

## Hearing Session 11: OUTSTANDING MATTERS

### Issues & Matters Agenda

- 1 Welcome and introductory remarks
- 2 Matters arising from Hearing Session 2 Housing Provision, Hearing Session
- 3 Affordable Housing Provision and Hearing Session 5 Former Bedwas Colliery site
  - Final responses of Council and other participants concerning:
    - Robustness of Council rationale for overall level of housing provision, as derived from the SEWSPG housing apportionment exercise.
      - Does the apportionment figure adopted by the Council adequately reflect available household projection data (ie both the 2003 and 2006-based household projections), balanced against desired growth strategy aims and capacity considerations?
      - Is the Council's contention that the SEWSPG apportionment figure equates to a high growth scenario, with a net migration level of 330 persons per year, justified?
      - Is the average annual dwelling completion rate of 575 dwellings pa implied by the moderate growth scenario reasonable in the light of past annual housing completion rates?
      - How does the Council's approach account for the element of the SEWSPG apportionment figure for the Caerphilly area not catered for by the moderate growth scenario?
      - Does the total level of housing provision provided for by the Plan adequately take into account the WAG 2006-based housing projections? Are the Council's reasons for not increasing housing provision in the plan in the light of these projections sound?
      - To what extent does the use of a 1:1 household to dwelling ratio by the Council undermine the soundness of its housing provisions?
      - Does the extent of reliance on brownfield sites seriously undermine the delivery of the number of new dwellings planned throughout the Plan period?

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- Does the Plan have sufficient flexibility to cater for (i) a higher growth level than anticipated by the moderate growth strategy; and (ii) a failure of some sites to come forward as expected (whether by reason of their brownfield nature or for other reasons)?
- Does the Plan make adequate provision for affordable housing, given the level of identified need?
  - Is the AHVS sufficiently robust, including as regards the assumptions concerning a 25% uplift in value of residential land over industrial land values?
  - Is the Council's estimate of the number of affordable dwellings delivered by the planning system realistic, given the extent of reliance on brownfield sites for housing?
  - Does the plan need to allocate additional greenfield sites for housing in order to increase the level of affordable housing provision?
- Delivery of brownfield sites.
  - What evidence is there that the brownfield sites identified for housing in the Plan will not be delivered?
  - To what extent are the principal brownfield site housing allocations in the Plan (Bedwas Colliery, Aberbargoed Plateau, Waterloo Works and others) dependent upon public sector finance for their redevelopment? Is the Plan over-reliant on these sites and the availability of public finance in this respect?
  - Is it realistic to expect that the dwellings planned for the former Bedwas Colliery site would be delivered within the Plan period?
  - How should the Plan address such a shortfall?

**4 Matters arising from Session 6 Transport**

- TR 7.1 Aberbargoed to Bedwellty Relief Road.
  - To what extent is the proposed road required to enable development of site HG1.16?
  - What is the evidence of highway issues requiring resolution at Bedwellty lights to the west, and indicating that the proposed new road is the appropriate solution?
  - What is the estimated cost of the road? How would it be funded? What is the expected timescale of provision?
  - Is there sufficient evidence, in terms of (i) need, (ii) benefits arising, (iii) likelihood of available funding, (iv) deliverability, to justify inclusion of TR7.1 as a firm proposal within the Plan?

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**5 Matters arising from Session 9 Minerals and Waste**

- Cwmbargoed Washery site
  - Is a more rigorous wording to proposed policy MU 1, its supporting text and Appendix 6 required, in order to secure consistency with the wider sustainability-related principles of the Plan?  
*(NB: See Inspector's note, Annex 1, suggesting a modified form of the policy and supporting text, intended to assist further consideration of this matter at the Hearing).*
- Minerals development policy and related SLA and VILL designation matters
  - Are further changes to the Plan text required in relation to consideration of minerals development, in order to provide sufficient clarity in this respect?
  - Are changes to the Proposals Map needed in relation to the boundaries of SLA NH 1.1 and VILL NH 2.1, in order to provide consistency and coherence in this respect?  
*(NB: See Inspector's note, Annex 2, intended to assist further consideration of these matters at the Hearing).*

**6 Matters concerning other changes put forward by the Council following earlier Hearing Sessions**

*(A note of these will be produced by the Inspector prior to the Hearing)*

**7 Matters concerning changes put forward by the Council and not previously considered elsewhere**

*(A note of these will be produced by the Inspector prior to the Hearing)*

**8 Any other matters**

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**Annex 1**

**Suggested further modifications to proposed Policy MU 1, and supporting text  
(Matters arising change MAC77):**

**MINERALS AND WASTE MANAGEMENT RAIL HANDLING FACILITIES**

**Specific Rail Minerals and Waste Handling Site**

**MW 1**      **A railhead site is identified as suitable for rail-related minerals handling and despatch and rail transport-related waste management facilities, as follows:**

**MW 1.1 Cwmbargoed Washery Site, north west of Fochriw**

3.27      The Cwmbargoed Washery complex straddles the boundary of Caerphilly and Merthyr Tydfil County Boroughs. The majority of the site lying within Caerphilly County Borough is currently used for the washing and despatch of opencast coal from the Ffos y Fran site. Other appropriate employment activities relying on the railhead facility and satisfying the sustainability principles of the Plan, for example waste management facilities and aggregates handling and despatch, would be acceptable. A detailed description of this site can be found in **Appendix 6.**

***[Inspector's Note: Appendix 6 will also need revision to bring it into line with the policy and text as modified]***

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**Annex 2**

**Suggested further changes concerning coverage of minerals development matters within the Plan, following Council's submitted Matters Arising document MA 9.1.**

The Inspector has considered the content of MA 9.1, including the changes to paragraphs 0.44 - 0.47 of the Written Statement proposed by MAC 80 and the proposals by Miller Argent and Centrica for a specific Minerals Development policy SP9A.

He considers that the proposed new text in paragraphs 0.44 – 0.47 by the Council goes some way towards providing the necessary clarity within the Plan in relation to the basis of consideration of minerals development proposals, although the sub-heading “Minerals Planning Policy” before paragraph 0.45 is misleading given the total subject matter of 0.45 - 0.47 and should be omitted.

The Inspector recognises that there is some scope for the Council to decide for itself the detailed form and level of specificity of LDP policies against which minerals development proposals would be considered. He considers that the policy SP9A put forward on behalf of Miller Argent and Centrica is superfluous, since it merely states that proposals will be determined in accordance with national policy and guidance. He acknowledges that policy CW 17 (General Locational Constraints) allows for the winning and working of minerals outside settlement boundaries, where proposals comply with all relevant planning policies and development control considerations. However, policy CW 17 possesses no explanatory text.

In the absence of any policy dealing specifically with minerals development the Inspector considers that the role of policy CW 17 in relation to minerals development should be clarified by explanatory text: (i) identifying the existence of potentially economically workable or winnable coal, coal bed methane, sand and gravel and hard rock resources within the County Borough (including the existence of areas licensed for coal bed methane gas exploration and development); (ii) confirming the principal LDP policies against which proposals to develop such minerals resources would be considered, in addition to national policy guidance; (iii) stating (if it is the Council's firm intention to do so) that the Council will also develop SPG to assist in the detailed consideration of minerals development proposals.

The Inspector has also given consideration to the matters concerning SLA and VILL designations in the Nant Llesg area discussed during Hearing Session 9. Having reviewed the evidence he remains concerned at the robustness of the evidence supporting the detailed selection of the boundaries defining the southern limit of NH 1.1 and the northern limit of NH 2.1 in this area. He is particularly concerned about

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the apparent lack of ground truthing of the SLA boundary and the absence of clearly identifiable boundaries to the SLA and VILL in this location.

In addition, he notes that the TACP SLA assessment (document SB47) leaves the Historic Landscapes aspect for the area unassessed. The reasons for this and its significance for the completeness of the SLA evaluation process are unclear. The Inspector considers that further information on this is needed to support the Council's judgement as to the overall extent of the SLA and the qualities on which its designation is based.

The Inspector recognises that there may be pockets of lower landscape quality within an SLA in order to achieve a comprehensive and coherent designation. He also recognises the localised landscape enhancement function that may in appropriate circumstances sit alongside the purpose of protection of its important defining characteristics.

In the light of the above matters the Inspector considers that further detailed consideration is required of appropriate clearly identifiable southern limits to the NH 1.1 SLA designation and northern limits to the NH 2.1 VILL designation, for inclusion as further changes to the Proposals Map.

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**Annex 3**

**Matters arising from earlier Hearing sessions not covered elsewhere on agenda**

**Hearing Session 1 – Matters Arising (CCBC Doc MA 1.1)**

Policy SP7 Planning Obligations

No further comment on additional policy wording relating to flood risk measures. However, query wording in line 2 of policy; "...necessary to remove obstacles of planned development, ...." – is wording correct?

Policies SP12, CW 8, NH 1, NH 2, NH 3 (Conservation of natural heritage)

No further matters arising from modified policy and supporting text wording put forward by Council. (However, what is MAC reference to change put forward to SP12?)

Policy CW 9 Trees, Woodland and Hedgerow Protection

- (i) Policy line 2 – no need for specific reference to ancient woodlands and veteran trees, as scope of policy covers trees and woodlands of all types in any event.
- (ii) Sub-clause B – delete "prior to and" – protection for the duration of all development activity on the site is sufficient.
- (iii) Sub-clause D – add "are removed" (missing text to MAC 71 in Written Statement).
- (iv) New paragraph 2.21 - second part of sentence (following "loss") doesn't make sense.

Policy CW 22 Locational Constraints – Conversion, Extension and Replacement of Buildings in the Countryside

No further matters arising from modified policy and supporting text wording put forward by Council.

Policy CW xx Water Protection Policy

No further matters arising from modified policy and supporting text wording put forward by Council (FCMA 03). However, suggest policy heading change to "Protection of the Water Environment".

**Hearing Sessions 2 and 3 – Policy clarifications (CCBC Doc MA 2.1)**

Policy SP7 Planning Obligations

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No further matters arising from modified supporting text wording concerning consideration of viability of development schemes in relation to the level of obligation sought (MAC 58).

### Policy SP16 Total Housing Requirements

No further matters arising from modified policy supporting text wording to provide clarity concerning amount of housing development allowed for by the Plan (MAC 73).

### **Hearing Session 4 – Site Specific Matters (CCBC Doc MA 4.1)**

#### HG 1.53 Pen-y-Cwarel Road, Wyllie

Further modification needed to Appendices to Written Statement Appendix 7 HG 1.53 MAC 74, to reflect wording proposed in MA 4.1.

#### HG 1.22 Park Estate Bargoed

Appendices to Written Statement Appendix 7 HG 1.22 (MAC 75): Council to check correct spelling of “Taraggan” (lines 1 and 4 of change) – spelling is “Taragon” in Council report on deposit representations.

### **Matters arising from other Hearing Sessions**

The Inspector does not wish to raise any other matters in relation to matters arising from other Hearing sessions beyond those identified elsewhere on the Hearing Agenda.

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## Annex 4

### Other matters not discussed at earlier Hearing Sessions

#### 1. LDP Monitoring Framework (Doc ED.36 Revision)

Matters Arising Change MAC 89 – Detailed schedule of Strategic Policy Monitoring Indicators, Targets and Trigger Points for Considering Plan Review (Addition to Written Statement Review Appendix 19)

Clarification and explanation of specific trigger points selected in relation to strategic policies:

- SP1 (Development Strategy HoV);
- SP2 (Development Strategy NCC);
- SP3 (Development Strategy SCC);
- SP4 (Settlement Strategy);
- SP5 (Settlement Boundaries);
- SP6 (Place Making);
- SP7 (Planning Obligations);
- SP11 (Waste Management);
- SP16 (Total Housing Requirements);
- SP17/CW 14 (Affordable Housing Target/Affordable housing Planning Obligation).

#### 2. Written Statement paragraph 0.32

- (i) requires additional text to clarify that whilst the Proposals Map forms part of the Plan, the Constraints Map does not.
- (ii) line 5 “maps” would be clearer and more correct than “plans”.

#### 3. MAC 60 Written Statement paragraph 1.20 3<sup>rd</sup> bullet

Suggest amended wording for consistency with key diagram on p.29:

- “Residential settlements – Other areas within settlement boundaries ...”

#### 4. Written Statement paragraph 1.28

Line 2 – “background papers that supplement the Deposit LDP” would be more accurate as “background papers to the deposit Plan”.

#### 5. Written Statement paragraphs 1.54 and 1.55

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Paragraph 1.54 needs reconsideration, since Plan strategy has no policies concerning consideration of renewable energy developments. Delete final sentence or delete entire paragraph.

Paragraph 1.55 line 11 – delete “renewable energy schemes or”.

### **6. MAC 61 Policy SP4 Settlement Strategy**

Following point 3 above, change “Residential Areas” bullet to “Residential Settlements:

- All other areas within defined settlement boundaries”.

### **7. Policy SP11 Waste Management**

1<sup>st</sup> bullet point, line 2 – is this intended to relate only to in-building waste management facilities?

### **8. Policy SP12 Conservation of Natural Heritage**

Changes to policy and supporting text need to be identified by an appropriate change reference number.

### **9. Policy CW 14 Affordable Housing Planning Obligation**

FC 02 amended policy text, 3<sup>rd</sup> bullet point concerning 10% threshold – insert “Aber Valley and” before “Newbridge”, for clarity.

### **10. Written Statement paragraph 2.31**

Line 6 – As point 7 above; is this reference intended to be solely to in-building waste management facilities?

### **11. MAC 84 Policy CW 25 Locational Constraints – Mineral Buffer Zones**

Should “quarry” be changed to “mineral” in line 2 of CW 25, consistent with the MAC 84 change to the policy heading?

### **12. MAC 82 Policy MN 1 (NCC)**

Change “Quarry” to “Mineral” in policy heading (list now includes a gravel pit as well as quarries).

### **13. Written Statement paragraph 3.143**

Is final sentence of supporting explanatory text relevant to LE 5 - which sites in policy LE 5 are used for cycling and are set aside for the purposes of expanding the national cycling network?

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**14. Written Statement paragraph 3.143**

Final sentence – proposed change of “key settlements” to “local Centres” in text incorrect; should change to “principal settlements” (or similar term).

**15. Written Statement paragraph 3.187 (FC 45)**

Location meant by Trehir insufficiently clear.

**16. MAC 82 Policy MN 1 (SCC)**

Change “Quarry” to “Minerals” in policy heading? (consistent with earlier changed references in Plan) and change “A buffer zone is.....quarry” to “Buffer zones are.....quarries”.

**17. FC 15 HG 1.68/CF 1.28/LE 4.13 St Illans Comprehensive, Caerphilly**

Update from Council requested as to whether any further development in terms of education strategy over plan period such as to indicate site should be allocated for community facilities (education/leisure).

**18. Written Statement paragraph 3.229 (FC 47)**

Reference to colliery spoil tips being to north of the pocket park incorrect (suggest change to “north of the colliery site”).

**19. Appendices to Written Statement Appendix 7 HG 1.72 (Caerphilly Miners’ Hospital and Land to the South)**

Replace text removed by FC 16 relating to encouragement to retention of part of hospital building for community use (this should form part of AFC 16).

*The Inspector has also identified a number of minor typographical errors and inconsistencies. A separate list of these will be provided to the Council, so that these may be incorporated within the schedule of such matters being compiled by the Council.*

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