settlements and be on sites where development is strictly controlled and new-build housing would not normally be permitted. Rural exceptions sites should be at an appropriate scale for the size of the settlement to ensure that communities are balanced and would normally be no greater than 5 dwellings in size.</p> <p>Planning permission will be subject to a planning condition or obligation to ensure that the affordable housing will remain available in perpetuity to meet local housing needs. The release of exceptions sites will only be appropriate where there is evidence of local need and this need cannot be addressed within the particular settlement or an adjoining one. In the context of this policy 'local need' is taken to mean a person or household who lives within and/or has a family connection to the settlement in question or an adjoining settlement, and is in housing need.</p> <p>For the purposes of this policy, the 'rural settlements' to which this policy applies are Princetown, Llechryd, Argoed, Markham, Hollybush, Deri, Fochriw, Hafodyrnys, Trinant, Machen, Rudry, Draethen, Wyllie, Cwmfelinfach, Ynysddu and Wattsville. It will be necessary for exceptions sites to meet all the other relevant criteria including in particular the requirements of Policies CW3 and CW6.</p>
<p>NEW COUNTYWIDE POLICY FOR URBAN EXCEPTION SITES</p>	<p>If the Planning Inspector considers that a policy on Urban Exceptions Sites was warranted, a potential wording of this policy is set out below</p>

“Urban Exception Sites

CWXXX Proposals for affordable housing on sites within settlement limits that are allocated or protected for alternative land uses will be permitted where:

- A. There is demonstrable evidence that the site is no longer needed for its allocated use and is unlikely to be developed for such purposes;**
- B. A need for affordable housing has been identified within the settlement;**
- C. It can be demonstrated that the need for affordable housing in the settlement cannot be met on an alternative site within that settlement or in a nearby settlement;**
- D. The site is solely for affordable housing and there are suitable arrangements to ensure that the housing is affordable for the initial and subsequent occupants;**
- E. The development of the site for housing is compatible with adjoining land uses and would not have an unacceptable adverse effect on the ability of an adjoining business or use to operate; and**
- F. The development is at an appropriate location and scale and is in-keeping with the form and character of the settlement.”**

Urban exception sites are a potential means of delivering affordable housing on sites, which are no longer required for their allocated or protected use. It is not the intention of this policy to permit residential development on sites that are clearly required for their allocated use nor should it be used to undermine the protection of valuable land for community use, which is vulnerable to more profitable forms of development.

In order for affordable housing to be acceptable on urban exception sites the developer will first be required to provide demonstrable evidence that the site is, in general terms, no longer needed for its allocated use and that it is unlikely to be developed for such purposes within the plan period.

The release of urban exception sites for affordable housing will only be appropriate where there is a genuine local need for affordable housing within the settlement in question and where the need can be proven it cannot be met on an alternative site.

In order to ensure that an urban exception site is solely for affordable housing and that suitable arrangements are in place to ensure that the housing is affordable in perpetuity, the Council will require the developer to demonstrate that the scheme will be delivered in partnership with a registered social landlord or the appropriate housing body.

	<p>In considering the suitability of an exceptions site to provide affordable housing, the Council will consider whether the development of the site for a residential use would have an unacceptable adverse effect on the operation or use of any adjoining property or land for its existing or designated use.</p>
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	<p>The release of urban exception sites for affordable housing will only be appropriate where the site is at an appropriate location, scale and is in-keeping with the form and character of the settlement.</p>
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