

To: Mr M Davies OStJ Solicitor
Chief Executive
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Dear Sir

PUBLIC INQUIRY INTO OBJECTIONS TO THE CAERPHILLY UNITARY DEVELOPMENT PLAN

1 I was appointed by the National Assembly for Wales to hold a public inquiry into objections to the Deposit Draft of the Caerphilly Unitary Development Plan. I opened the inquiry on 23 January 2001 and sessions were held between that date and 22 March 2001. I formally closed the inquiry on 19 September 2001. In all, the inquiry sat on 19 days. I held a pre-inquiry meeting on 14 September 2000. Before, during and after the inquiry I undertook a series of visits to all of the sites that were the subject of objection as well as to others that were directly related to issues which arose from various objections.

2 The Plan consists of 2 parts. Part 1 comprises a written statement which presents the strategic policies for the County Borough and provides the strategic context and framework for the detailed policies in Part 2; it also identifies the broad aims of the Plan and key principles. Part 2 comprises detailed policies applicable throughout the County Borough together with reasoned justification for those policies and for the Part 1 strategic policies. The Plan also includes a Proposals Map showing the geographical location and extent of the site-specific policies.

3 The Plan, when adopted, will replace the Gwent County Structure Plan, the Mid Glamorgan County Structure Plan, the Islwyn Local Plan and the Rhymney Valley District Local Plan which hitherto have combined to provide planning policy guidance for the County Borough area which had previously been split between the former Islwyn Borough and Rhymney Valley District. The Plan covers the whole of the Borough Council's administrative area and provides a policy framework within which provision is made for the development and conservation needs of the County Borough for the 15-year period between 1996 and 2011.

4 The Plan was placed on deposit during September and October 1999. In response 1334 duly-made objections were received together with 378 representations of support; the Council also agreed to accept 86 late objections. Following consideration of all these objections, in June 2000 the Council published a range of Proposed Changes to the Plan. This led to the submission of 231 counter-objections. Hereafter any reference to "objections" or "Objectors" should be interpreted as including counter-objections and Counter-Objectors as the case may be. In addition, prior to and during the inquiry the Council offered, or agreed to, a number of other changes which have now been consolidated into 3 documents (Further Proposed Changes,

Further Proposed Changes No 2 and Suggested Changes). I understand that none of these documents has been formally published although individual changes have, where possible, been brought to the attention of particular Objectors to whom they were considered to be of relevance. By the time of the close of the inquiry 164 objections had been unconditionally withdrawn. Accordingly there are 1487 remaining objections (including those which have been conditionally withdrawn as a result of the Proposed and Further Proposed Changes) which I am required to deal with in this report.

5 In my consideration of the objections I have taken fully into account all the submissions made by or on behalf of the various Objectors and the Council (notwithstanding that some of the subordinate matters raised are not reported) and also all other material considerations including current government Circulars, planning policy guidance and Technical Advice Notes (TANs) where appropriate. Unless otherwise specified, any reference in my report to national advice as set out in Circulars, TANs or other policy guidance relates to those versions which were extant at the close of the inquiry. I have also taken into account TAN (Wales) 21 which was issued shortly afterwards.

6 I have not had regard to any changes in local planning circumstances which may have occurred since the close of the inquiry but the Council will no doubt wish to take such matters into account when considering my recommendations. Similarly, the Council will need to take into account any relevant Circular, TAN or other government guidance which may be issued subsequent to the completion of my report. In this respect I would draw particular attention to Draft Planning Policy Wales (February 2001) to which I have made a number of references in this report. In March 2002 the final version of this guidance was published and this supersedes Planning Guidance (Wales) First Revision (April 1999) to which I have also frequently referred throughout my report. However in order to avoid any undue delay in the submission of my report I have not reconsidered all my conclusions and recommendations in the light of this recently published document.

7 I have arranged my report in sections following the sequential layout of the Plan starting with the Development Plan Process, then Part One and finally Part Two. The latter 2 sections are sub-divided essentially in policy order.

8 In each reported case I specify the primary issues which the outstanding objections raise and then set out my conclusions leading to my recommendation. In most cases I have listed the relevant objections together with the Objectors' names under the respective policy titles although where these have been excessive in number I have, for the sake of brevity and ease of reference, incorporated comprehensive lists in an appendix (no 1) attached to this report. I have found it appropriate to deal with some objections wholly or partly under a different policy heading to the one against which they have been registered by the Council; in each instance there are suitable cross-references.

9 Furthermore, there are many objections which have been conditionally withdrawn as a result of a Proposed or Further Proposed Change against which there has been no counter-objection nor, to my knowledge, any other form of challenge. In those cases where there are no other outstanding objections to the relevant policy or provision, and where I have no quarrel with the change, I deem it unnecessary to reach conclusions but have simply recommended the modification of the Plan in the manner now proposed by the Council. These cases are listed under the heading "Objections to Other Policies" which appears at the end of most sections of my report.

10 I consider it may be helpful to summarise briefly the main policy issues which have arisen from my consideration of the objections. These concern the fundamental development strategy; the amount of land identified for housing development during the Plan period; the specified hierarchy of retail centres and the sequential test; the anti-coalescence (Green Wedge) policy; safeguarding the route of the Sirhowy Enterprise Way; proposals for the former Ness Tar Plant, Caerphilly; and the need for certain new policies.

Development Strategy

11 I am convinced that the Plan's fundamental development strategy is appropriate. It is clear that the three defined strategy areas (Growth, Consolidation and Community Regeneration) differ widely in terms of their environmental, economic and social characteristics; as a consequence it is entirely reasonable that a rather different approach to their future development should be adopted in each case.

12 I am also satisfied that the Plan's identification of the Area of Growth as the preferred location for any necessary new development is justified. There are significant employment opportunities within this area which has undergone a major transformation in recent years as a result of considerable investment, with yet more in prospect. The existence of a substantial amount of brownfield land and the absence of environmental constraints across large parts of this area provide further evidence of its underlying development potential.

13 As for the Area of Consolidation, I consider that the Plan's approach is too inflexible. I recognise that extensive parts of this area are subject to environmental constraints in the form of protectionist planning policies. There is also evidence of a need to improve certain infrastructure and other local facilities before any significant development can take place. And there is no doubt that this area, in comparison with the rest of the County Borough, has experienced considerable growth in recent years, especially in terms of housing.

14 Yet in my judgement the Plan's environmental controls are unreasonably excessive and in many cases are being employed inappropriately; nor has the Council given sufficient recognition to the extent of the contribution which new development could make towards the improvement of infrastructure and other necessary facilities earlier than might otherwise be possible during the lifetime of this Plan. Moreover there is no dispute that this is an attractive area and a popular place to live; it is centred on Caerphilly which is the largest town in the County Borough, is the most promising location to attract service sector jobs and is well positioned to take advantage of planned growth in Cardiff and the M4 corridor. Thus the Plan, while continuing to exercise some caution, should be rather more pro-active and flexible in terms of providing more opportunities for development, particularly housing, within the Area of Consolidation.

Housing Land Supply

15 I have concluded that there is a need for the Plan to allocate much more land for housing if the Council is to achieve its declared aim, one which there are compelling reasons for pursuing, of reversing as soon as possible the past trend of population loss due to out-migration. To my mind the Council has been too pessimistic about what can realistically be achieved and certain of its population assumptions are inappropriate. I calculate that a population of 169,800 at 2011 should be planned for and conclude that the Plan's housing provision should be raised to reflect this objective.

16 As for the housing land supply assessment, while much of the Council's basic methodology is acceptable, a noticeable failing is the absence of any allowance for the non-implementation of permitted or allocated sites. There is persuasive evidence that not all such sites can be relied on to come forward during the lifetime of a development plan and Caerphilly's own circumstances bear this out; a suitable factor should be applied. This, coupled with a modest adjustment to the household size assumption, leads me to conclude that the total provision which the UDP needs to identify is for 9055 dwellings of which 3820 dwellings should be provided by way of Plan allocations. Thus the Plan's identified provision of 7434 dwellings, with 2199 allocated, falls well short of those figures; there is some additional land allocated under the Proposed and Further Proposed Changes but still the overall shortfall is significant.

17 In these circumstances, and for site-specific reasons, I am recommending that a number of sites should be allocated for housing purposes. Using the Council's adopted density ratio of 25 dwellings per hectare I estimate that those sites whose precise size is known would provide for a total of some 463 units, while it appears that the others could yield in the order of 130 units; there are further sites which I have urged the Council to consider allocating which could perhaps accommodate about 170 dwellings. Some 75% of those sites lie within the Area of Growth. It will be for the Council to decide where the remaining necessary provision should be allocated; however I do assist in this regard in the form of my recommendations that certain other land, which is appropriate for development in principle, should be included within settlement boundaries.

Retail Hierarchy and the Sequential Test

18 The Plan defines a hierarchy of retail centres which includes 2 specified retail warehouse locations and seeks to afford to those locations a level of importance and protection which in my opinion is unwarranted and wholly inconsistent with national guidance. Accordingly this category of centre should be deleted from the retail hierarchy. I am satisfied that this, contrary to the Council's belief, would neither weaken its ability to resist retail warehouse development on out-of-centre sites nor increase the risk of available land at the specified locations being developed for other purposes; in this respect there are sufficient safeguards provided by other policies of the Plan.

19 For similar reasons I have concluded that the Plan's notion of a modified sequential test, whereby the express preference in relation to large retail stores would be for edge-of-centre sites rather than a town centre location, cannot be supported. This reverses the priorities embodied in national guidance regarding the application of a sequential approach to the selection of sites for major shopping development and there is no compelling evidence, in terms of local circumstances, which justifies such a sweeping change.

Anti-Coalescence (Green Wedge) Policy

20 I support the concept of an anti-coalescence policy. However from my examination of the express Green Wedge provisions and the numerous sites whose designation has been the subject of objection, I have concluded that in many instances the Council has attempted to employ this policy for purposes for which it is not intended. Not only is this unacceptable in itself, but also it seriously damages the integrity of the whole policy.

21 I have addressed this matter in 2 ways. In some cases I am recommending that the site be simply deleted from the designated Green Wedge. However there are several other sites which,

although not deserving of protection under the terms of this policy, should be safeguarded from inappropriate development because of their contribution to the urban environment within which they are situated. Therefore I am recommending a new Urban Open Space policy. This should be applied not just to those sites which I have identified as suitable for such protection but, in addition, to other Green Wedge land which I am urging the Council to re-assess for this purpose.

Sirhowy Enterprise Way

22 There has been considerable opposition to the Plan's proposal to safeguard the route of the Sirhowy Enterprise Way. This is a major road which it is intended would provide a wide range of benefits, principal among which are an access to the Oakdale employment area and a by-pass around Blackwood town centre; this road would form part of the County Borough's core network. I have not examined the submitted objections in depth for the simple reason that since the publication of the Deposit Draft Plan planning permission has been granted for the construction of the Sirhowy Enterprise Way. Nothing which the Plan might say about this road could prevent the implementation of the specified permission and, given that the Council itself obtained the permission, the question of whether or when to proceed appears to be entirely within its own hands. In fact I have been informed that this road is expected to be completed well within the lifetime of this Plan. In these circumstances I am satisfied that no modification to the Plan is warranted.

The former Ness Tar Plant site, Caerphilly

23 The former Ness Tar Plant site lies within the urban settlement of Caerphilly. The Deposit Draft Plan identifies this site as suitable for reclamation treatment and also allocates it, along with some adjoining land, for recreational purposes. However at the Proposed Changes stage the leisure allocation was deleted and the reference to the after-use of this site was revised to identify simply that a range of urban uses might be acceptable in principle.

24 I have concluded that the Council's latest approach to this site is appropriate. Given the clear unsuitability of the present access arrangements and the undoubted difficulties in resolving them, the evidence which there is about the extent and nature of the contamination of this land and the funding implications of addressing both matters, I am convinced that due to the considerable uncertainties about the development potential of this site the need for flexibility regarding its future use outweighs the normal requirement for the Plan to provide clear and positive leadership in the form of its policies and proposals.

25 Accordingly I do not support those objections which call for this site to be allocated for employment or leisure purposes; nor is there any justification for expressly excluding housing as a possible option. In addition there is compelling evidence against the proposal from one Objector that this site together with a sizeable area of adjoining land should be allocated primarily for housing purposes.

New Policies

26 It is clear to me that the Plan is lacking in suitable policy provisions regarding a number of important matters. Therefore in the light of national guidance, and taking into account local circumstances, I am recommending the inclusion in the Plan of certain new policies, perhaps the most notable of which concern affordable housing in rural areas, gypsy site provision, the

protection of village shops, urban open space (to which I refer earlier in this letter) and the working of coal.

27 As to other general matters, I would draw particular attention to the final section of my report under the heading "Other Modifications and Representations" where I refer to the importance of internal consistency within the Plan and consequential modifications which may be necessary. Also, I have attached as appendices to my report a schedule of appearances (no 2), a list of all documents produced at the inquiry (no 3) and a list of unconditionally withdrawn objections (no 4), together with the lists of objections/Objectors to which I have already referred in this letter.

28 In addition I would point out that throughout this report I have abbreviated references to certain national policy guidance as follows: Planning Guidance (Wales) First Revision (April 1999) - PG(Wales) 1999, Unitary Development Plans (Wales) February 2001 - UDP(Wales) 2001, Minerals Planning Policy (Wales) December 2000 - MPP(Wales) 2000 and Draft Planning Policy (Wales) February 2001 - DPP(Wales) 2001.

29 I would confirm that a copy of this letter has been sent for information to The National Assembly for Wales, Cathays Park, Cardiff.

30 Finally, I wish to express my sincere thanks for the help and co-operation which I received throughout the inquiry from Jonathan Easton and Morag Ellis the Council's Barristers, Barry Hankey and the rest of the Council's planning team and, of course, especially Margaret Baxter my Programme Officer for her invaluable contribution to the inquiry proceedings; my thanks go also to my colleague Robin Mabey for his assistance regarding certain topics.

Yours faithfully,

JOHN R COLLYER

Inspector

cc: The National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ.

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DEVELOPMENT PLAN PROCESS

THE ROLE OF THE UDP

OBJECTIONS DO/5541/1064 Campaign for the Protection of Rural Wales

Conditionally Withdrawn

DO/5696/1357 Countryside Council for Wales

PCO/5698/3323 Environment Agency Wales

Proposed Change PC001

Further Proposed Change FPC001

Primary Issue

- 1.1.1
- Should the “priorities and programmes” to which Paragraph 3.2 refers be defined.

Inspector’s Conclusions

1.1.2 This section of text is simply explaining the role of the UDP. The phrase now in question helps clarify that this Plan is concerned with land-use issues only and that it does not seek to prioritise or programme developments. These terms have no special meaning beyond their normal usage and to my mind they make a clear enough statement about the Plan’s role. Thus, no modification is warranted in this regard.

1.1.3 However I shall endorse PC001 and FPC001 which add certain text to Paragraph 3.2 since these respectively have led to the conditional withdrawal of the objections made by the **Countryside Council for Wales** and the **Environment Agency Wales** and are uncontested.

RECOMMENDATION

1.1.4 **That:**

- (i) **the Plan be modified by the inclusion in Paragraph 3.2 of additional text in accordance with Proposed Change PC001 and Further Proposed Change FPC001;**
- (ii) **no other modification be made to the Plan in response to the objection made by the Campaign for the Protection of Rural Wales (1064).**

PART ONE

SECTION 1

REGIONAL AND STRATEGIC CONTEXT

OBJECTION DO/5638/1559 House Builders Federation

Primary Issue

- 1.1.1 • Does the Plan pay sufficient regard to strategic planning issues especially in relation to the implications of neighbouring authorities’ household and economic growth.

Inspector’s Conclusions

1.1.2 The **House Builders Federation (HBF)** says that the Plan should be more explicit about the strategic context within which it will operate and should refer particularly to the way that it is intended to deal with household and economic growth generated by Cardiff and Newport.

1.1.3 I am aware there is no formal regional planning guidance yet in place. The Council says that reference to the regional context will be made in future Plans when the situation is clearer. While the Council’s difficulty in this respect is understandable, I consider that at least a brief explanation of the present regional policy position would provide a helpful background to the initial paragraphs of Part 1 where the regional and strategic context is, so far as it has been possible, explained.

1.1.4 Regarding the **HBF’s** more specific points, national guidance emphasises the need for consultation and collaboration between local planning authorities to ensure that issues of a strategic nature are properly taken into account particularly in the course of UDP preparation. Strategic Planning Guidance for South East Wales, the product of an exercise by a group of local authorities, attempts to provide a context for the preparation, consideration and revision of UDPs but both the Objector and the Council agree that this falls well short of what is required properly to inform the present Plan.

1.1.5 The Council is also at something of a disadvantage in that this Plan, as I understand it, is at a more advanced stage than most in the current round of UDPs in this region; there is, accordingly, only limited definitive guidance from those sources about the likely effect on Caerphilly County Borough of policies being operated elsewhere.

1.1.6 In these circumstances, I agree with the Council that it would be impractical for it to seek at this stage to create a strategic context of its own in the absence of authoritative regional guidance. Instead it would be appropriate, as the Council suggests, to consider this matter further at the time of the first review of this Plan once more definitive guidance becomes available.

1.1.7 I shall explain later [see under Part 1 Policy IDS - paragraph 1.5.13] my reasons for generally supporting the Council regarding its intention to plan to meet its own housing needs and not those of neighbouring authorities within the M4 corridor as well; I understand that those authorities adopt a similar approach. As things stand, there is no compelling evidence to suggest that those authorities will fail in this respect or that this County Borough should unilaterally plan to accommodate any such needs if they were to arise in the future. And less still is there any evidence about the level of provision which may be required if it were, in the event, to become necessary to accommodate such needs.

1.1.8 Save for my comment in paragraph 1.1.3 above, I believe that this Plan goes as far it reasonably can in terms of its explanation of the regional and strategic context within which it will operate.

RECOMMENDATION

1.1.9 **That Part 1 Section 1 be modified by the inclusion of additional text to explain the current position regarding regional planning policy guidance and to confirm the intention to refer to any forthcoming guidance in more detail at the time of a future review of this Plan.**

SECTION 3

GUIDING PRINCIPLES

OBJECTIONS

DO/5460/1680 Greendoorstep (Caerphilly)
PCO/5630/3277 Persimmon Homes (Wales) Ltd
(reported under Part 1 Policy IDC)

Conditionally Withdrawn

DO/5541/1110 Campaign for the Protection of Rural Wales
DO/5696/1365 Countryside Council for Wales

Proposed Changes

PC007, PC009

Primary Issue

1.2.1 • Whether the Plan’s policies and proposals would lead to unsustainable development throughout the County Borough in general and within the Caerphilly Basin in particular.

Inspector’s Conclusions

1.2.2 Paragraph 3.8 of this section of the Plan explains the principle of sustainability and its relationship to the specified policies and proposals.

1.2.3 **Greendoorstep (Caerphilly)** raises a fundamental argument against, in effect, the whole Plan claiming that its provisions will impair the ability of future generations to achieve economic growth and live in an attractive, healthy environment. The evidence submitted in support of this objection is fairly sweeping and covers a range of topics including employment, housing, leisure, retail and transportation; and the solutions offered are mainly expressed in only broad terms.

1.2.4 **Greendoorstep** supplements this “all embracing” objection with numerous others in respect of individual policies and proposals of the Plan. Those objections provide evidence of more substance and specificity. I deal with those on their merits later in this report under their respective topic headings.

1.2.5 In regard to the present objection, however, I can find nothing in the overall strategy and content of this Plan to suggest that it is fundamentally flawed in terms of its approach to the matter of sustainability. This is identified as one of the Plan’s guiding principles and it is clear to me that this is a thread which generally runs throughout its specified policies and other provisions. To this extent, therefore, the Plan is broadly consistent with the tenor of national guidance on sustainable development.

1.2.6 What this objection seems to ignore, or at least give insufficient weight to, is the range of factors (legislative, administrative, financial and location-specific among others) which impose constraints on what can realistically be achieved during the Plan period. The UDP, on the other hand, generally seeks to give those factors due recognition.

1.2.7 And, in any event, several of the solutions which **Greendoorstep** suggests, for example, confining development in Caerphilly to the defined settlement limit, reducing the need to travel and improving the prospects for public transport users, walkers and cyclists in the Caerphilly Basin, are not inconsistent with what the Plan already seeks to achieve.

1.2.8 While certain provisions of the Plan are open to criticism in this context (and I deal with these later in this report), given the foregoing circumstances, it is neither appropriate nor necessary to make wholesale modifications to the basic strategy in response to this particular objection.

1.2.9 I shall however endorse PC007 and PC009 which propose respectively the addition of certain text to Paragraphs 3.8 and 3.9 since these changes have led to the conditional withdrawal of objections made by the **Campaign for the Protection of Rural Wales** and the **Countryside Council for Wales** and neither has been the subject of any counter-objection.

RECOMMENDATION

1.2.10 **That:**

- (i) **Part 1 Section 3 be modified by the inclusion of additional text in Paragraphs 3.8 and 3.9 in accordance with Proposed Changes PC007 and PC009;**
- (ii) **no other modification be made to the Plan in response to the objection made by Greendoorstep (Caerphilly) (1680).**

SECTION 4

DEVELOPMENT STRATEGY

OBJECTIONS

DO/5427/0693 British Horse Society
DO/5427/0695 British Horse Society
DO/5460/1673 Greendoorstep (Caerphilly)
(reported under Policy Omission - Employment Chapter)
DO/5638/1558 House Builders Federation
(reported under Part 1 Policy IDS)
PCO/5460/3169 Greendoorstep (Caerphilly)
(reported under Part 1 Policy IDS)
PCO/5630/3281 Persimmon Homes (Wales) Ltd
(reported under Part 1 Policy IDS)

Conditionally Withdrawn

DO/5541/1117 Campaign for the Protection of Rural Wales

Proposed Change PC010

Primary Issue

- 1.3.1
- Whether sufficient priority is given to the need for facilities for horse riders particularly in terms of bridleways and other such routes.

Inspector’s Conclusions

1.3.2 Paragraph 4.13 of this section of the Plan identifies recreational development and management as a high priority in the defined Area of Consolidation while, in respect of the Area of Growth, Paragraph 4.19 refers to strategic cycle routes and footpaths. The **British Horse Society (BHS)** is concerned that the Plan regards the provision of facilities for horse riders as a very low priority; it is argued that the provision of bridleways and other horse routes should be seen as being just as important as recreational facilities for cyclists and walkers.

1.3.3 These particular provisions of the Plan are part of a strategic overview of the County Borough and they identify specific proposals for cycle routes and footpaths which are included in certain Transport and Leisure policies. The Council confirms that, in contrast, there are no specific proposals for new or enhanced bridleways provision and thus no comparable reference to such facilities appears here.

1.3.4 In these circumstances, I see no reason for any modification to this part of the Plan in response to the **BHS’** objections. However, I shall recommend the adoption of PC010, which is uncontested, and which has led to the conditional withdrawal of the **Campaign for the Protection of Rural Wales’** objection.

language of this guidance is that **only** the detailed policies and specific proposals should be contained in Part 2 - and that those general (Part 1) policies and proposals of strategic importance should not. To do otherwise in the manner now proposed places this Plan at odds with the very same guidance in that it is not likely to be “easily understood by all those who need to know about the planning policies which apply in the area”.

1.4.6 The Council’s suggestion, also embodied in PC003, that the inclusion in the Plan of a cross-reference to this restatement of policies would clarify this matter does not, in my judgement, go far enough.

1.4.7 In these circumstances, I intend recommending the deletion of the Part 1 policies from the Part 2 topic chapters. Instead, the identification of the Part 1 policy to which the reasoned justification relates can be satisfactorily achieved simply by the inclusion of a note at the start or finish of the relevant paragraphs of the policy reference alone.

RECOMMENDATION

1.4.8 **That:**

- (i) **Part 1 be modified by the deletion of the Appendix A heading in accordance with Proposed Change PC003 (part);**
- (ii) **Part 2 be modified by the deletion of the Part 1 policies and the inclusion instead of only the Part 1 policy references in order to identify their relationship with the relevant reasoned justification.**

STRATEGIC POLICIES

POLICY 1DS

DEVELOPMENT STRATEGY AREAS

OBJECTIONS

DO/5421/0643 Alfred McAlpine Developments Ltd
DO/5638/1600 House Builders Federation
DO/5630/0964 Persimmon Homes (Wales) Ltd
DO/5339/0408 R E Phillips & Partners
DO/5460/1661 Greendoorstep (Caerphilly)
[part reported: see also under Part 1 Policy 1H]
(registered under Part 2 Policy 1H)
DO/5638/1558 House Builders Federation
(registered under Part 1 Development Strategy)
DO/5630/3281 Persimmon Homes (Wales) Ltd
(registered under Part 1 Development Strategy)
DO5339/2092 R E Phillips & Partners
(registered under Part 2 Policy 1DS)
PCO/5460/3169 Greendoorstep (Caerphilly)
(registered under Part 1 Development Strategy)

Conditionally Withdrawn

DO/5541/1124 Campaign for the Protection of Rural Wales
(registered under Part 2 Policy 1DS)

Proposed Changes PC012, PC018

Primary Issues

- 1.5.1
- Is there a need to divide the Plan area into three separate strategy areas.
 - Does the Plan adopt the right approach to the distribution of development between the specified strategy areas.

Inspector’s Conclusions

1.5.2 As to the first issue, the **House Builders Federation (HBF)** questions the justification for the definition under the terms of Policy 1DS for three separate development strategy areas. It is argued that there is a lack of rigour behind their definition and that the whole County Borough, which enjoys Objective 1 status, should benefit from investment not just, as the Plan strategy intends, the Areas of Growth and Community Regeneration; it is thus inappropriate to identify what is tantamount to an area of constraint (the Area of Consolidation). The **HBF** calls for this policy to be deleted.

1.5.3 I disagree. The Plan confirms that the division of the County Borough as proposed is based on the distribution of environmental capacity, forecast needs and anticipated pressures and opportunities. The strategy areas are conceptual in nature, being defined by their principal characteristics, with the division between one and another intentionally imprecise.

1.5.4 From the explanation in the Plan, along with the other evidence before me, it is clear that the environmental, economic and social characteristics of these three areas differ quite widely. And as a consequence it is not unreasonable for the Plan to adopt in each case a rather different approach to their future development. Whether it has actually adopted the right approach regarding the respective areas and struck an appropriate balance is a matter which I shall turn to shortly. However, I see no reason in principle to condemn the overall strategy as such. Its legitimacy as a planning tool is confirmed in national guidance.

1.5.5 Regarding the second issue, most Objectors claim in effect that the balance of development distribution, exclusively development for housing, between the respective areas is unacceptable although their reasons for saying so differ.

1.5.6 **R E Phillips & Partners** contend that the Plan’s housing allocations do not reflect the considerable opportunities which exist for development in the Area of Growth. I tend to agree. There is no dispute that there are significant employment opportunities within this particular area; it has undergone a major transformation in recent years as a result of considerable public sector investment and is now attracting further substantial investment from the private sector. And the Plan expressly confirms it is appropriate that provision for economic growth be paralleled by provision for housebuilding. The existence of a significant

amount of brownfield land and the absence of environmental constraints in the form of protectionist designations across large parts of the Area of Growth provide further evidence of the underlying development potential within this locality.

1.5.7 As I shall explain later in this report [*see under Part 1 Policy 1H*] I find that the housing provision identified in Policy 1H is insufficient to satisfy forecasted requirements or to achieve the Plan’s specified objective of reducing out-migration to zero by the end of the UDP period. Given the foregoing considerations, in my judgement the Area of Growth is the best placed of the three strategy areas to accommodate a significant proportion of the additional necessary provision.

1.5.8 However, bearing in mind that the Plan does not expressly apportion housing provision between the three strategy areas, it would be inappropriate (indeed impractical) for me to attempt to do so in respect of the additional necessary provision. Therefore I do not intend recommending any specific modification to the Plan’s strategy so far as the Area of Growth is concerned, but I shall take the foregoing conclusions firmly into account when judging the merits of objections which propose the allocation of new sites for housing. Also, I would expect the Council similarly to have particular regard to these conclusions when deciding on any further new allocations which may be necessary when modifying the Plan to ensure that adequate provision for housing development is made in accordance with my recommendations on Policy 1H.

1.5.9 Other Objectors contend that greater provision for housing should be made in the Area of Consolidation. They point out that this area is best positioned to take advantage of planned growth in Cardiff and the M4 corridor. Caerphilly is the largest town in the County Borough, the most promising location to attract service sector jobs and the most popular place to live. Yet the Plan’s strategy fails to recognise this. Recent past build rates for the County Borough indicate that 55% of housing development was in the Area of Consolidation; the Plan proposes to almost halve this figure. The scale of the reduction in the annual rate of housebuilding within this area would be even more severe. This, the Objectors say, is unacceptable and unrealistic.

1.5.10 The Council recognises that there is a continuing demand for housing and other development within the Area of Consolidation. However, it says that rapid growth here in the past has meant that the provision of infrastructure and other facilities has not kept pace. It is argued that it would be inappropriate to allow yet more significant housing in this area without first improving necessary infrastructure/facilities; but the scale of necessary improvements exceeds the potential capacity of new housing allocations to provide them. Moreover, the Council points out that extensive parts of this area are subject to environmental constraints and contends that in any event there are substantial brownfield opportunities within the settlement boundaries as well as a sizeable land-bank of sites with planning permission; this reduces the need still further to allocate greenfield land.

1.5.11 **Greendoorstep (Caerphilly)** supports the approach of constraint in the Area of Consolidation but goes further than the Council in resisting any significant additional housing provision. It claims that the fact that long-established development sites in Caerphilly have been left vacant suggests that there is no need for more housing; it is argued that any available land should be used for employment purposes, not housing.

1.5.12 It is clear to me that the Area of Consolidation, in comparison with the rest of the County Borough, has experienced considerable growth, especially in terms of housing

development, over a relatively short period. This is not too surprising given that the area is based around the major centre of Caerphilly and is so close to Cardiff and the M4 corridor where significant economic expansion has led to severe pressure on this part of the County Borough. And that pressure is expected to continue as Strategic Planning Guidance for South East Wales confirms and the UDP itself acknowledges.

1.5.13 However I have sympathy for the Council regarding its intention to plan to meet just its own housing needs and not those of neighbouring authorities within the M4 corridor as well; there is no compelling evidence before me to indicate that it should do otherwise. And there is a real risk that making provision here for any further substantial housing which is not based on local need would increase the amount of commuting into Cardiff and Newport which, the Council’s evidence discloses, is already relatively high; this would be inconsistent with planning guidance at all levels which seeks to reduce the need to travel.

1.5.14 On the other hand, I firmly believe that the Council has overstated the degree of constraint that there actually is on development opportunities within the Area of Consolidation. As for the need to improve infrastructure and other necessary facilities, there are legitimate means through Obligations and Agreements by which those needs could be met in association with new development. Of course these measures have their limitations, but it seems to me that insufficient consideration has been given to the extent of the contribution which new development could make towards resolving these problems earlier than might otherwise be possible during the lifetime of this Plan.

1.5.15 Nor am I convinced that environmental considerations represent such a constraint as the Council contends. The protectionist policies referred to in this context are primarily local designations such as Special Landscape Areas, Green Wedges and Sites of Importance for Nature Conservation. Elsewhere in this report I have concluded that there are many locations where the Plan designation cannot be justified and I am concerned, from a more general standpoint, that in some instances these designations may have been used simply as a means to prevent development for its own sake rather than because the land in question has some special intrinsic quality or characteristic which sets it apart from other (undesigned) open land.

1.5.16 It is also evident from my assessment of a number of site-specific objections that the Plan should adopt a more pro-active role in terms of positively identifying the development potential of land, particularly brownfield sites, within the settlement boundaries. Although within the Area of Consolidation there are many existing commitments in the form of unimplemented planning permissions, the Council itself admits that there is a considerable windfall potential. While I understand the Council’s reluctance to commit the Plan in cases where there is genuine uncertainty over the availability of the site, there is convincing evidence that an unduly cautious approach has been adopted. A positive allocation in such circumstances would accord with the principles of the plan-led system.

1.5.17 I confirm again that later in this report [*see under Part 1 Policy 1H*] I find that the housing provision identified in Policy 1H is insufficient to satisfy forecasted requirements or to achieve the Plan’s specified objective of reducing out-migration to zero by the end of the UDP period. The out-migration consideration is particularly important in relation to the level of provision in the Area of Consolidation. The Council seems to be relying on the demand for housing in this area (which is high, given the evidence of the recent past) being met by increased provision within the Area of Growth; but this depends significantly on the

attractiveness and pace of economic and employment growth in that area which the UDP is promoting. Yet there is the very substantial counter-attraction of employment prospects in the Cardiff/Newport area close by in the other direction. To my mind, there can be no guarantee that the Cardiff/Newport option will not prove to be more compelling (leading to more out-migration contrary to the Plan’s declared aims), at least until the UDP policies take full effect and places like the Oakdale Employment Area become firmly established. This provides further justification for adjusting the balance of housing provision a little more in the Area of Consolidation’s favour. And, for the reasons explained in the preceding paragraphs, I am satisfied that it is capable of accommodating a measure of additional provision without harmful consequences.

1.5.18 Handled carefully, this should help (and not hinder as the Council fears) the prospects of economic growth in the Area of Growth and within the County Borough as a whole.

1.5.19 However as with the Area of Growth, I do not intend recommending any significant modification to the Plan’s strategy as such. What is required is greater flexibility in its implementation and a more realistic approach to the matter of perceived constraints. In this respect I shall take the foregoing conclusions firmly into account when judging the merits of objections which propose the allocation of new sites for housing. Also, I would expect the Council similarly to have particular regard to these conclusions when deciding on any further new allocations which may be necessary when modifying the Plan to ensure that adequate provision for housing development is made in accordance with my recommendations on Policy 1H.

1.5.20 However in order to reflect my conclusions about the need for greater flexibility and realism and to take into account the implications of the additional housing allocations and alterations to environmental designations which I am recommending, it will be necessary to change the emphasis and content of parts of the text which appears in Paragraphs 4.4 - 4.20 as well as some of the factual information.

1.5.21 A particular proposition made by **Persimmon Homes (Wales) Ltd** is for the adoption of a “key settlement” strategy which, it is argued, would be consistent with a sustainable approach to development in the County Borough. Their main interest is in focusing growth on Caerphilly in recognition of what is claimed to be its sub-regional role.

1.5.22 From the evidence before me it does not appear that the County Borough is noticeably dominated by Caerphilly; it comprises a wide range of towns and villages each with their own identity, character and function. One of the Plan’s guiding principles is (as set out in the Proposed Changes document) to sustain the identity and vitality of settlements; this has gone unchallenged. The Plan goes on to specify that in line with the principles of sustainability the preferred locations for development are those within the boundaries of towns and villages.

1.5.23 I have no quarrel with this basic approach. Dispersal, in the sense described here, is a perfectly valid strategy given the County Borough’s particular circumstances. Indeed in many respects it is essential bearing in mind the extent to which a number of settlements have apparently declined over the years through loss of population and, as a consequence, services. Widening the range and choice of housing in such locations can arrest and hopefully reverse the spiral of decline and thereby recreate sustainable communities.

1.5.24 It is also significant that the major employment allocations are to be found in the Area of Growth, as are the County Borough’s main administrative functions, rather than the urban area of Caerphilly. In sustainability terms, it is clearly sensible to locate a significant proportion of new housing in settlements which have the advantage of reasonably close proximity to those facilities.

1.5.25 For the foregoing reasons I am not convinced that **Persimmon’s** suggested strategy would be appropriate for this County Borough.

1.5.26 Arising from this case, however, the Council has decided (under the terms of PC012) to add a reference to Paragraph 4.12 about the importance of Caerphilly’s sub-regional role in relation to shopping and tourism. This has attracted counter-objections.

1.5.27 **Greendoorstep** claims that the town’s sub-regional shopping role should be discouraged in view of the unacceptable growth in traffic which it would generate. I disagree. The Plan’s aim of consolidating Caerphilly’s present sub-regional role by retaining an increased proportion of shopping expenditure within the County Borough should, in fact, have the effect of reducing overall journey distances and traffic impact.

1.5.28 **Persimmon** maintains that the town plays a similarly important role as a place to live, work and play. In the sub-regional context I have earlier concluded that the Plan is right to promote the housing potential of the Area of Growth and, in relative terms, to exercise more caution in the Area of Consolidation, including Caerphilly. It would thus be inappropriate to give a sub-regional emphasis to living in this town in the way which **Persimmon** proposes. However to my mind a reference here to employment and leisure would accurately reflect the Plan’s intentions. Paragraph 4.12 already confirms that Caerphilly is the most promising area in the County Borough for much needed growth in service sector employment, while the Council acknowledges that increasing leisure provision would have sustainability benefits in terms of reducing traffic impacts. I shall recommend appropriate additional wording.

1.5.29 Finally, I shall endorse PC018 which proposes a modest change to the text of Paragraph 1.6 of the reasoned justification in Part 2 since this has led to the conditional withdrawal of the objection made by the **Campaign for the Protection of Rural Wales** and is not the subject of any counter-objection.

RECOMMENDATION

1.5.30 **That:**

- (i) **Part 1 Section 4 be modified by the revision of text within Paragraphs 4.4 - 4.20 to confirm the need for greater flexibility in the implementation of the Plan’s strategy, for a more positive approach to development allocations in terms of their potential for delivering necessary infrastructure/facilities and for a more realistic approach to perceived environmental constraints bearing in mind the need to make satisfactory provision for housing, taking into account my conclusions in paragraphs 1.5.5 - 1.5.20 above;**

(ii) the Council, when modifying the Plan by allocating more land as necessary for housing, takes into account my conclusions in paragraphs 1.5.6 - 1.5.8 and 1.5.13 - 1.5.19 above regarding the potential of the Area of Growth, the matter of securing infrastructure provision in association with future development and the need for a more realistic approach towards environmental (countryside and brownfield) constraints particularly within the Area of Consolidation;

(iii) Part 1 Section 4 be modified by the inclusion of additional text in Paragraph 4.12 in accordance with Proposed Change PC012 but further modified by the addition of the words “EMPLOYMENT” and “LEISURE” after the word “shopping” in the final sentence;

(iv) Part 2 be modified by the inclusion in the General Development Policies Chapter of revised text in Paragraph 1.6 in accordance with Proposed Change PC018;

(v) no other modification be made to the Plan in response to the objection made by the House Builders Federation (1600).

POLICY 1B

DEVELOPMENT ON BROWNFIELD SITES

OBJECTIONS

DO/5722/0767 Gwent Wildlife Trust
PCO/5729/3275 Duffryn Ffrwdd (Newtown) Estate Ltd
(registered under Part 2 Policy 1B)
PCO/5638/3167 House Builders Federation
(registered under Part 2 Policy 1B)
PCO/5460/3170 Greendoorstep (Caerphilly)
(registered under Part 2 Policy 1B)

Conditionally Withdrawn

DO/5696/1398 Countryside Council for Wales
DO/5638/1569 House Builders Federation
DO/5696/2084 Countryside Council for Wales
(registered under Part 2 Policy 1B)

Proposed Changes

PC019, PC020, PC021

Primary Issues

- 1.6.1
- Should there be specific confirmation in the Plan that brownfield sites sometimes have ecological value.
 - Is the term “feasible and appropriate” sufficiently clear.
-

- Should the Plan be more explicit about the circumstances in which the release of previously developed land would be regarded as contrary to the development strategy.

Inspector’s Conclusions

1.6.2 As to the first issue, this policy reflects the Council’s commitment to achieving the maximum re-use of suitable previously developed land. However **Gwent Wildlife Trust’s** understandable concern about the need to consider any ecological value which such sites might have is accepted by the Council. Accordingly, it is proposed by way of PC021 to add further text to the reasoned justification (Paragraph 1.11) in Part 2 specifying that in certain cases an assessment of environmental quality would be required to enable this issue to be properly judged. To my mind this additional provision adequately covers this objection.

1.6.3 However **Duffryn Ffrwdd (Newtown) Estate Ltd** has submitted a counter-objection, calling for the deletion of this provision, on the grounds that it places an extra constraint on the development of brownfield land. Clearly this is the case but in my opinion it is a constraint which is entirely reasonable. While the Plan provides strong encouragement for the development of previously developed land, there is no suggestion (and nor should there be) that all other material considerations should be ignored. It is a question of balance and this additional provision merely reflects that position. Nor is the Objector’s criticism of the choice of words justified; the sense of the provision is clear. I shall therefore endorse it.

1.6.4 In terms of the second issue, the policy refers to the allocation for development of “feasible and appropriate proposals” subject to certain considerations. The **Countryside Council for Wales (CCW)** is anxious to ensure that this would eliminate sites of importance for amenity, biodiversity or historic reasons. The Council accepts that further clarification of this provision would be useful and proposes (under PC019) the inclusion of additional text within Paragraph 1.8 of the reasoned justification in Part 2. As a result the **CCW** has conditionally withdrawn its objection.

1.6.5 However this has given rise to a counter-objection from **Greendoorstep (Caerphilly)** on the grounds that unallocated brownfield sites should only be developed if they satisfy the overall land-use policies of the Plan. It is argued that if such a site were to provide a windfall gain in housing provision then an allocated greenfield site (or sites) with an equivalent capacity must be removed from the Plan.

1.6.6 To my mind there is nothing objectionable about the wording of the changed paragraph. An allowance is properly made for windfall sites in the forecast of housing provision over the Plan period. While this figure may be exceeded, it would be wholly inappropriate (if not procedurally impractical) to seek to review housing allocations every time an excessive windfall site came forward. This would completely undermine the vital element of certainty about the future development and use of land which the Plan is intended to provide. I shall therefore recommend PC019.

1.6.7 Regarding the third issue, the **House Builders Federation (HBF)** initially called for clarification of the statement in Paragraph 1.10 of the Part 2 reasoned justification that “where the release of a previously used site would undermine the development strategy it

will be resisted”. The Council responded by introducing PC020 in respect of which the **HBF** has raised further arguments.

1.6.8 The changed text confirms that it is the cumulative release of such sites within the Area of Consolidation which is of concern, while the particular forms of impact on the strategy are explained. The **HBF** contends that the Council is seeking to impose an artificial restriction on brownfield development within this strategic area. Instead the Plan should adopt a more positive approach, prioritising such development, in accordance with national guidance.

1.6.9 This objection has some merit. There is strong encouragement in planning guidance at all levels for the development of previously developed land. On the face of it, the UDP adopts that same approach, with Policy 1B framed in quite positive terms. However there appears to be a noticeable amount of brownfield land within settlements in the Area of Consolidation which remains unallocated; this is particularly the case in the urban area of Caerphilly. Given that factor and bearing in mind the Plan’s strategy for the Area of Consolidation, which is to constrain development severely in comparison with recent trends, it is inevitable that strict adherence to the provisions of the changed Paragraph 1.10 would seriously inhibit the implementation of Policy 1B within this strategic area.

1.6.10 On the other hand, as explained earlier [*see under Part 1 Policy IDS*] in principle I accept the justification for the overall strategy. Any proposals which would significantly undermine it should normally be resisted. However there is a solution to this dilemma. Elsewhere in this report I am recommending that, in general terms, a more realistic and positive approach be adopted to the allocation of brownfield sites in order to help provide for a necessary increase in the level of housing provision within the County Borough as a whole [*see under Part 1 Policy IDS*]; and in particular site-specific cases I am recommending their allocation for development purposes. This should reduce the scale of uncertainty which the provisions of the changed Paragraph 1.10 would otherwise create about the future of such land within the Area of Consolidation. I am also recommending further modifications to this particular paragraph so as to moderate its language enabling a more balanced view to be taken where conflict arises.

1.6.11 Lastly, I observe that in Policy 1B and the Part 2 reasoned justification there is inconsistency in the phraseology in that while on some occasions the term “previously developed” land or sites is used, elsewhere the alternative description “previously used” appears. National guidance adopts the term “previously developed” and this is now widely recognised. In order to avoid any confusion this term should be employed consistently in the Plan. I shall recommend an appropriate modification.

RECOMMENDATION

1.6.12 **That:**

(i) **Part 2 be modified by the inclusion in the General Development Policies Chapter of additional text in Paragraphs 1.8 and 1.11 in accordance with Proposed Changes PC019 and PC021;**

(ii) **Part 2 be modified by the inclusion in the General Development Policies Chapter of additional text in Paragraph 1.10 in accordance with**

Proposed Change PC020 but further modified by the revision of the final phrase so as to read “FURTHER RELEASE WILL NORMALLY BE RESISTED ALTHOUGH THE NEED TO MAINTAIN AN APPROPRIATE LEVEL OF WINDFALL PROVISION IN ORDER TO ASSIST IN MEETING THE PLAN’S SPECIFIED HOUSING REQUIREMENT WILL ALSO BE A CRUCIAL CONSIDERATION”;

(iii) **the Plan be modified by the use of the term “PREVIOUSLY DEVELOPED” in substitution for “PREVIOUSLY USED” wherever this appears in the context of brownfield land or sites.**

POLICY 1DC

STRATEGIC & GENERAL CONTROL OF DEVELOPMENT

OBJECTIONS

DO/5638/1602 House Builders Federation
PCO/5630/3277 Persimmon Homes (Wales) Ltd
(registered under Part 1 Paragraph 3.8)

Conditionally Withdrawn

DO/5541/1367 Campaign for the Protection of Rural Wales
DO/5696/1400 Countryside Council for Wales
DO/5696/1403 Countryside Council for Wales
DO/5541/1128 Campaign for the Protection of Rural Wales
(registered under Part 2 Policy 1DC)
DO/5541/1147 Campaign for the Protection of Rural Wales
(registered under Part 2 Policy 1DC)
DO/5698/1553 Environment Agency Wales
(registered under Part 2 Policy 1DC)

Proposed Changes

PC008, PC013, PC022, PC023, PC024, PC025

Primary Issues

- 1.7.1
- Are the provisions of this policy vague and subjective.
 - Should biodiversity and favouring the precautionary principle be identified in this policy as additional guiding principles.

Inspector’s Conclusions

1.7.2 As for the first issue, the **House Builders Federation (HBF)** claims, in essence, that this policy is more appropriate as a general statement of the Plan’s guiding principles and that it should be deleted as a specific Part 1 policy. I disagree. This policy

provides the strategic foundation on which, in effect, all the Part 2 policies are based; it places in a policy context the Plan’s specified guiding principles.

1.7.3 However there is an aspect of this objection which does have merit. The **HBF** is critical of this policy in that it refers to proposals having to “meet specified criteria” without identifying what those criteria are. The **Countryside Council for Wales (CCW)** makes the same point. The Council accepts this argument and proposes (under PC023) to clarify the matter by amplifying Paragraph 1.13 of the reasoned justification in Part 2 to identify the specified criteria as being all those in Policy DC1 and each of the remaining Part 2 policies.

1.7.4 To my mind the reference in Policy 1DC to meeting specified criteria is superfluous; it relays nothing which the reader should not already know, namely that any proposal must be judged against all (relevant) policies of the Plan. I shall accordingly recommend its deletion; and it follows that I do not intend endorsing PC023.

1.7.5 Regarding the second issue, the **CCW’s** request that additional guiding principles should be specified has met with the Council’s agreement to the extent that changes are proposed (PC008) to Paragraph 3.8 of Part 1 which identifies the precautionary principle and maintaining and enhancing biodiversity as being within a range of targeted principles aimed at achieving sustainable development. On this basis the **CCW** has conditionally withdrawn its objection.

1.7.6 However **Persimmon Homes (Wales) Ltd** has submitted a counter-objection on the grounds that the specified precautionary approach will not always be appropriate since other considerations would need to be taken into account.

1.7.7 That argument is not well founded. The precautionary approach is not accorded any particular status by the Plan but is simply identified as one of two examples of targeted principles to be pursued in support of sustainability. PC008 is satisfactory as it stands.

1.7.8 Lastly, I shall endorse PC013 which provides for the rearrangement of the order of the guiding principles listed in Policy 1DC since this has led to the conditional withdrawal of one of the objections made by the **Campaign for the Protection of Rural Wales (CPRW)** and is not the subject of any counter-objection. Similarly I support PC022, PC024 and PC025 which propose various minor changes to the reasoned justification in Part 2; these have resulted in the conditional withdrawal of objections by the **CPRW** and the **Environment Agency Wales** and are not contested.

RECOMMENDATION

1.7.9 **That:**

- (i) **Policy 1DC be modified by the deletion of the words “THEY MEET SPECIFIED CRITERIA AND IF” and by the rearrangement of the order of the listed guiding principles in accordance with my conclusions in paragraph 1.7.4 above and Proposed Change PC013;**

(ii) **Part 1 be modified by the inclusion in Paragraph 3.8 of additional text in accordance with Proposed Change PC008;**

(iii) **Part 2 be modified by the rearrangement of Paragraphs 1.13 - 1.18, by the revision of the text of Paragraph 1.14 and by the inclusion of additional text in Paragraph 1.16 in accordance with Proposed Changes PC022, PC024 and PC025;**

(iv) **no other modification be made to the Plan in relation to Proposed Change PC023.**

POLICY 1H

PROVISION FOR RESIDENTIAL DEVELOPMENT

OBJECTIONS

DO/5421/0645 Alfred McAlpine Developments
DO/5518/1374 Beazer Homes
DO/5659/1104 Mr R Gillings
DO/5654/1411 Messrs Greenhaf
DO/5638/1108 House Builders Federation
DO/5650/1079 Mrs F Pembridge
DO/5435/1926 Penmaen Undivided Estate
DO/5630/1945 Persimmon Homes (Wales) Ltd
DO/5630/0984 Persimmon Homes (Wales) Ltd
DO/5662/1074 Messrs A & P Price
DO/5339/0417 R E Phillips & Partners
DO/5592/0468 Councillor G Simmonds
DO/5658/1160 Mrs S Suter & Mrs S Jones
DO/5729/1793 Duffryn Ffrwdd (Newtown) Estate Ltd
(registered under Part 2 Policy 1H)
DO/5509/1954 Westbury Homes (Holdings) Ltd
(registered under Part 2 Policy 1H)
DO/5339/2091 R E Phillips & Partners
(registered under Part 2 Policy 1H)
DO/5460/1661 Greendoorstep (Caerphilly)
[part reported: see also under Part 1 Policy 1DS]
(registered under Part 2 Policy 1H)

Primary Issues

- 1.8.1
- Are the population forecasts on which the housing provision figures are based realistic when judged against past trends and the Council’s declared objective of reversing the current pattern of population loss through out-migration as soon as possible.
 - Is the household size assumption which is used in the housing provision calculation realistic.
-

- Is the small-sites allowance which is used in the housing provision calculation reasonable.
- Should an express allowance be made in the housing provision calculation for the non-implementation of permitted/allocated sites.
- Does the Plan make sufficient provision for housing.
- Should Policy 1H specify in addition to a Borough-wide housing provision figure a particular provision to be met by new allocations in or around Caerphilly town.

Inspector’s Conclusions

1.8.2 As for the first issue, over the last 15 years the population of the County Borough has remained at a relatively constant level. During that period however there was an average annual loss of a little over 700 due to net out-migration although to an extent this was offset by the consequences of natural change, namely the excess of births over deaths. The Council, understandably, is concerned about the continued loss of population due to out-migration because of its potential impact on the provision of services and on the attractiveness of the County Borough as a place to live. Accordingly the aim is to reverse this trend as soon as possible.

1.8.3 The Council examined a number of possible scenarios as part of its population forecasting exercise and eventually settled on seeking to reduce out-migration from the County Borough to zero by the end of the Plan period as being the most realistic and acceptable option.

1.8.4 The **House Builders Federation (HBF)** and several other Objectors challenge some of the assumptions which have been made by the Council in this exercise, particularly given the evidence of more recent years. They prefer a population projection based on the Chelmer model. This model, which I am aware is widely used for the purposes of population and housing projections, is based on 1998 government data for births and deaths as opposed to the Council’s reliance on 1994 Welsh Office figures which were the latest available when the UDP was in the course of preparation. In principle the more recent data should be preferred since this is likely to provide a more accurate representation of the pattern of population change which is actually unfolding.

1.8.5 The Council argues that it is wrong to use the 1998 population data given the absence of any correspondingly up-to-date household formation figures; in the context of the way in which this information is intended to be used on this occasion, I disagree. From the evidence available, it seems to me that the integrity of the population projection is not seriously undermined by the somewhat historical household data. It is worth noting here that the latest information from The National Assembly for Wales about population projections indicates that assumptions regarding future household formation rates are unlikely to vary from past figures.

1.8.6 The Chelmer figures suggest that the level of natural change will, in comparison with past trends, decrease over the Plan period at a rate rather less severe than that forecast by the Council. Arising from this assumption is the forecast (under the out-

migration declining to zero scenario) of a population of 169,761 at the end of the Plan period in 2011. This compares with the Council’s projection of 166,050.

1.8.7 Objectors also criticise the adoption of the “out-migration declining to zero” option. While this is not entirely consistent with the Council’s declared aim of reversing the past trends of out-migration as soon as possible, I accept that the Plan must adopt a realistic approach and achievable objectives.

1.8.8 I am not convinced that the Objectors’ preferred option of migration balance during the lifetime of this Plan is achievable, notwithstanding the evidence of the most recent past. Admittedly the latest 1999 ONS population estimates show that out-migration reduced to zero in 1998 and that a small net in-migration had arisen by 1999. However in planning for the longer term to 2011 it is right that the Council should take proper account of longer-term trends. In my experience there will inevitably be short-term fluctuations within those longer periods but they should be treated with caution; certainly in this case there are no compelling grounds for assuming that such a significant reversal of the past trends in population migration as has occurred within these recent few years will necessarily continue for the rest of the Plan period. The Council suggests that this was due to the extraordinarily high level of housebuilding at that time, most of which involved just 2 sites both now nearing completion; this level of housebuilding, it says, cannot be sustained.

1.8.9 On the other hand, since the Council’s declared aim is to reverse those longer-term past trends it seems illogical to rely too heavily on them. Indeed it would be perverse to ignore the evidence of the past few years altogether. After all, this demonstrates that the Council’s migration assumption for the initial phase of the Plan period is unduly pessimistic. It had been assumed that the period 1996-2001 would experience the highest levels of out-migration, yet this has simply not occurred. It also suggests, if the Council is right about the cause, that there is a clear link between housebuilding and population migration with the first having a positive and fairly immediate influence on the second.

1.8.10 In these circumstances, I favour the alternative, less pessimistic, “out-migration declining to zero” scenario which the **HBF** puts forward. This proposes migration figures for the 3 successive 5-year periods of the Plan of +100 (1996-2001), –600 (2001-2006) and –300 (2006-2011). The **HBF** calculates that on the basis of these assumptions, and having taken into account the necessary consequential adjustments to the natural change figure, the population at 2011 would stand at 169,800. This calculation has not, in arithmetical terms, been challenged.

1.8.11 In my judgement this scenario would enable the Council to achieve, so far as it is realistically possible, its fundamental population migration aims. And it is the most sustainable approach in the circumstances in terms of attempting to make provision for the County Borough’s own population rather than relying on the assistance of other local authorities. I am also satisfied that it would be consistent with the Plan’s essential economic development strategy in terms of helping to facilitate employment growth in the County Borough; from the evidence available, there is more than enough employment land provided by this Plan to meet the estimated requirements of this suggested increased level of population.

1.8.12 In reaching the foregoing conclusions I have taken into account the Council’s argument that any changes to its population assumptions and forecasts should be considered at the time of the first review of this Plan. Such a delay would be unacceptable. Given the

time it has taken for the UDP to reach even its present stage, it seems unlikely that any review could be meaningfully progressed until well into the overall Plan period. And, of course, it would be much later still before any new policies would have any tangible impact in terms of housebuilding and migration pattern. To continue, as now, to under-provide for housing while awaiting the review would make it much more difficult to recover the situation during the latter phases of the Plan. Now is the appropriate time for the UDP to act positively in the pursuit of its objectives.

1.8.13 As for the claims by the **HBF** and certain other Objectors that this Plan should in some way recognise development pressures arising in neighbouring authorities, principally Cardiff, I disagree. I have explained earlier [*see under Part 1 Regional and Strategic Context*] the difficulties which the Council is faced with in attempting unilaterally to deal with the regional dimension in the absence of any authoritative guidance on this matter. Given those circumstances, it is sufficient that this Plan seeks, as far as possible, to make provision essentially for its own needs. If eventually regional guidance emerges, or there is a consensus amongst local authorities which are party to Strategic Planning Guidance for South East Wales, which imposes a requirement on this County Borough to accommodate development pressures from elsewhere then it would be appropriate for this to be addressed in a review of this Plan - but only then.

1.8.14 Regarding the second issue, the latest available Welsh Office household projections for the County Borough show a continuing decline in the average household size throughout the Plan period from 2.52 in 1996 to 2.27 in 2011. This is consistent with past national trends. The Council however has adopted a slightly higher 2011 figure for the purposes of its calculations. It says that the Welsh Office projection should be treated with caution given the high rate of decline predicted for this County Borough as compared to other Welsh authorities. By taking into account more recent population and dwelling-stock estimates the Council has concluded that a household size figure of 2.28 should be used.

1.8.15 I share the view expressed by the **HBF** and others that the Council’s reasons for departing from the Welsh Office figures are unconvincing. From the evidence presented it is clear there is an increasing awareness that economic growth and improving prosperity lead to higher rates of household formation, particularly small households, and thus a corresponding reduction in average household size. This is an important consideration. The UDP is aiming to facilitate economic growth and to increase the prosperity of the County Borough. The securing of EU Objective 1 funding along with other national initiatives designed to achieve growth in GDP per head will help achieve those aims. To my mind these considerations, coupled with the policy to reverse out-migration trends, justify the adoption of the Welsh Office household size figure.

1.8.16 As for the third issue, the Plan identifies that, as at the 1998 base date, housing provision on small sites in the recent past has averaged out at 61 dwellings a year. On the basis that this rate would continue for the remainder (1998-2011) of the Plan period an allowance is made for 793 dwellings.

1.8.17 The **HBF** and others maintain that the evidence of small-sites development contained within the most recent (1999) Joint Housing Land Availability Study should be preferred; this indicates an average annual provision of 59.8 dwellings. They suggest an allowance of 60 dwellings a year.

1.8.18 The Council resists any such reduction on the basis that if this allowance were adjusted to reflect the figures in the latest Joint Study, then for the sake of consistency other such allowances should also be revised correspondingly. I agree. For the purposes of this part of the housing provision exercise (the supply calculation) it is appropriate to use the same base date when assessing the various components. In any event the difference between the parties’ respective figures is minimal. Accordingly the small-sites allowance should remain unchanged.

1.8.19 In respect of the fourth issue, the Council has made no express allowance in its calculations for the non-implementation of permitted or allocated sites. It contends that there are generous allowances inherent in the over-provision made in the Deposit Draft Plan (16.2%) and in the version arising from the Proposed Changes (19.8%) and that this would be sufficient to provide choice and flexibility.

1.8.20 Had I been satisfied that the Plan had indeed made such a substantial over-provision, the absence of any specific allowance for non-implementation would have been acceptable. However for reasons explained under the other issues addressed here it is clear that this is not the case; as things stand there is a significant under-provision.

1.8.21 Nor am I convinced by the Council’s claim that since the majority of the allocated sites are included in the Joint Study there is no reason why any should be discounted. The **HBF** and **Persimmon Homes (Wales) Ltd** both make the point that it is possible that not all Joint Study sites would come forward during the lifetime of the Plan and certainly in my experience this cannot be guaranteed. It is the case that several of the sites allocated in this Plan have been similarly allocated in earlier Plans, and presumably earlier Joint Studies, yet they have failed so far to come forward for development. In any event, if my recommendations are accepted it will be necessary to allocate a number of additional housing sites, none of which I assume will have already been identified in the Joint Study. And if the Council is right about the uncertainty of some objection sites coming forward due to possible contamination and other such problems, then the application of a non-implementation allowance becomes even more important.

1.8.22 I am aware that an allowance of 10% has commonly been made for non-implementation. The Tym Study commissioned by the former Department of the Environment confirms the suitability of such an allowance and there is no argument from the Council that the specified percentage figure is in itself unreasonable. In all the circumstances a 10% allowance should be applied here.

1.8.23 Regarding the fifth issue, the **HBF** and several other Objectors contend, for various reasons, that the Plan fails to make sufficient provision for housing. In judging this matter I have naturally taken fully into account my conclusions on the preceding issues. I have also had regard to the fact that there has been no objection to the basic methodology which the Council has used in its own calculations and many of its assumptions and allowances have not been seriously challenged.

1.8.24 Given my acceptance of the main arguments put forward by those Objectors on the population migration issue and on the matter of household size, I see no reason to depart from their conclusions about the level of housing provision which, in those circumstances, is required. Their arithmetic has not been challenged. Accordingly, the figure arising from those considerations is 8440 dwellings. However it is then necessary, as I have already concluded, to apply a 10% non-implementation allowance in regard to

permitted and allocated sites. Thus the resultant figure for which the Plan should seek to make provision is 9055 dwellings calculated as follows (based on UDP Table 1):-

<i>Total requirement</i>	8440
<i>Less completions June 1996-1998</i>	1711
<i>Less sites with outstanding planning permission as at 1st July 1998 (but less 10% non-implementation factor : 2328-233)</i>	2095
<i>Less windfall allowance</i>	403
<i>Less small-sites allowance</i>	793
<i>Balance required to be met by UDP allocations</i>	3438
<i>Add provision to cover 10% non-implementation allowance on UDP allocations (3820-382 = 3438)</i>	382
<i>Adjusted provision to be provided by UDP allocations</i>	3820
<i>Total provision to be identified (1711+2328+403+793+3820)</i>	9055

1.8.25 Clearly the actual provision identified in the Deposit Draft Plan (ie the total land supply identified in Table 1 at Paragraph 2.24 of the Part 2 reasoned justification) as amounting to 7434 dwellings falls well short of what is required. Under the Proposed Changes and Further Proposed Changes the Plan’s provision figure rises by some 240 units but this still represents a serious deficiency.

1.8.26 The Objectors suggest that an examination of past and projected future building rates provides further justification for this increased level of provision. I accept the Council’s point that an analysis of this nature is not straightforward given the different time-frames, policy regimes and Plan areas. However, the general findings are instructive to a degree.

1.8.27 The long-term trend over the period 1981-2000 is for an annual average build rate of 460 dwellings. Yet the annual average over the lifetime of the UDP based on the Deposit Draft provision equates to just 426 dwellings, while the comparable figure for the remaining term of the Plan from 2000 to 2011 is, according to the **HBF’s** uncontested residual provision calculations, only 283; and this, curiously, is for a period during which the Council is aiming to reverse past out-migration trends. In neither case do these figures give me cause for optimism that the Council’s objective would be anywhere near achieved.

1.8.28 The short-term figures are even more illuminating; these disclose that in the 4 years from 1995, largely within the lifetime of this Plan, the annual average build rate was over 800 dwellings; and there is convincing evidence to indicate that for the following year 1999-2000 much the same figure will have been achieved. And this, as I have noted before in relation to the first issue, has coincided with a period during which a significant beneficial shift in the out-migration pattern occurred. This demonstrates to me that, over a 5-year term at least, the housebuilding industry can achieve that sort of figure, the market can accommodate it and the Council’s objective is met as a consequence. While it is unrealistic to suggest that provision should be made so as to sustain such a high annual build rate for the rest of the Plan period, this does give further strength to my conclusion that the present provision is unacceptably low.

1.8.29 I do not agree with the Council that this short-term performance should be ignored and that only the longer-term figures relating to the pre-UDP period should be considered. While those particular figures certainly do disclose a relatively low annual average build rate of 345 dwellings, this occurred under an earlier policy regime and during a period of appreciable out-migration. The present Plan aims to adopt a fresh policy approach with the objective of reversing those out-migration trends and in these circumstances it is illogical to rely too heavily on the evidence of the pre-UDP housebuilding performance.

1.8.30 According to data contained within the latest Joint Study (1999), the likelihood is that about 3300 dwellings will have been completed by mid 2000. On the basis of the overall housing requirement figure which I am recommending, the residual provision of 5140 equates to an annual average build rate of 467 dwellings. This of course, compares favourably with what has been achieved over the long-term period 1981-2000.

1.8.31 The Council places considerable emphasis on the opportunity which a Plan review would provide for retrieving a situation of under-provision if that were to arise. While one of the purposes of such a review would undoubtedly be to monitor past housebuilding performance and remedy any perceived shortfall in provision, this does not justify adopting at the outset such an over-cautious approach as this Plan intends. And here I draw on my earlier conclusion in relation to the first issue about the unacceptable delay which there is likely to be before a Plan review would have any tangible effect.

1.8.32 In judging this entire issue I have taken into account arguments raised by **Greendoorstep (Caerphilly)** and **Councillor Simmonds** who consider, for various reasons, that the Plan’s housing provision should actually be reduced. Given my foregoing conclusions, clearly I disagree.

1.8.33 I also recognise that population and housing provision forecasting is far from being an exact science and that for the purposes of the present Plan this exercise is susceptible to variation over time as more up-to-date base data materialises. Undoubtedly at the modification stage the Council will be in a position to input into the exercise fresh information on matters such as completions and planning permissions; however my recommendation, of course, must be based on the best evidence currently available and this, in terms of the land supply calculation, is geared to a 1st July 1998 base date.

1.8.34 In summary, I shall recommend that Policy 1H should identify a need for 8440 dwellings in the period 1996-2011, that the calculation of housing land supply should include a 10% non-implementation allowance and that Policy H1 should allocate sufficient land with capacity to provide for 3820 dwellings.

1.8.35 Later in examining the merits of those sites which Objectors claim have potential for housing purposes, I shall take fully into account the need for more land to be allocated in order to achieve the foregoing specified level of provision. The Council says it is aware of other possible candidates which have not come before me in the form of an objection proposal; these comprise sites allocated in the Pre-Deposit Plan which were not carried forward into the present Plan and unidentified small sites within settlement boundaries capable of accommodating 10 or more dwellings. It is right that these too should be considered at the modification stage. However I am also mindful of the Council’s express confirmation that save for a single identified potential windfall site with a capacity for less than 100 dwellings there are no other known substantial sites beyond those which I have under consideration.

1.8.36 And in the same context I shall also have close regard to my earlier conclusions on the question of the distribution of development between the three strategy areas [*see under Part 1 Policy IDS*].

1.8.37 Regarding the sixth issue, **Persimmon** contends that in order to reflect Caerphilly’s sub-regional role there should be a specific proportion of the overall housing provision figure identified for this town. A range of 1000-1500 units is suggested although this is related to an overall provision of about 7500 dwellings. The merits of South Caerphilly for this purpose are especially advanced.

1.8.38 This objection is related to **Persimmon’s** arguments reported elsewhere [*see under Part 1 Policy IDS*] proposing a “key settlement” strategy. For the reasons explained in my conclusions there it would be inappropriate for the Plan to give emphasis to Caerphilly in this way and there is certainly no justification for identifying what appears to be a completely arbitrary housing figure for this town.

RECOMMENDATION

1.8.39 **That:**

- (i) **Policy 1H be modified by substituting the figure “8440” for “6388”;**
- (ii) **Part 2 be modified by the inclusion in the “Population and Housing Forecasts” section of the Population and Housing Chapter of references to estimated population and household figures which reflect my conclusions in paragraphs 1.8.4 to 1.8.11 and 1.8.14/15 above;**
- (iii) **Part 2 be further modified by the inclusion in the Population and Housing Chapter of a reference in the supporting text to Policy 1H to the need for the application of a 10% non-implementation allowance in relation to permitted and allocated sites and a reference to the need for the Plan to allocate sufficient land with a capacity to provide for 3820 dwellings in order to achieve the required overall provision, and by the substitution of figures for the Policy 1H housing requirement and the Policy H1 overall housing allocation, to reflect my recommendation in (i) above and taking into account my above conclusions;**
- (iv) **Part 2 be further modified by the substitution in Table 1 of the Population and Housing Chapter of figures which reflect my conclusions in paragraph 1.8.24 above;**
- (v) **no other modification be made to the Plan in response to that part of the objection made by Persimmon Homes (Wales) Ltd (0984) calling for the identification in Policy 1H of a specific housing provision relating to Caerphilly town.**

POLICIES 1T(A) & 1T(B) TRANSPORT STRATEGY

OBJECTIONS

DO/5427/0696	British Horse Society
DO/5541/1373	Campaign for the Protection of Rural Wales
DO/5703/0872	Country Landowners Association
DO/5630/1039	Persimmon Homes (Wales) Ltd
DO/5415/0562	Sainsbury’s Supermarkets Ltd
LDO/5722/0807	Gwent Wildlife Trust
PCO/5541/3132	Campaign for the Protection of Rural Wales (registered under Part 2 Policies 1T(A)/B)

Conditionally Withdrawn

DO/5696/1410	Countryside Council for Wales
DO/5541/1375	Campaign for the Protection of Rural Wales
DO/5696/1412	Countryside Council for Wales

Proposed Changes

PC014, PC015, PC118, PC119

Primary Issues

- 1.9.1
- Should the order of the criteria in Policy 1T(A) be changed, and the wording of Criterion A be revised, so as to give more emphasis to sustainability considerations.
 - Is the reference in Policy 1T(A) Criterion B to “environmental and amenity issues” sufficiently clear.
 - Whether additional provisions concerning countryside considerations are necessary.
 - Whether the Plan should include a definition or examples of “major traffic generators”.
 - Should Policy 1T(A) include a provision to help safeguard land for a southern by-pass for Caerphilly.

Inspector’s Conclusions

1.9.2 As to the first issue, the **Campaign for the Protection of Rural Wales (CPRW)** says that Policy 1T(A) gives insufficient emphasis to sustainability considerations; it suggests certain revisions to the order and text of the specified criteria. I see no reason for any such modifications. The criteria are not listed in any order of priority and the insertion of the word “sustainably” into Criterion A would add nothing to its meaning. The importance of sustainability considerations generally is already well rehearsed throughout the Plan.

1.9.3 In terms of the second issue, the **Gwent Wildlife Trust (GWT)** contends that the word “adverse” should be included in Criterion B in order to clarify these provisions and

to be consistent with a similar criterion in Policy 1T(B). The Council agrees and has proposed an appropriate change (PC014). Although this objection has not been conditionally withdrawn, the **GWT’s** valid argument has clearly been met. I shall endorse this change.

1.9.4 Regarding the third issue, the **British Horse Society (BHS)** says that traffic flows on main roads must be improved so as to minimise the likelihood of commuter traffic using rural lanes; commuters should be discouraged from using such lanes, and speeds reduced, by introducing traffic calming measures. The **Country Landowners Association (CLA)** wants the Plan to acknowledge that the availability of public transport in rural areas is limited and to confirm that the absence of such services would not be grounds for resisting rural development.

1.9.5 In respect of neither of those objections do I consider that modifications to the UDP are merited. The Plan’s highway strategy is aimed at improving the major road network in the County Borough and by way of a number of different policies there are provisions already in place which would enable unsuitable roads, including rural lanes, to be safeguarded from any unacceptable impact arising from development traffic. Other more specific and pro-active proposals of the sort identified by the **BHS** are beyond the scope of the UDP; they are, I believe, more within the province of the Local Transport Plan.

1.9.6 As for the **CLA’s** point, only Policy 1T(B) includes provisions relating to the requirement for new development, in effect, to be able to be served by public transport and this policy is concerned with proposals which are major traffic generators. Given the nature of the Plan’s policies for the countryside, such proposals are therefore most unlikely to be considered acceptable in rural areas in any event. Accordingly, this particular policy provision should not inhibit otherwise appropriate rural development.

1.9.7 In respect of the fourth issue, Policy 1T(B) introduces the term “major traffic generators” in the context of the requirement that certain strategic considerations will apply to proposals for developments of the scale thereby implied. **Sainsbury’s Supermarkets Ltd** says that this term should be explained in the Plan and concern is expressed about the implications for allocated retail land.

1.9.8 To my mind it would be impractical and unhelpful to seek to define precisely the scope of this term, or to identify examples. In any given case much would depend on the individual circumstances. However I agree with the Council that it would be useful to include some clarification of the considerations which would be taken into account when deciding whether or not a particular development proposal should be regarded as a “major traffic generator” for the purposes of this policy. PC119 provides just such clarification.

1.9.9 However this change has attracted a counter-objection from the **Campaign for the Protection of Rural Wales (CPRW)** which argues that the use of the word “including” before the list of considerations implies that there are other considerations that are not listed. It is suggested that this provision be re-phrased so as to make it clear that all possible considerations are identified. The Council confirms that this provision is not intended to be prescriptive nor all-inclusive; certainly I do not interpret it as being so. In my judgement its inclusion in the Plan is an appropriate response to **Sainsbury’s** original objection.

1.9.10 Regarding **Sainsbury’s** additional point about retail allocations, while future development proposals would need to be judged on their merits against the provisions of all relevant policies, I share the Council’s view that it is reasonable to assume that specific

allocations are deemed to be consistent in principle with the Plan’s strategic policies. There is nothing in the Plan to suggest otherwise and, therefore, no reason for any modification in this respect.

1.9.11 As for the fifth issue, **Persimmon Homes (Wales) Ltd** claims that Policy 1T(A) should include a suitable reference to the safeguarding of a southern by-pass for Caerphilly. This objection is without merit. There is no proposal in the Plan for any such by-pass. This matter arises from another of **Persimmon’s** objections which proposes the allocation for housing or mixed-use development of land at Caerphilly Golf Club; the provision of such a by-pass is envisaged as being facilitated by the overall scheme for this site. Elsewhere in this report [*see under Policy DC2.99.67*] I conclude that the allocation of this site for such purposes is unacceptable. In all these circumstances there is no justification for the modification of this policy in the manner suggested.

1.9.12 Finally I intend endorsing PC015 and PC118 which propose revisions to the order of criteria in Policy 1T(B) and the inclusion of additional text in Paragraph 4.7 of the reasoned justification in Part 2; these have resulted in the conditional withdrawal of objections made by the **Countryside Council for Wales** and the **CPRW** and are not the subject of any counter-objection.

RECOMMENDATION

1.9.13 **That:**

- (i) **Policy 1T(A) be modified by the inclusion in Criterion B of the word “ADVERSE” after the word “reduce” in accordance with Proposed Change PC014;**
- (ii) **Policy 1T(B) be modified by the revision of the order of the specified criteria in accordance with Proposed Change PC015;**
- (iii) **Part 2 be modified by the inclusion in the Transport Chapter of additional text in Paragraphs 4.7 and 4.9 in accordance with Proposed Changes PC118 and PC119;**
- (iv) **no other modification be made to the Plan in response to the objections made by the Campaign for the Protection of Rural Wales (1373), the British Horse Society (0696), the Country Landowners Association (0872) and Persimmon Homes (Wales) Ltd (1039).**

POLICY 1R

RETAIL CENTRE HEIRACHY

OBJECTIONS

DO/5394/1626 Principality Pensions Trust
DO/5394/1581 Principality Pensions Trust
(registered under Part 2 Paragraph 5.5)

Proposed Change

PC146

Primary Issue

- 1.10.1 • Whether the specified hierarchy of retail centres conflicts with sustainable development objectives as set out in national guidance and in the UDP.

Inspector’s Conclusions

1.10.2 The Deposit Draft Plan version of this policy identifies a hierarchy of retail centres in the following order:-

SUB-REGIONAL TOWN CENTRES
DISTRICT TOWN CENTRES
RETAIL WAREHOUSE CENTRES
LOCAL CENTRES

In Part 2 of this Plan Policy R1 confirms the location of the centres in the first 3 categories, while the supporting text to Policy 1R explains the general nature of the local centres. The Council has since introduced proposed changes which alter the policy by reversing the positions of the last 2 categories (PC146), insert within the Appendix document a list of 15 local centres (PC358) and add to Paragraph 5.19 a suitable reference to this list (PC147).

1.10.3 The Objector claims that the specified hierarchy (both in the Deposit Draft Plan and the Proposed Changes document) does not accord with either national guidance regarding retailing and town centres or the related advice on the sequential approach to site selection. Nor, it is argued, is there any explanation of how the hierarchy has been established.

1.10.4 The Council says that the hierarchy is an extrapolation of the marked steps which occur in the order of magnitude of the various retail centres in the County Borough. I recognise from the evidence available, including my own observations, that between the respective sub-regional, district and local categories there are distinct differences in the scale, nature, content, vitality and apparent viability of the specified centres. In these circumstances I have no problem with the relative positions of those particular categories in the Policy 1R hierarchy - indeed nor does the Objector. However what is unacceptable, in my judgement, is the appearance of the retail warehouse centres category in the hierarchy.

1.10.5 The Council’s reason for including this category stems from the fact that due to the very limited number of national bulky-goods stores in the Plan area there is a huge outflow of expenditure on such commodities from the County Borough. The basic aim is to claw-back a significant proportion of that lost expenditure thereby shortening journeys and

providing local employment; this, to my mind, is entirely laudable. Because of the scale of additional provision which would be necessary, the Council’s solution is to identify 2 retail warehouse centres, one at Caerphilly and the other at Blackwood, where land is allocated in the Plan (Policy R4) for a total of just over 15ha for retail warehousing purposes. This is in preference to allowing substantial development of bulky-goods retail provision in (unsustainable) out-of-centre locations which, the Council maintains, would be the likely alternative given the limited opportunities that there are for accommodating any such development in or at the edge of existing town centres.

1.10.6 I recognise the justification for this general argument; in terms of the principles of sustainable development and the benefits and attractiveness to shoppers (and, by association, to the local economy) of choice and competition in one location, clearly concentration rather than dispersal is to be preferred. Yet this in itself is not a compelling reason for including retail warehouse centres as a separate category in the UDP hierarchy.

1.10.7 To my mind, identifying this category in this manner accords it a significance which national guidance does not acknowledge nor explicitly seeks to foster. The clear objective of PG(Wales) 1999 is to sustain and enhance the vitality, attractiveness and viability of town, district, local and village centres. TAN (Wales) 4 provides definitions of all but village centres. This, and related advice in PG(Wales) 1999, demonstrates that the aim is to promote centres which, to varying degrees, provide a variety of shops and other services and facilities, and which are a focus for the surrounding community. The specified retail warehouse centres do not have, and are not intended to have, any such characteristics or function. Accordingly they should be treated, in effect, as an exception to the rule which Policy 1R seeks to impose in the sense that it establishes and promotes a retail hierarchy.

1.10.8 As for the Council’s point about the need to identify these retail warehouse centres as part of the hierarchy in order to help resist such development in ad hoc out-of-centre locations, I am not convinced. In this context the Plan, largely in the form of Policy R6, already contains sufficient safeguards to prevent demonstrable harm arising. And the adoption of a sequential test, as I shall later recommend [*see under Part 2 Retail Strategy and Introduction*], which is consistent with national guidance would ensure that site selection proceeds in an acceptable manner. The inclusion in Policy 1R of the disputed category would not provide any significant assistance in these respects.

1.10.9 Nor, contrary to the Council’s belief, is there compelling evidence that this policy provision is justified on the basis of a need to safeguard the designated retail warehousing centres from other forms of development. I am not recommending the deletion of these 2 designations altogether; elsewhere in this report [*see under Policy R4*] I deal with this particular matter in relation to other objections. Therefore, if faced with a proposal for an alternative land use it would be open to the Council to make a case for not departing from those Plan provisions. While there is a widely-recognised argument, established by national guidance, for protecting the vitality and viability of town centres, there is no comparable foundation for embracing in the same way retail warehousing land as this Plan currently proposes. In this connection I reject the Council’s claim that the reference in Paragraph 10.2.12 of PG(Wales) 1999 to “existing centres” rather than “town centres” implies that the Plan’s retail warehouse centres are covered by this guidance. Simply calling a place a retail warehouse “centre” (in my experience they are more commonly known as “parks” as TAN (Wales) 4 confirms) cannot logically bring it within the ambit of national guidance when everything else in that guidance is, in this context, directed at safeguarding town, district, local and village centres as the first objective (Paragraph 10.2.1) makes abundantly clear.

1.10.10 At the Inquiry much was made by the Council of an appeal decision (January 2000) in which the Inspector, whose conclusions were accepted by the Local Government and Environment Secretary of The National Assembly for Wales, commented favourably on the retail strategy contained within the Rhymney Valley District Local Plan (RVDLP); it is this strategy which has in essence been carried forward into the UDP. However, for a number of reasons, I do not attach much weight to this decision in the context of examining the present objection issues.

1.10.11 First, while the RVDLP includes an objective “to maintain, enhance and develop a hierarchy of shopping centres...”, there is no express policy establishing a hierarchy as such. Strategic guidance at that time was contained in the Mid Glamorgan Replacement Structure Plan although I understand that this was never adopted by the Council. Even so, it is informative to note that its specified retail hierarchy as set out in Policy R1 comprises major town centres (identified sub-regional and district centres) and minor town centres (described as all other existing shopping centres identified in local plans normally excluding retail warehouse parks and freestanding large retail stores). Additionally the RVDLP related to only part of the area now covered by the present UDP and was concerned with just one of the current two sub-regional towns (Caerphilly) and one of the current two retail warehouse locations (Crossways). And of course the RVDLP was approved some 5 years ago and was based on research and analysis of even earlier origins.

1.10.12 Lastly on this particular matter, the previous Inspector was considering the merits of an appeal proposal in the light of an established development plan position. He was not examining the entire retail strategy/policy structure afresh, generally unfettered by the provisions of previous local policies, with a view to determining its acceptability as part of the overall Plan. That contrasts with my responsibilities in relation to the present case.

1.10.13 Given all the foregoing circumstances, I shall recommend the deletion from the Policy 1R hierarchy of the category “retail warehouse centres”. Consequential modifications will also need to be made to certain provisions of Part 2 under the headings “Introduction” and “Retail Strategy” as well as in the reasoned justification to Policy 1R where, among other things, the emphasis on promoting the 2 retail warehouse centres needs to be changed to reflect my foregoing conclusions. In particular, the text in the central section of Paragraph 5.5 in Part 2 where national guidance on the sequential approach is purported to be represented should be modified to reflect more accurately the actual provisions of paragraph 10.2.5 of PG(Wales) 1999 by specifying “town, district and local centres” rather than “retail centres” and clarifying that only in the absence of suitable sites in such locations should an out-of-centre site be considered subject to the stated accessibility proviso. Additionally, appropriate consequential modifications to Policy R1 are necessary and these I shall recommend.

1.10.14 As for the proposed changes referred to in paragraph 1.10.2 above, needless to say, I am not endorsing PC146; and since PC358 and PC147 do not arise from any objection before me, I leave these changes for the Council to pursue at the modifications stage as it sees fit.

RECOMMENDATION

1.10.15 **That:**

- (i) **Policy 1R be modified by the deletion of the category “RETAIL WAREHOUSE CENTRES”;**
 - (ii) **Policy R1 be modified by the deletion of the category “RETAIL WAREHOUSE CENTRES” and the reference to the 2 listed locations;**
 - (iii) **Part 2 be modified by the inclusion in the Retailing and Town Centres Chapter of revised text in Paragraphs 5.1 - 5.20 where necessary in accordance with my conclusions in paragraphs 1.10.9 and 1.10.13 above;**
 - (iv) **no modification be made to the Plan in relation to Proposed Change PC146.**
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POLICY 1C

COUNTRYSIDE PROTECTION

OBJECTIONS

DO/5541/1377 Campaign for the Protection of Rural Wales
DO/5703/0888 Country Landowners Association
LDO/5722/0832 Gwent Wildlife Trust
DO/5541/1536 Campaign for the Protection of Rural Wales
(registered under Part 2 Policy 1C)

Conditionally Withdrawn

DO/5696/1416 Countryside Council for Wales
DO/5651/1172 Forest Enterprise (Wales)

Proposed Change PC016
Further Proposed Change FPC002

Primary Issues

- 1.11.1
- Should the provisions concerning inappropriate development and enhancement be clarified.
 - Is the Plan correct in referring to the designation of land for its agricultural value.

Inspector’s Conclusions

1.11.2 Regarding the first issue, the initial provision of Policy 1C confirms the intention to protect the countryside from “inappropriate development”. Contrary to the views of the **Country Landowners Association (CLA)** and the **Gwent Wildlife Trust**, I see no

reason why this term should need further explanation or why the word “inappropriate” should be substituted by an alternative expression. Its meaning becomes perfectly clear when the Plan is read as a whole; the Part 2 countryside policies which expand and elaborate Policy 1C, in effect, provide all the explanation that is necessary. However I do accept the **CLA**’s other point that the repetition of the term “inappropriate development” is unnecessary; its deletion is covered by PC016.

1.11.3 The **Campaign for the Protection of Rural Wales (CPRW)** makes a similar claim about the need for clarification of “inappropriate development” in the reasoned justification in Part 2; additional text for inclusion in Paragraph 6.4 is offered. However as before, in the case of the policy itself, this is not warranted.

1.11.4 Later on Policy 1C refers to the enhancement of land designated for certain reasons. The **CPRW** says this phrase should be qualified since enhancement may not always be necessary. I agree. So too does the Council and a suitable revision to the policy text is included in FPC002. This satisfactorily responds to this point of objection. I also note that this change has led to the conditional withdrawal of objections made by the **Countryside Council for Wales** and **Forest Enterprise (Wales)**.

1.11.5 As to the second issue, the **CPRW** claims that it is technically wrong for the Plan to refer to land being designated for its agricultural value. In a sense the **CPRW** is right. Strictly speaking such land is “classified” (under the former Ministry of Agriculture, Fisheries and Food classification procedures). This contrasts with the other 3 designations which Policy 1C is correct to describe as such. However the meaning and purpose of this policy is abundantly clear and, to my mind, it needs no revision in this respect. The intention is to protect certain grades of agricultural land and this is entirely consistent with national guidance.

1.11.6 Given all the foregoing considerations, I support the adoption of PC016 and FPC002 but not in the precise form set out in the Council’s latest document since certain textual errors have arisen during the revision process; in the second line the comma after the word “development” should be deleted and the word “and” substituted, and the word “into” should also be deleted.

1.11.7 And there is one further modification which I shall recommend. Arising from my conclusions regarding the policy on Green Wedges, this designation should only now apply to land which can genuinely be described as countryside [*see under Policy C13*]. Therefore the inclusion within Criterion C of Policy 1C of the words “within settlements” is inappropriate and misleading; this provision should be revised to refer simply to land between settlements.

RECOMMENDATION

1.11.8 **That:**

(i) **Policy 1C be modified by the revision of its text so as to read:-**

“THE COUNCIL WILL PROTECT THE COUNTRYSIDE FROM INAPPROPRIATE DEVELOPMENT AND WILL TAKE ACCOUNT OF THE NATURE CONSERVATION, LANDSCAPE AND AMENITY

VALUE THROUGHOUT THE COUNTY BOROUGH. THE COUNCIL WILL PROTECT AND, WHERE POSSIBLE, ENHANCE LAND DESIGNATED FOR:

- A ITS LANDSCAPE VALUE; OR**
- B ITS NATURE CONSERVATION VALUE; OR**
- C ITS VALUE AS GREEN SPACE BETWEEN SETTLEMENTS; OR**
- D ITS AGRICULTURAL VALUE.”**

in accordance with Proposed Change PC016, Further Proposed Change FPC002 and my conclusions in paragraphs 1.11.6 and 1.11.7 above;

(ii) no other modification be made to the Plan in response to the objections made by the Country Landowners Association (0888), the Gwent Wildlife Trust (0832) and the Campaign for the Protection of Rural Wales (1377 and 1536).

POLICY 1M

PROVISION OF AGGREGATE MINERALS AND PROTECTION OF RESOURCES

OBJECTIONS

DO/5398/0610 Cardiff County Council
DO/5377/0843 Lafarge Redland Aggregates Ltd

Conditionally Withdrawn

DO/5705/0962 Quarry Products Association
DO/5694/0758 The National Assembly for Wales
(reported under Part 2 Policies M1/M2)

Proposed Changes

PC268, PC269

Further Proposed Changes FPC061, FPC242, FPC243

Primary Issues

- 1.12.1
- Whether the Plan provides adequate protection for aggregate mineral reserves.
 - Whether the Plan provides adequate protection for mineral resources.

Inspector’s Conclusions

1.12.2 In respect of the first issue, Policy 1M is a general policy which commits the Council to maintaining its contribution to the regional and national need for aggregate minerals and provides for the protection from development of identified aggregate mineral resources. **Cardiff County Council** argues that the Plan should protect both mineral reserves (land with planning permission) and mineral resources and that the Proposals Map should identify all existing reserves.

1.12.3 The Council has accepted the first point of the **County Council’s** objection. PC268 amends Paragraph 9.11 of Part 2, the reasoned justification for Policy 1M, to provide protection for “selected existing aggregate reserves”. The Council has subsequently decided to incorporate this approach into the policy itself under FPC242. I note that FPC243 amends PC268 to make it consistent with FPC242 so that it applies to “all permitted aggregate reserves”. I agree with these changes. However, FPC243 refers to permitted aggregate “resources” whereas PC268 and FPC242 refer to permitted aggregate “reserves”. In this context “reserves” is the correct word. I further note that this changed text expressly refers to Policy DC1 Criterion B; given that elsewhere in this report I am recommending the deletion of this criterion [*see under Policy DC1*] the reference here should similarly be deleted. Subject to these revisions I shall endorse FPC242 and FPC243. I am not formally endorsing PC268 since its provisions have been superseded by FPC243.

1.12.4 As to the **County Council’s** second point that the areas of permitted reserves should be marked on the Proposals Map, since these are areas with planning permission I do not consider that identifying them in this way would serve any useful purpose. Further there is force in the Council’s argument that when reserves are depleted they no longer need protection and this would mean that the Proposals Map would require alteration. Accordingly, no modification to the Plan is justified.

1.12.5 With regard to the second issue, **Lafarge Redland Aggregates Ltd** expresses concern that there is inadequate protection given to safeguarding resources, current or future. The Council argues that existing resources and permitted reserves are adequate to meet its contribution to regional and national needs for the period of the Plan and for sometime beyond. Furthermore it does not have the information to predict where long-term resources may exist.

1.12.6 However, while this is the case, in my opinion these are not convincing arguments. It is important that mineral resources are safeguarded from sterilisation; MPP(Wales) 2000, paragraph 13, states that “the potential for extraction of mineral resources prior to undertaking other forms of development must be considered”.

1.12.7 Although the Council may not currently have information about the distribution of mineral resources, a future planning proposal may trigger objections and information and even a small development could sterilise a valuable mineral resource. For these reasons the Plan should include a policy in Part 2 to apply to this situation. However, in line with MPP(Wales) 2000 such a policy should apply to all mineral resources and not just aggregates and, in view of the urban nature of much of the County Borough, be applied flexibly. Accordingly, I shall suggest appropriate wording for a new policy.

1.12.8 Finally, I confirm that there is no need for me to endorse PC269 and FPC061 as these have both been superseded by FPC243 which I am recommending. This further

change clarifies references to Mineral Safeguarding Areas and has led to the conditional withdrawal of the objection by the **Quarry Products Association**; there have been no counter-objections.

RECOMMENDATION

1.12.9 **That:**

(i) **Policy 1M be modified by the revision of its text so as to read:-**

“LAND IS ALLOCATED TO MAINTAIN THE COUNTY BOROUGH’S PROPORTIONAL LEVEL OF CONTRIBUTION TO THE REGIONAL AND NATIONAL NEED FOR AGGREGATE MINERALS. PERMITTED MINERAL RESERVES AND IDENTIFIED AGGREGATE MINERAL RESOURCES WILL BE PROTECTED FROM DEVELOPMENT.”

in accordance with Further Proposed Change FPC242;

(ii) **Part 2 be modified by the inclusion in the Minerals Chapter of revised text in Paragraph 9.11 so that the last two sentences read as follows:-**

“AGGREGATE MINERAL RESOURCES WILL BE PROTECTED, WHERE APPROPRIATE, BY MINERAL SAFEGUARDING AREAS (SEE PARAGRAPHS 9.19 - 9.23). PERMITTED AGGREGATE RESERVES WILL BE PROTECTED BY DEVELOPMENT CONTROL POLICIES.”

in accordance with Further Proposed Change FPC243 and to reflect my recommendation in (i) above and my conclusions in paragraph 1.12.3 above;

(iii) **Part 2 be modified by the inclusion in the Minerals Chapter of a new policy for the protection of mineral resources in the following terms:-**

“WHERE APPROPRIATE THE POTENTIAL FOR THE EXTRACTION OF MINERAL RESOURCES PRIOR TO UNDERTAKING OTHER FORMS OF DEVELOPMENT SHOULD BE CONSIDERED.”;

(iv) **Part 2 be further modified by the inclusion in the Minerals Chapter of text supporting the above new policy to confirm that it is important that mineral resources are safeguarded from development and that even a small development could sterilise a valuable mineral resource but that in view of the urban nature of much of the County Borough the policy should be applied flexibly, taking into account my conclusions in paragraphs 1.12.6 and 1.12.7 above.**

POLICY OMISSION

RENEWABLE ENERGY

OBJECTION

DO/5541/1380 Campaign for the Protection of Rural Wales

Primary Issue

- 1.13.1
- Should Part 1 of the Plan include a strategic policy concerning Renewable Energy.

Inspector’s Conclusions

1.13.2 The Objector rightly points out that national guidance, now embodied in UDP(Wales) 2001, identifies “energy conservation and generation, including renewable energy” within the list of topics which UDPs should address in Part 1. However there is an important qualification to this particular guidance. Plans should address these topics where they are relevant to the particular area covered; and it goes on to say that Part 1 should contain only those policies and proposals which genuinely provide a strategic framework for the detailed policies and proposals in Part 2 and for development control.

1.13.3 In terms of relevant strategic guidance, Policy IDC identifies the need for development proposals to be consistent with the underlying principles of sustainability. And at the more detailed level there are, in Part 2, policies which set out a range of criteria against which proposals would be judged. The Council considers that at the present stage this is sufficient and confirms that the situation will be re-assessed as part of the review of this Plan.

1.13.4 There is no compelling evidence that the Council’s approach is inappropriate and, given all the foregoing considerations, I do not regard the Plan as being out of step with the above-mentioned national guidance. I have studied the policy examples which the Objector has submitted but see no reason to alter my view that there is no justification for any modification.

RECOMMENDATION

- 1.13.5 **That no modification be made to the Plan in response to this objection.**
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POLICY OMISSION

WASTE MANAGEMENT

OBJECTIONS

DO/5541/1379 Campaign for the Protection of Rural Wales
DO/5377/0853 Lafarge Redland Aggregates Ltd

Primary Issue

- 1.14.1
- Should Part 1 of the Plan include a strategic policy concerning Waste Management.
-

Inspector’s Conclusions

1.14.2 Both Objectors argue that the Plan should contain a strategic policy in respect of waste management. As I have noted in regard to the preceding case on the renewable energy issue, UDP(Wales) 2001 specifies a number of topics which UDPs should address in Part 1; waste management and disposal is included. However the same qualifications apply [see paragraph 1.13.2].

1.14.3 In the present case the Council is currently working with neighbouring local authorities towards an integrated strategy for the sub-region in respect of waste management matters and has stated that it will undertake a speedy review of the Plan once this is complete [see under Introduction – Waste Management Chapter]. In these circumstances I consider that it would be premature to introduce a strategic policy into Part 1. No modification to the Plan is warranted.

RECOMMENDATION

1.14.4 **That no modification be made to the Plan in response to these objections.**

POLICY OMISSION

TOURISM, SPORT AND RECREATION

OBJECTION

DO/5695/1419 Countryside Council for Wales

Primary Issue

- 1.15.1
- Should Part 1 of the Plan include a strategic policy concerning Tourism, Sport and Recreation.

Inspector’s Conclusions

1.15.2 The Objector considers that a policy is required so as to reflect the importance of tourism, sport and recreation to the quality of life of local communities and the economic well being of the area. The following policy is suggested:-

“Tourism developments will be favoured where they:

- (i) Assist the development of the local economy;***
- (ii) Safeguard or enhance the quality of the environment.”***

1.15.3 As I have noted in regard to the preceding cases on the renewable energy and waste management issues, UDP(Wales) 2001 specifies a number of topics which UDPs should address in Part 1; tourism, leisure, sport and recreation is included. However the same qualifications apply [see paragraph 1.13.2].

1.15.4 The Council says that these land uses are best dealt with by way of criteria-based policies against which development proposals could be considered. A series of such policies are contained in the Leisure Chapter of the Plan. There is a leisure strategy for the County Borough emerging but this is still incomplete. Until this has been finalised and agreed the Council considers it neither prudent nor possible to include a strategic policy statement in the UDP.

1.15.5 Given those circumstances, I have no quarrel with the Council’s arguments. It is not essential that all land uses should be the subject of an exclusive Part 1 policy. In this Plan basic strategic guidance in relation to tourism, sport and recreation is provided by Policy 1DC and this is adequately supported by the Part 2 leisure policies. I agree that it would be appropriate and convenient to consider this matter further at the time of the first review of the UDP. At the present stage no modification is warranted.

RECOMMENDATION

1.15.6 **That no modification be made to the Plan in response to this objection.**

POLICY OMISSION

QUALITY AND ACCESSIBILITY OF THE COUNTRYSIDE

OBJECTION

DO/5695/1425 Countryside Council for Wales

Primary Issue

- 1.16.1
- Should Part 1 of the Plan include a strategic policy aimed at securing a better quality and accessible countryside.

Inspector’s Conclusions

1.16.2 The **Countryside Council for Wales (CCW)** considers that a positive policy statement is required setting out a strategic framework to offer, in essence, a better quality and accessible countryside. The following policy is suggested:-

“To remedy existing deficiencies in sport and recreation facilities the Council will:

(i) Favour the provision of a range of such facilities to meet existing and anticipated demand throughout the County Borough by securing in accessible and appropriate locations new and improved sport and recreational opportunities;

(ii) Protect existing areas of open space and playing fields from inappropriate development;

(iii) Favour the improvement of opportunities for access to and enjoyment of the countryside where they do not unacceptably affect important areas of nature conservation and landscape and the interests of residents and/or those who derive their livelihood from the land.”

1.16.3 Yet again, as I have noted in regard to the preceding cases on the renewable energy, waste management and tourism/sport issues, UDP(Wales) 2001 specifies a number of topics which UDPs should address in Part 1; countryside, accessibility, sport and recreation are among the topics included. However the same qualifications apply [see paragraph 1.13.2].

1.16.4 Countryside issues are already the subject of a strategic policy (1C) and, as identified in the immediately preceding case, sport and recreation are also dealt with satisfactorily. Furthermore the matter of accessibility, in terms of aligning with the principles of sustainability which I detect is the CCW’s concern here, is a thread which runs through the entire UDP. In these circumstances, to my mind the Plan already goes as far as it needs to regarding those matters; the suggested policy would, in effect, simply duplicate existing provisions.

RECOMMENDATION

1.16.5 **That no modification be made to the Plan in response to this objection.**

PART TWO

TOPIC 1

GENERAL DEVELOPMENT POLICIES

OBJECTIVES

OBJECTIONS

DO/5696/1428 Countryside Council for Wales

Conditionally Withdrawn

DO/5541/1382 Campaign for the Protection of Rural Wales

Proposed Change PC017
Further Proposed Change FPC207

Primary Issue

- 1.1.1
- Should an additional objective (or objectives) be included relating to the protection and enhancement of biodiversity and recreational access for people and visitors.

Inspector’s Conclusions

1.1.2 The Council’s initial response to the argument raised by the **Countryside Council for Wales (CCW)** was to resist the call for the inclusion of an additional objective (or objectives) relating to biodiversity and recreational access matters. Subsequently however, it produced FPC207 which conceded the point in part and made provision for a reference to maintaining the diversity and quality of habitats and features.

1.1.3 To my mind the Council’s initial instincts were right. The matters raised by the **CCW** are already adequately addressed by the Plan under other topics, in particular Countryside and Nature Conservation, Transportation and Leisure. In these circumstances it would be inappropriate to include within the General Development Chapter an objective in the terms requested. Accordingly, FPC207 should not be adopted.

1.1.4 However I shall endorse PC017 which concerns the re-arrangement of the list of Objectives since this has led to the conditional withdrawal of the objection made by the **Campaign for the Protection of Rural Wales** and is not the subject of any counter-objection.

RECOMMENDATION

1.1.5 **That:**

- (i) **the Plan be modified by re-ordering the list of Objectives in the General Development Chapter in accordance with Proposed Change PC017;**
 - (ii) **no other modification be made to the Plan in response to the objection made by the Countryside Council for Wales (1428) nor in relation to Further Proposed Change FPC207.**
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POLICY 1DS

DEVELOPMENT STRATEGY AREAS

OBJECTIONS

DO/5339/2092 R E Phillips & Partners
(reported under Part 1 Policy 1DS)

Conditionally Withdrawn

DO/5541/1124 Campaign for the Protection of Rural Wales
(reported under Part 1 Policy 1DS)

Inspector’s Comment

1.2.1 These objections are fully considered, and are the subject of an appropriate recommendation, under Part 1 Policy 1DS.

POLICY 1B

DEVELOPMENT ON BROWNFIELD SITES

OBJECTIONS

PCO/5729/3275 Duffryn Ffrwdd (Newtown) Estate Ltd
(reported under Part 1 Policy 1B)

PCO/5460/3170 Greendoorstep (Caerphilly)
(reported under Part 1 Policy 1B)

PCO/5638/3167 House Builders Federation
(reported under Part 1 Policy 1B)

Conditionally Withdrawn

DO/5696/2084 Countryside Council for Wales
(reported under Part 1 Policy 1B)

Inspector’s Comment

1.3.1 These objections are fully considered, and are the subject of an appropriate recommendation, under Part 1 Policy 1B.

POLICY DC1

DEVELOPMENT CRITERIA

OBJECTIONS

DO/5541/1636 Campaign for the Protection of Rural Wales
DO/5541/1175 Campaign for the Protection of Rural Wales
LDO/5722/0769 Gwent Wildlife Trust
LDO/5722/0779 Gwent Wildlife Trust
LDO/5722/0780 Gwent Wildlife Trust
DO/5638/1564 House Builders Federation
DO/5394/1596 Principality Pensions Trust
PCO/5541/3116 Campaign for the Protection of Rural Wales
PCO/5541/3119 Campaign for the Protection of Rural Wales
PCO/5694/3262 Principality Pensions Trust
PCO/5694/3264 Principality Pensions Trust

Conditionally Withdrawn

DO/5541/1171 Campaign for the Protection of Rural Wales
DO/5541/1177 Campaign for the Protection of Rural Wales
DO/5698/1570 Environment Agency Wales
DO/5698/1568 Environment Agency Wales
DO/5698/1555 Environment Agency Wales
DO/5698/1572 Environment Agency Wales
DO/5698/1576 Environment Agency Wales
DO/5698/1573 Environment Agency Wales
DO/5651/1165 Forest Enterprise (Wales)
PCO/5541/3117 Campaign for the Protection of Rural Wales
PCO/5698/3280 Environment Agency Wales

Proposed Changes

PC026, PC027, PC028, PC029, PC030, PC031, PC032, PC033,
PC034, PC035, PC036, PC037, PC038, PC039, PC040, PC041,
PC042, PC044, PC045

Further Proposed Changes FPC003, FPC004, FPC008, FPC009, FPC010, FPC011

Primary Issues

- 1.4.1
- Are the provisions of this policy too wide ranging and detailed for inclusion in the Plan in the form of a single policy.
 - Should the policy be framed in more positive terms.
 - Is Criterion A clear, precise and accurately drafted.
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- Is Criterion B too vague and poorly phrased.
- Do the provisions of Criteria C and D amount to a duplication of other policies.
- Is Criterion E superfluous by reason of duplication or too subjective.
- Are the provisions of Criterion F subjective, imprecise and in certain respects unreasonable.
- Do the provisions of Criteria G and H amount to a duplication of other policies.
- Whether the provisions of Criterion I are unclear, imprecise and in some respects unnecessary.
- Is Criterion J a duplication of other policies of this Plan and therefore superfluous or, alternatively, are its provisions unclear.
- Do the provisions of Criterion K amount to a duplication of other policies.
- Whether the matters covered by Criterion L would be better dealt with under specific topic-based policies and whether the supporting text which refers to the likelihood of permission being granted should be expressed in more robust terms.
- Whether the matters covered by Criterion M would be better dealt with under specific topic-based policies.
- Whether the matters covered by Criterion N would be better dealt with under specific topic-based policies and whether certain provisions go beyond the scope of legitimate planning interests.
- Should additional criteria be included concerning the matters of surface water run-off and sustainability.

Inspector’s Conclusions

1.4.2 Regarding the first issue, the thrust of the objection made by both the **House Builders Federation (HBF)** and the **Principality Pensions Trust (PPT)**, namely that Policy DC1 is too long, complex and detailed, is valid. UDP(Wales) 2001 explicitly states that policies of this sort must be avoided; they should be clearly, simply and unambiguously expressed. The Council, in attempting to produce an all-embracing general policy against which all development proposals would be initially considered, has fallen into the trap which national guidance seeks to guard local authorities against.

1.4.3 This policy contains 14 criteria (a 15th is added under a proposed change) covering a wide range of land-use issues. Many of these criteria effectively duplicate to varying degrees the provisions of other Part 2 policies; this would lead to confusion and, particularly where apparent inconsistencies arise, make implementation hazardous. In broad

terms those criteria serve no useful purpose. Several others are expressed in vague or subjective terms and are thus unacceptable as they stand, while some provisions lack justification or do not represent legitimate planning considerations.

1.4.4 However despite those failings, I consider that this policy does have a part to play in the Plan - but not the one the Council envisages. There are a number of criteria which cover matters of a genuinely general nature that are not addressed elsewhere in the Plan, while some others are sufficiently broad-based that they are relevant to the majority of the topics; justifiably these should be included in the General Development Chapter. Policy DC1 should be adapted to perform that role. As to the extent to which modifications should be made, this will become clear through my examination of the individual criteria, every one of which is the subject of specific objection.

1.4.5 As for the second issue, the **PPT** contends that this policy should reflect a general presumption in favour of new development where it accords with the listed criteria. The Council agrees with this point and proposes a change (PC026) which adequately responds to what is, in my opinion, an entirely valid objection. This change also incorporates revised text which meets a different point raised by the **Campaign for the Protection of Rural Wales (CPRW)**, which has conditionally withdrawn its objection as a result, about the phraseology of the policy preamble. There has been no counter-objection to PC026 and I shall therefore endorse it.

1.4.6 In terms of the third issue, the **HBF** says that Criterion A is meaningless and imprecise. I tend to agree. This provision, in its changed form (PC027), requires development proposals to show that they will not cause an unacceptable impact on interests of acknowledged importance. There is no definition presented in this Plan of what such interests might comprise for the purposes of this policy. That, to my mind, is not too surprising since it is commonly accepted in the general planning sphere that the range of interests which can legitimately be regarded as being of acknowledged importance is diverse and extensive. The provisions and scope of this criterion need explanation in order to meet the national guidance “tests” of clarity, simplicity and unambiguous expression; yet this has not been done and nor, realistically, can it be done.

1.4.7 Not only is this criterion unacceptable for those reasons, it also serves no useful purpose since in effect it simply recites national guidance. The Council’s own evidence and the provisions of PC035, both of which refer to the advice in PG(Wales) 1999 (paragraph 3.1.4), confirm this. Given the foregoing considerations, Criterion A should be deleted. In these circumstances I am not recommending PC035 or FPC004 which propose related revisions to the supporting text in Paragraph 1.19.

1.4.8 Regarding the fourth issue, the changed version of Criterion B (PC028) is aimed at ensuring compatibility between new development and land uses both in the immediate vicinity and the wider environment. While this version is more succinct and better phrased than the original in the Deposit Draft Plan, its terms are still incapable of clear and certain interpretation. There is, for example, no indication of how “compatibility” would be measured and the reference to “the wider environment” provides unlimited scope for the application of this provision.

1.4.9 The Council says that FPC010 helps clarify how Criterion B would be interpreted. I disagree. The provisions of that change are directed at Criterion F and the extent to which it overlaps with Criterion B is minimal. I observe however that FPC005,

which curiously the Council does not recommend to me in relation to the specified objections to this criterion [*but see paragraph 1.4.45 below*], provides an explanation of considerations which may demonstrate “incompatibility”. Given the terms of this new text and its proposed location in the Plan, it seems clear that this is intended to support Criterion B. On this understanding, my opinion about the unacceptability of this criterion is strengthened.

1.4.10 The identified considerations, namely the impact of noise, vibrations, dust and odours, are already addressed in other policies concerning industrial development, certain retail premises, leisure, minerals, renewable energy and waste management. Also, broader amenity considerations are dealt with in policies for certain forms of housing provision, while the environmental and amenity affects of traffic are covered in Policy 1T(B). The foregoing list is not intended to be exhaustive. Criterion B is an unnecessary (and potentially confusing) duplication of those provisions.

1.4.11 On the other hand, if “compatibility” is aimed at safeguarding the character and general environment of the area surrounding a new development then this too is a duplication of policy provisions under several other topics, for example housing, employment, countryside, leisure, historic environment, minerals, renewable energy, waste management, land reclamation and utility services.

1.4.12 According to the Council one of the purposes of including Policy DC1 is to avoid the repetition of similar provisions throughout the Plan under the various topics. In the case of Criterion B it has not succeeded. I thus agree with the **HBF** that this provision should be deleted.

1.4.13 As for the fifth issue, the Council refutes the suggestion made by the **HBF** and the **PPT** that Criterion C is superfluous because it simply duplicates the provisions of other policies. It points to guidance in PG(Wales) 1999 about maintaining and enhancing the quality of the countryside and the protection and enhancement of the environment. I of course recognise that national guidance identifies such issues and there is no dispute that the UDP should address them. The critical point, in relation to the present objections, is that it already does so - elsewhere.

1.4.14 This criterion in its changed form (PC029) is concerned with conserving and enhancing natural habitats, landforms and features of archaeological and cultural interest; these matters are dealt with in detail under a series of countryside and nature conservation policies and historic environment policies. The general purpose of those policies is to identify, and to protect and where appropriate enhance, locations which are of significance in their respective categories of interest. I find nothing in the evidence before me to justify the imposition of yet another layer of policy protection. If the Council were to conclude that the omission of this criterion would put at risk a location which is of importance in this context, but which is not otherwise suitably protected by the Plan, it would be open to the Council to consider reviewing the current designations or subject-specific policies to ensure that where the need for protection can be justified it is provided. But there is nothing to persuade me that this is warranted at this stage. For these reasons I am recommending that Criterion C be deleted. However I shall refer shortly [*see paragraphs 1.4.16 - 1.4.18*] to an alternative course of action in respect of nature conservation interests.

1.4.15 I reach a similar conclusion in respect of Criterion D. This, in its changed form (PC030 and FPC003) seeks to protect international, national and locally notable wildlife species which are dependent on the site. The Plan already provides a significant amount of

protection for such species by way of its countryside protection strategy and nature conservation policies; and there are further statutory safeguards in respect of certain categories. To that extent the effective duplication of those provisions by a General Development policy as now proposed is unnecessary and inappropriate. I shall accordingly recommend its deletion.

1.4.16 However, I recognise the strength of the Council’s argument that some species which are deserving of protection might be dependent on sites that do not have the benefit of a nature conservation designation. It is right that the Plan should address this matter. But still it is inappropriate for this to be the subject of a General Development policy; rather it should be dealt with in the Countryside and Nature Conservation Chapter, the relevant and logical place in the Plan to find such a provision.

1.4.17 I am therefore recommending a new nature conservation policy aimed at protecting sites which are known or believed to be of value in this regard but which lie outside any of the designated areas. Its provisions will require potential developers of such sites to provide an appraisal of the existing nature conservation resource and of measures to be taken to protect, enhance or replace that resource as appropriate; the aim is to ensure that there would be no net loss of the resource as a result of development. The supporting text will need to confirm that where proposals can be made subject to conditions, or if necessary a planning obligation, that will effectively limit the impact of the development on wildlife habitats or important physical features, permission would not normally be refused on nature conservation grounds alone.

1.4.18 In addition I am recommending a modification to Policy C12 so as to enable account to be taken of not only any significant amenity value as now, but also any comparable nature conservation value. I deal with this matter under the specified policy heading.

1.4.19 For the avoidance of any doubt I am not, given the foregoing conclusions, endorsing FPC008 and FPC009 which add provisions to the text supporting Criterion D. However I address the points which these changes raise later in this report [*see under Policy Omission – Countryside and Nature Conservation Chapter*].

1.4.20 In terms of the sixth issue, Criterion E essentially promotes good design. PG(Wales) 1999 refers expressly to the importance of good design and it encourages development plans to indicate clearly local planning authorities’ design expectations. TAN (Wales) 12 reinforces this guidance. It is thus entirely right for the UDP to include this sort of provision. Nor is it possible to be selective about the application of this policy, albeit that there are special considerations in relation to historic buildings and areas; the pursuit of good design is germane to all forms of development and it is appropriate to locate these provisions under this topic. Contrary to the views expressed by **PPT**, Criterion E is not superfluous.

1.4.21 Nor do I wholly agree with the **HBF**’s criticism that this provision is too subjective. This is a subject matter which, by its nature, is largely dependent on judgemental considerations and is thus not easily capable of definition in the Plan. However the Plan could be improved in this respect. I note from the Council’s evidence that it has produced a range of supplementary planning guidance (SPG) aimed at setting out in detail the design standards to which new development is expected to conform in order to meet this criterion; this has been the subject of public consultation in parallel with the Plan itself. While there is a modest side-note in the Plan drawing the readers’ attention to the existence of this

guidance, I consider that it would be beneficial to include in the supporting text explicit reference to the range of SPG available together with a brief indication of its content and function.

1.4.22 In addition to the foregoing modification I shall endorse Proposed Change PC036 which inserts further supporting text into Paragraph 1.23 since this has led to the conditional withdrawal of an objection by the **Environment Agency Wales (EAW)** and is uncontested.

1.4.23 Regarding the seventh issue, Criterion F requires that development proposals make adequate provision for the amenity of people and communities of the area. On the face of it, this provision is unclear and imprecise. The supporting text in its changed form (PC037 and FPC010) helps amplify the aims and purpose of this provision but, to my mind, succeeds only in justifying the view expressed by certain Objectors that this criterion is unacceptable.

1.4.24 It seems to me that it is primarily concerned with ensuring that appropriate levels of informal and formal amenity space are provided, or maintained, in relation to new development. The Council contends that this criterion goes beyond the mere provision of open space as part of residential development; it says that it is concerned with the physical interaction of land uses within an area and the effect of this on the social and environmental well being of people using particular developments and the amenity space between them.

1.4.25 However this criterion is a development control tool and given its express terms and the content of its supporting text, realistically its only practical application would be in terms of determining whether existing levels of amenity space are sufficient to serve the demand created by a new development proposal and, if not, whether additional provision could be made in association with that development in order to meet any perceived shortfall. While this is a valid policy consideration, it is one which is already addressed by Policies L1, L2 and L9 (together with a new policy introduced under PC238) - and there the provisions are much better and more comprehensively expressed. In these circumstances I see no justification for Criterion F; it should be deleted. Consequently I am not endorsing PC037 and FPC010.

1.4.26 As for the eighth issue, Criteria G and H are concerned respectively with transportation and highway safety considerations. The **HBF** and the **PPT** point out that these matters are already covered by various transportation policies and that accordingly the specified criteria are wholly or largely unnecessary. In regard to Criterion G, I disagree. This goes noticeably beyond the collective scope of those transportation policies which touch on similar considerations. It is firstly concerned with the safe, effective and efficient use of the transportation network as a whole; this embraces more than just the highway network which is the focus of Policies T3 and T8 and it is entirely right for the Plan to include a general provision of this sort given the encouragement offered by national guidance for the development of an integrated transport system. Secondly, this criterion is aimed at promoting development which maximises the opportunity to use means of transport other than the car. In a sense the locational policies and proposals of the Plan as a whole are designed to achieve this aim. However this is the only Part 2 policy which spells out this important message in explicit terms.

1.4.27 Nor do I accept the argument raised by the **CPRW** about the inclusion of the term “where appropriate” before the second part of this criterion. As the Council says, this is

necessary so as to acknowledge the reality that not all development would be able to maximise the opportunity to use means of transport other than the car.

1.4.28 On the other hand there is some force in the **HBF**’s criticism that Criterion G is too subjective. To my mind the Council has dealt with this point satisfactorily in the form of the additional supporting text explaining briefly the scope and purpose of these policy provisions which PC038 provides; I shall recommend its adoption.

1.4.29 I reach a different conclusion regarding Criterion H. This essentially requires proposals to make adequate provision for parking, turning, loading, access and servicing without detriment to highway safety. Almost all of the specified considerations are covered elsewhere in the Plan and in most instances far more comprehensively. For example, Policy DC1 Criterion G provides a broad overview, while Policies T3 and T8 offer more detailed guidance. Criterion H is, in all but one respect, an unnecessary duplication and would create confusion in the mind of the reader; it should be deleted. I recognise however that the matters of loading and servicing facilities are not expressly identified in those other policies. It is appropriate that they should be and Policy T3 provides the right context. I therefore intend recommending the inclusion in that policy of an additional criterion regarding the provision, where appropriate, of those facilities.

1.4.30 In respect of the ninth issue, **PPT** claims that the term “wider comprehensive redevelopment” in Criterion I is not, and is incapable of being, defined both in spatial terms and in terms of the likelihood of it going ahead; new redevelopment could, as a result, be prejudiced. It is argued that reference should be made instead to prejudicing “redevelopment commitments” and that the second part of this criterion is superfluous. I do not accept those points. The supporting text explains the intended scope and nature of this provision. Confining the specified concern to redevelopment commitments would mean that sites with development potential which have yet to be formally identified by way of permission or allocation would not be safeguarded under the terms of this policy criterion; that would be a misguided and irresponsible approach for the Plan to adopt.

1.4.31 Thus the inclusion of Criterion I merits support. However to my mind the supporting text would benefit from a modest revision. A phrase such as “and for any identified potential for the comprehensive development of adjoining land” should be added after the term “neighbouring land uses” in Paragraph 1.26 so as to ensure that sites of significance which are unallocated and without permission are not unreasonably prejudiced by a scheme on adjoining land. In such circumstances the onus would be on the Council to demonstrate that any affected site does have potential for development which has a realistic prospect of being carried out within a reasonable time-frame and is worth protecting.

1.4.32 In terms of the tenth issue, the **PPT** contends that the provisions of Criterion J are adequately covered by other policies and calls for its deletion. Taking the policy text at face value, I can understand the Objector’s point. The matter of pollution generally is dealt with under several topics, while the references to nature and heritage conservation and recreational interests can similarly be found in a number of other policies. However, as the changed version of the supporting text (PC039) makes clear, this criterion is concerned exclusively with the effects of development on the quality and quantity of water resources alone and any consequent impact on other specified interests. To my mind its provisions are significantly different from those which appear elsewhere in the Plan. Given those considerations, and taking into account national guidance on the matter of pollution and water resources, its inclusion is warranted.

1.4.33 However a minor modification of the criterion would avoid any uncertainty over its interpretation in terms of the relationship between the impact on water quality/quantity and the subsequent considerations. The substitution of the words “and thereby” for the word “or” in the second line would clearly establish that the concern is over the environmental consequences of changes to the water resource rather than any more general aspects of impact on the specified interests. Also, the inclusion of the term “unacceptable impact” is open to interpretation thus causing further uncertainty; it is a qualification which is not adequately explained in the supporting text. UDP(Wales) 2001 calls for policies to be clearly, simply and unambiguously expressed. Criterion J, by employing this term without there being any explanation of its meaning in the supporting text, fails this test. A simple remedy would be to substitute the word “harmful” for “unacceptable”. This would convey the message which I am sure the Council intends, but in a manner which would be readily understood given the frequent appearance of this term in a wide range of national guidance.

1.4.34 As for the **CPRW**’s request for the inclusion of a reference to landscape conservation amongst the list of specified interests, there is no evidence of any potential serious risk to the landscape as a result of changes to the water resource. A modification of this sort would be inappropriate.

1.4.35 Finally regarding this issue, I shall endorse PC039 since this has led to the conditional withdrawal of the objection by the **EAW** and is unchallenged. However I would draw attention to the fact that FPC219, which I am endorsing elsewhere in this report [*see under Policy C12*], further modifies this same paragraph of the Plan. PC031 also merits support since this in part appropriately responds to another aspect of the **EAW**’s objection. There has been a counter-objection made by the **PPT** but the only argument raised is that the deletion of this whole criterion would simplify the policy. I have already dealt with the essence of this point in examining **PPT**’s initial objection [*see paragraph 1.4.32*].

1.4.36 As for the eleventh issue, Criterion K specifies that development should not have an unacceptable impact in terms of pollution. In examining other objections to this policy in relation to the fourth and tenth issues I have identified that the Plan already contains a wide range of policies which provide appropriate controls over various forms of pollution. There is simply no compelling evidence that there is a need for yet more. The Plan would not be weakened by the deletion of this provision (as sought by the **HBF** and the **PPT**) and this I shall recommend.

1.4.37 In relation to the twelfth issue, Criterion L is concerned with a number of flooding matters. I do not accept the **PPT**’s argument that this should be dealt with under subject-specific topic headings; this clearly is a consideration which could be a relevant to a range of development proposals and it is desirable to avoid the repetition of policy provisions throughout the Plan. The proper place for this is within the General Development Chapter.

1.4.38 As to the question raised by the **CPRW** about the need for a more robust approach regarding the grant of permission, I recognise the Council’s point that since a significant level of development already stands within the floodplain, any suggestion of a wholesale ban on further building would be inappropriate and unworkable. To my mind the Plan takes a realistic, balanced approach in this respect. However the Council has produced PC042 which revises the provisions of the supporting text (Paragraph 1.30) so as to reflect more closely the precise terms of this criterion. The **CPRW** has submitted a counter-objection to this change on much the same basis as before. I again support the Council’s

approach and shall therefore endorse PC042. In judging this matter it is, to my mind, notable that the **EAW**, a body with significant responsibilities in relation to this subject matter, has no objection to these particular policy provisions in their latest form.

1.4.39 Finally on this issue, I intend recommending PC032 (which has resulted in the conditional withdrawal of an **EAW** objection and has not been contested) but with one important alteration. This change substantially revises the form of Criterion L. It includes the term “an unacceptable risk of flooding”. This qualification is not adequately explained in the supporting text and is thus likely to lead to uncertainty in the interpretation of this criterion. Alternative wording, namely “would not increase the risk of flooding”, would overcome this problem without weakening the strength of this provision. I shall also endorse PC040 which inserts additional text into Paragraph 1.29 and PC041/FPC011 which together introduce another marginal reference; these, respectively, have led to the conditional withdrawal of an objection made by the **CPRW** and other **EAW** objections and they are unchallenged.

1.4.40 Regarding the thirteenth issue, Criterion M is aimed at protecting public rights of way from the unacceptable effects of development. The Council maintains that this provision is a necessary part of Policy DC1 since it is potentially applicable to all forms of development. I have no quarrel with that point. However, this matter is already adequately addressed under Criterion G. Public rights of way are part of the transportation network (the changed supporting text which I am recommending expressly says so) and that criterion is designed to ensure that new development has proper regard for the safe, effective and efficient use of the said network. There is no need to repeat this provision in Criterion M and it should therefore be deleted. Given those conclusions, it follows that I do not agree with the **PPT**’s argument that a topic-based policy is required.

1.4.41 Turning to the fourteenth issue, the **PPT** claims that Criterion N too should be the subject of policies which are topic-based rather than, as the Plan intends, a single General Development policy. Given that this criterion is concerned with the provision of sewerage services for new development, it would to my mind be logical to transfer it to the Utility Services Chapter. The Council says that because this provision is applicable to all forms of development its appropriate place is within Policy DC1. Yet that argument is inconsistent with the fact that the Utility Services Chapter already includes a policy which, in terms of its basic form and nature, is directly comparable to Criterion N. Policy U2 imposes controls over development (by implication, all forms of development) close to overhead power lines in much the same way as this criterion imposes controls in relation to the availability of sewerage services.

1.4.42 Contrary to the Council’s belief, transferring this policy provision to the relevant topic-based chapter would improve the Plan by making it easier to negotiate and understand. I shall recommend an appropriate free-standing policy based on the fundamental provisions of the changed version of Criterion N (PC033). This change, I observe, responds to the **HBFB**’s valid criticism about the original policy reference to economic considerations. It is appropriate to expand those provisions, however, to clarify that the focus of the policy is foul and surface water sewerage services; at present this is only evident from the supporting text. In addition the changed version of the supporting text (PC044 and PC045) would serve adequately to explain and justify this new policy. I note that PC045 has led to the conditional withdrawal of objections made by the **EAW** and the **CPRW** and has not been contested. Needless to say, I am recommending the deletion of Criterion N and not as such formally endorsing PC044 and PC045.

1.4.43 Regarding the fifteenth issue, the **EAW** asks for an additional criterion aimed at controlling any adverse impacts of development on the water environment due to surface water run-off. The Council has agreed to this and PC034 formally responds. As a result this objection has been conditionally withdrawn. I have no quarrel with the inclusion of such a provision in Policy DC1; however since it covers a subject so similar to that of Criterion J, it would be better for the sake of clarity of presentation if these 2 criterion were in effect merged into one. Therefore while I shall not endorse PC034, I do recommend a further modification to Criterion J.

1.4.44 Secondly, the **Gwent Wildlife Trust (GWT)** argues that this policy should include more specific references to a range of considerations which promote the principles of sustainable development. To my mind this is unnecessary. Sustainability is identified as one of the three guiding principles of the Plan and is a thread which runs through each of the topic-based groups of policies and proposals. Indeed many of the considerations identified by the **GWT** are already addressed by those policies, while others go beyond what could legitimately be included in this UDP. An extra criterion in Policy DC1 in the form being suggested would add nothing of value to the Plan’s provisions regarding the issue of sustainability.

1.4.45 Finally the Council, as part of its evidence regarding Criterion F, has asked me to consider a further change (FPC005) which as I understand it has not arisen in direct response to any particular objection to Policy DC1; nor have there been any counter-objections submitted. For these reasons I must leave it to the Council to decide whether it modifies the Plan in this respect. However I cannot avoid making the observation that the new paragraph of supporting text which this change introduces is expressly related to Criterion B, F and K, each of which I am recommending should be deleted. Also the Council has asked me to recommend FPC006. This too does not stem from an objection to Policy DC1. However I am aware that this change has led in part to the conditional withdrawal of an objection made by the **Countryside Council for Wales (1526)** in relation to Policy RE2 and I deal with this matter under that policy heading.

RECOMMENDATION

1.4.46 **That:**

(i) **Policy DC1 be modified by the deletion of Criteria A, B, C, D, F, H, K, M and N and further modified by:-**

(a) the revision of the preamble so as to read “DEVELOPMENT WILL BE APPROVED WHERE IT CAN BE SHOWN THAT IT:”;

(b) the revision of Criterion J so as to read “WOULD NOT HAVE A HARMFUL IMPACT ON THE QUALITY AND/OR QUANTITY OF WATER RESOURCES, AND THEREBY ON FISHERIES, NATURE OR HERITAGE CONSERVATION OR RECREATIONAL INTERESTS, OR ON THE WATER ENVIRONMENT DUE TO ADDITIONAL SURFACE WATER RUN-OFF”;

(c) the revision of Criterion L so as to read “WOULD NOT INCREASE THE RISK OF FLOODING EITHER ON OR OFF SITE AND/OR

WOULD NOT ADVERSELY AFFECT FLOOD MANAGEMENT OR MAINTENANCE SCHEMES”;

generally in accordance with Proposed Changes PC026, PC031 and PC032 and taking into account my conclusions in paragraphs 1.4.33 and 1.4.39 above;

(ii) the supporting text to Policy DC1 be modified by:-

(a) the inclusion of additional text in support of Criterion E making explicit reference to the range of supplementary planning guidance available together with a brief indication of its content and function and also the inclusion in Paragraph 1.23 of additional text referring to energy efficiency in accordance with Proposed Change PC036 and my conclusions in paragraph 1.4.21 above;

(b) the revision of Paragraph 1.25 to improve its clarity in accordance with Proposed Change PC038;

(c) the inclusion in Paragraph 1.26 of the phrase “AND FOR ANY IDENTIFIED POTENTIAL FOR THE COMPREHENSIVE DEVELOPMENT OF ADJOINING LAND” after the term “neighbouring land uses”;

(d) the revision of Paragraph 1.27 so as to reflect the modifications to Criterion J in accordance with Proposed Change PC039;

(e) the revision of Paragraphs 1.29 and 1.30 by inserting text regarding the effect of the built environment on water absorption and reflecting the modifications to Criterion L, and by adding a margin reference for information in accordance with Proposed Changes PC040, PC042 and PC041 and Further Proposed Change FPC011;

(iii) the Plan be modified by the inclusion in the Countryside and Nature Conservation Chapter of the following policy:-

“IN RELATION TO LAND OUTSIDE AREAS WHICH ARE DESIGNATED BY REASON OF THEIR NATURE CONSERVATION IMPORTANCE, TO ENSURE THAT DEVELOPMENT TAKES APPROPRIATE ACCOUNT OF NATURE CONSERVATION INTERESTS PROPOSALS WILL BE REQUIRED, WHERE NECESSARY, TO BE SUPPORTED BY THE FOLLOWING:-

- 1 A SITE INVESTIGATION TO IDENTIFY ANY FEATURES OF NATURE CONSERVATION IMPORTANCE;**
- 2 MEASURES FOR THE PROTECTION AND MANAGEMENT OF FEATURES OF NATURE CONSERVATION IMPORTANCE IDENTIFIED FOR RETENTION;**

3 MEASURES FOR COMPENSATING FOR ANY NATURE CONSERVATION FEATURES DAMAGED OR DESTROYED DURING THE DEVELOPMENT PROCESS.”;

(iv) the Plan be modified by the inclusion in the Countryside and Nature Conservation Chapter of text supporting the foregoing policy to explain, for example, that this policy is aimed at providing appropriate protection for sites which are known or believed to be of value in nature conservation terms but which lie outside any of the designated areas, that the intention is to ensure that there would be no net loss of the resource as a result of development and that where proposals can be made subject to conditions, or if necessary a planning obligation, which will effectively limit the impact of the development on wildlife habitats and important physical features, permission would not normally be refused on nature conservation grounds alone, taking into account my conclusions in paragraphs 1.4.16 and 1.4.17 above;

(v) Policy T3 be modified by the inclusion of the following additional criterion:-

“PROVISION, WHERE NECESSARY, FOR LOADING AND SERVICING FACILITIES.”;

(vi) the Plan be modified by the inclusion in the Utility Services Chapter of the following policy:-

“DEVELOPMENT PROPOSALS WILL ONLY BE PERMITTED IF FOUL WATER AND SURFACE WATER SEWERAGE DISPOSAL FACILITIES OF ADEQUATE CAPACITY AND DESIGN ARE AVAILABLE, OR WILL BE PROVIDED PRIOR TO THE OCCUPATION OF THE DEVELOPMENT.”

in accordance with my conclusions in paragraphs 1.4.41 and 1.4.42 above;

(vii) the Plan be modified by the inclusion in the Utility Services Chapter of text supporting the foregoing policy in terms comparable to those set out in both Paragraph 1.32 as revised by Proposed Change PC044 and the new paragraph introduced by Proposed Change PC045, in accordance with my conclusions in paragraphs 1.4.41 and 1.4.42 above;

(viii) no other modification be made to the Plan in response to the objections made by the Principality Pensions Trust (1596) in relation to Criteria E, G, I, J and M, the Campaign for the Protection of Rural Wales (1636 and 1175) in relation to Criterion G, J and L and the Gwent Wildlife Trust (0769, 0779 and 0780), nor in relation to Proposed Changes PC034, PC035, PC037, PC044 and PC045 and Further Proposed Changes FPC004, FPC008, FPC009 and FPC010.

POLICY DC2

SETTLEMENT BOUNDARY

OBJECTIONS

DO/5541/1634 Campaign for the Protection of Rural Wales
DO/5541/1707 Campaign for the Protection of Rural Wales
DO/5703/0862 Country Landowners Association
DO/5656/1430 Harmer Partnership
DO/5414/0549 Powerscreen International Ltd
DO/5674/2089 Mr W James
(reported under Policy DC2.99(39))

Conditionally Withdrawn

DO/5377/0857 Lafarge Redland Aggregates Ltd
DO/5694/0684 The National Assembly for Wales
DO/5541/1706 Campaign for the Protection of Rural Wales

Proposed Changes PC046, PC047, PC048

Further Proposed Changes FPC211, FPC223

Primary Issues

- 1.5.1
- Should provisions be included in this policy expressly defining the purpose of the defined settlement boundaries and is the preamble suitably phrased.
 - Is Clause C too broadly based.
 - Is there justification for the inclusion of additional clauses regarding affordable and special needs housing, infilling and rounding-off, and the conversion/redevelopment of sites used for institutional purposes.
 - Should the supporting text be modified to include a reference to local employment provision within settlements.

Inspector’s Conclusions

1.5.2 Regarding the first issue, the Council agrees in essence with the argument raised by **Powerscreen International Ltd** about the value of including within the preamble of Policy DC2 express confirmation of the purpose of settlement boundaries. PC046 provides appropriate additional text. While this objection has not been conditionally withdrawn as a result, this change is clearly an entirely satisfactory response. In the circumstances I shall endorse it.

1.5.3 As for the additional point raised by the **Campaign for the Protection of Rural Wales (CPRW)**, I accept that the term “where appropriate” is unnecessary. Its inclusion adds nothing to the sense and clarity of this policy; in fact it introduces an unwelcome element of uncertainty about the acceptability of the specified exceptions. And apart from that, the preamble text which survives from the Deposit Draft Plan is, by reason of

the inclusion of this term, grammatically flawed when read in conjunction with the sub-clauses. I shall recommend the deletion of the disputed words.

1.5.4 In respect of the second issue, the **CPRW** contends that the terms of Clause C are too broad and that this could lead to the acceptance of inappropriate development in the countryside. I disagree. The **CPRW** seems to have overlooked the fact that any development which falls into one of the categories of acceptable development set out in Policy DC2 still has to pass the tests presented by Policy C1; these tests provide suitable controls over the sort of problems envisaged by the Objector. Thus Clause C is satisfactory as it stands.

1.5.5 Turning to the third issue, the **Country Landowners Association** and the **Harmer Partnership** consider that additional categories of development should be specified in this policy as being acceptable in the countryside. However I see no need for any such modifications. Affordable housing is already dealt with under Policy H3 and further coverage relating to land outside settlements will be provided by the new policy which I am recommending elsewhere in this report [*see under Policy H3*]. Similarly there is extensive guidance on special needs housing in Policy H4; while this concerns development on allocated sites and land within settlements, I have no compelling evidence that this category of housing provision ought to be expressly identified as an exception to the general presumption against development in the countryside which Policy DC2 establishes.

1.5.6 Nor should infilling and rounding-off be classified as exceptions. Policy C2 already provides adequate guidance on the matter of infilling within villages in the countryside. And the expectation is that any acceptable rounding-off would have been anticipated by the way in which the settlement boundaries have been drawn on the Proposals Map; certainly this has been my approach when examining the merits of objection sites on the fringes of settlements.

1.5.7 As for the conversion/redevelopment of sites used for institutional purposes, Clause B already provides for the conversion, rehabilitation and replacement of rural buildings and dwellings. Additionally, Policy C6 sets out more detailed criteria against which such proposals might be judged. To my mind these policies in tandem provide an appropriate basis for considering proposals for institutional development. In policy terms this is as far as the Plan needs to go on this matter. However it would be beneficial if the supporting text to Policy C6 were to include a reference to institutions amongst the short list of types of uses to which this policy applies, given that it is not uncommon for such establishments to be found in the countryside. I shall include an appropriate recommendation to this effect.

1.5.8 Regarding the fourth issue, Paragraph 1.34 confirms that major opportunities for employment are provided at accessible key locations throughout the County Borough and that individual settlements provide for the localised community and housing needs of their residents. The **CPRW** maintains that to be consistent with the principles of sustainability there should be some provision made too for the employment needs of those residents; it calls for a suitable revision to the supporting text to reflect this. Despite the Council’s claim that the guidance in this part of the Plan aligns with acknowledged sustainability principles, to my mind there is merit in this objection.

1.5.9 Paragraph 1.34 expressly refers to *major* opportunities for employment. It is entirely right that such opportunities should be confined to accessible key locations. But if the Plan is properly to reflect its guiding principle of sustaining the identity and vitality of

settlements and is to meet its declared aims of increasing the economic prosperity of the people and communities of the County Borough and facilitating improved living, working and leisure provision for those people then there must be express recognition that some employment opportunities, of an appropriate scale, should be provided within certain individual settlements to meet the needs of local residents. A provision of this sort would not be inconsistent with the Plan’s approach to sustainability. Nor would it have any adverse implications for the existing countryside policies. I shall recommend suitable additional text.

1.5.10 Finally, I am endorsing PC047 and PC048 which add references about waste management, respectively, to Clause D of the policy and to the supporting text; and also FPC223 and FPC211 (*I observe that the Council erroneously recommends to me FPC224 in this connection - that is not the change sought by the Objector*) which, respectively, introduce a reference to farm diversification and rural businesses into the supporting text and delete the word “normally” from it. These changes, which are uncontested, have led to the conditional withdrawal of objections made by **Lafarge Redland Aggregates Ltd, The National Assembly for Wales** and the **CPRW**.

RECOMMENDATION

1.5.11 **That:**

- (i) **Policy DC2 be modified by (a) the insertion before the word “Development” in the preamble of the phrase “IN ORDER TO PROTECT THE IDENTITY AND VITALITY OF INDIVIDUAL SETTLEMENTS”, (b) the deletion from the preamble of the words “WHERE APPROPRIATE” and (c) the deletion from Clause D of the word “AND” and the inclusion in Clause D after the word “infrastructure” of the words “AND WASTE MANAGEMENT” all in accordance with Proposed Changes PC046 and PC047 and my conclusions in paragraph 1.5.3 above;**
- (ii) **the supporting text to Policy DC2 be modified by (a) the inclusion in Paragraph 1.34 of the phrase “COMMUNITY, HOUSING AND, WHERE APPROPRIATE, EMPLOYMENT NEEDS” in substitution for the phrase “COMMUNITY AND HOUSING NEEDS”, (b) the inclusion in Paragraph 1.37 of a reference to waste management and the deletion of the word “NORMALLY” and (c) the inclusion in Paragraph 1.36 of a reference to farm diversification and rural businesses, all in accordance with Proposed Change PC048, Further Proposed Changes FPC211 and FPC223 and my conclusions in paragraph 1.5.9 above;**
- (iii) **the supporting text to Policy C6 be modified by the insertion after the word “industrial” in Paragraph 6.27 of the word “INSTITUTIONAL”;**
- (iv) **no other modification be made to the Plan in response to the objections made by the Campaign for the Protection of Rural Wales (1634) insofar as this seeks the modification of Clause C, the Country Landowners Association (0862) and the Harmer Partnership (1430).**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.1

**LAND SOUTH OF NEWBRIDGE AND NORTH OF THE
A472**

OBJECTION

DO/5364/0512 Mr R Collins

Primary Issue

- 1.6.1 • Should the Newbridge settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.6.2 This is an extensive site which lies between the built-up area of Newbridge and the A472 dual carriageway. It is predominantly open in character consisting mainly of woodlands, scrub and open ground; however there is a short ribbon of dwellings in a fairly central position.

1.6.3 The defined settlement boundary hereabouts generally aligns with the southern edge of the existing built-up area. This, for a noticeable stretch to the east and west of the present site, coincides with the A472. There is some force in the Objector’s argument to the effect that this site cannot be regarded as genuinely open countryside; the dual carriageway clearly separates it from the extensive area of open landscape to the south. On the other hand though, it is not well related to the built-up settlement in the sense that its development (if this were to be contemplated as a consequence of a settlement designation) would not represent a logical and acceptable continuation of the established pattern.

1.6.4 To my mind the objection site can at best be described as semi-rural; significantly however, by reason of its size, configuration, visual prominence and extent of tree cover, it makes an important contribution to the setting of Newbridge and as such is worthy of protection. Thus while I do not agree with the Council’s assessment that the site has the characteristics of countryside and performs the role of separating Newbridge and Pentwynmawr, given all the foregoing circumstances there is no justification for including this land within the settlement boundary.

RECOMMENDATION

- 1.6.5 **That no modification be made to the Plan in response to this objection.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.2

LAND AT PENALLTA ISAF FARM, YSTRAD MYNACH

OBJECTIONS

DO/5436/0459 Mr H W Thomas
DO/5436/0458 Mr H W Thomas
(registered under Policy H1.99(51))

Primary Issue

- 1.7.1
- Should this site be included within the settlement boundary and be allocated for housing purposes.

Inspector’s Conclusions

1.7.2 The objection site comprises primarily open grassland situated mainly behind a short ribbon of dwellings fronting the western side of Penallta Road. The northern site boundary fronts this road and there is housing beyond, while just to the south is the built-up area of Ystrad Mynach.

1.7.3 As things presently stand, this site relates well to the open countryside which stretches away to the west. However a proposal of the UDP will completely change this situation. Policy T6(2) safeguards land for the provision of the Penallta Link Road. The route on which the Council has finally settled (FPC023), as identified on the Proposals Map, bisects the field behind the ribbon of dwellings thereby separating the objection site (which has been amended in size and configuration to “suit” the changed road proposal) from the open countryside to the west. Thus the present land will become in effect wholly contained by urban features, housing development and roads, and in my judgement would itself assume an urban character.

1.7.4 In those circumstances it would be entirely sensible and appropriate to include this site within the settlement area by adopting the line of the Penallta Link Road as the western boundary. This would represent a clear, logical and defensible boundary, just the sort of characteristics which the Council says it has looked for when defining settlements elsewhere.

1.7.5 It would also be right and proper to allocate the objection site for housing purposes since obviously this is the predominant land use within the neighbouring settlement areas and such development here would, in principle, be easily accommodated in environmental terms.

1.7.6 I recognise the merits of the Council’s argument that this is a greenfield site and that brownfield land should be given priority in any assessment about the release of further land for development. However there are 3 overwhelming counter-arguments. First, it would be manifestly irresponsible of this Plan not to acknowledge the consequences of its own proposals for the link road in terms of its effect on the character and nature of the present site; any proper acknowledgement must, in my view, lead to the re-alignment of the

settlement boundary as described above [see paragraph 1.7.4]. Secondly, I am conscious that the Council itself has elsewhere already allocated several greenfield sites for housing or other purposes (on the grounds of need or for site-specific reasons); this demonstrates the need, where circumstances demand it, to take a balanced and realistic approach to this matter. And thirdly, as I have earlier concluded [see under Part 1 Policy 1H], there is a significant shortfall of housing land for which the Plan must make provision and no compelling evidence of there being any likelihood that this can be achieved without the release of further greenfield sites. It is also significant on this occasion that the objection site lies within the Area of Growth which, in strategic policy terms, is the preferred location for additional development.

1.7.7 As for the Council’s other point regarding the potential problems of providing a suitable access to serve any development on this site, from the evidence available I am not convinced that a solution could not be found within the lifetime of this Plan. In my experience such perceived technical problems at the Plan preparation stage are very often overcome as part of the more comprehensive and focused analysis undertaken during the development control process.

1.7.8 In this case I am unable to recommend the inclusion under Policy H1 of a specific housing capacity figure since there is no information about the measured size of the reduced land area nor is it clear from the evidence presented to what extent the road proposal might constrain development on the western side of the site. I must therefore leave it for the Council to decide on an appropriate figure.

1.7.9 Both of the foregoing technical matters will need to be referred to in the brief details of this site which will be included in Appendix 3 of the Plan. Other matters for inclusion are largely factual and the Council is in the best position to determine what is appropriate and necessary.

RECOMMENDATION

1.7.10 **That:**

- (i) **Policy H1 be modified by the inclusion of the objection site as a housing allocation (including a capacity figure to be assessed by the Council);**
- (ii) **the Proposals Map be modified by the realignment of the settlement boundary to coincide with the route of the Penallta Link Road (as shown in Further Proposed Change FPC023) so as to include the objection site within the settlement area and by the designation of the objection site as a Policy H1 housing allocation;**
- (iii) **Appendix 3 be modified by the inclusion of details of the objection site taking into account my conclusions in paragraphs 1.7.7 to 1.7.9 above.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.3

**LAND SOUTH OF RHIW SYR DAFYDD HILL,
OAKDALE**

OBJECTION

DO/5435/0543 The Penmaen Undivided Estate

Primary Issue

- 1.8.1 • Should the Oakdale settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.8.2 This is a steeply sloping and generally open site comprising a mixture of dense woodland and grazing land. It is situated on the western side of a substantial housing area and is part of the upper reaches of the Sirhowy River valley. Although there are a few residential properties just to the west, the valley and the land beyond is open in character and appearance. The valley area in this vicinity is most attractive and the present site, by reason of its scale, visual prominence and extent of tree cover is an imposing and valuable feature. Additionally it has nature conservation qualities as its partial designation in the Plan as a Site of Interest for Nature Conservation confirms.

1.8.3 There is, in terms of character and appearance, a distinct contrast between this site and the urban area to the east and the main road which separates them represents a clear, logical and defensible settlement boundary as the Plan intends. Given those circumstances, there is nothing to justify including the present site within this settlement. It relates well to the open land to the west and any development here (which would be the potential consequence of a settlement designation) would seriously damage the attractiveness of this stretch of the valley and, correspondingly, the setting of Oakdale.

1.8.4 In reaching those conclusions I have borne in mind the Plan’s proposals for safeguarding the route of the Sirhowy Enterprise Way, a major road for which planning permission has since been granted. The identified route runs a little way to the west of the objection site. It seems to me that this road is likely to change noticeably the appearance and character of the land immediately on either side of its route, although doubtless landscaping and other mitigating measures will form part of the final scheme. But from the evidence available I see no reason why this should weaken the case for the continuing exclusion of the objection land from the designated settlement.

RECOMMENDATION

- 1.8.5 **That no modification be made to the Plan in response to this objection.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.4

LAND TO THE REAR OF BEILI GLAS HOUSE, FLEUR-DE-LYS

OBJECTIONS

DO/5340/0604 Mrs G Mullins
DO/5341/0608 Mr R Owens
DO/5340/0603 Mrs G Mullins
(registered under Policy C13(18))
DO/5341/0607 Mr R Owens
(registered under Policy C13(18))

Primary Issue

- 1.9.1
- Should this site be excluded from the Fleur-de-Lys settlement area and instead be designated as part of the adjoining Green Wedge.

Inspector’s Conclusions

1.9.2 This is an open, relatively overgrown and partly tree-covered site at the southern edge of the built-up area of Fleur-de-Lys. There is housing generally to the west and north, while beyond the main road to the east is an extensive area allocated for employment purposes and where, as at the time of my inspection, development is taking place. There is open land to the south.

1.9.3 The Council describes this as a greenfield site but says, nonetheless that it is suitable for development on the basis that it would round-off the existing built-up area. In principle I agree. The extent of established and planned development on 3 sides creates a noticeable sense of enclosure and this relatively small parcel of land clearly lies within an urban environment. There is no reason why a sensitively designed residential scheme could not be successfully integrated with the adjoining housing areas to the west and north thereby completing the pattern of development in this corner of the settlement.

1.9.4 The Objectors claim that the presence of underground mine workings makes this land unsuitable for development purposes. However there is no compelling evidence to support that conclusion. The Council has investigated this matter and while it admits that development costs might be high as a consequence of these ground conditions, it does not rule out the prospect of housebuilding altogether. Nor are the other points raised by the Objectors persuasive; issues relating to wildlife interests, the nearby conservation area, residential amenity and drainage could all be satisfactorily addressed at a later stage of the planning process.

1.9.5 In any event, there are no reasonable grounds for extending the adjoining Green Wedge over the objection site. This piece of land, unlike the designated area to the south, does not in itself serve to prevent the coalescence of 2 settlements; and nor is the existing Green Wedge lacking in any respect by reason of the exclusion of this site.

RECOMMENDATION

1.9.6 **That no modification be made to the Plan in response to these objections.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.6

LAND WEST OF PENTWYN ROAD, TRINANT

OBJECTIONS

PCO/5541/3120 Campaign for the Protection of Rural Wales

Conditionally Withdrawn

DO/5412/0542 Mrs M Davies

Proposed Change

PC051

Primary Issue

1.10.1 • Should the Trinant settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.10.2 The objection site consists of open fields and trees and forms part of the woodland backdrop to residential properties on the western side of Trinant. It is adjoined to the north, west and south by other such open land and therefore contributes to the rural surroundings of this small village.

1.10.3 In the Deposit Draft Plan this site was shown to be outside the defined settlement area. In response to an objection made by **Mrs Davies** the Council proposed a change to the Plan (PC051), extending the settlement boundary so as to include the present land. This, in turn, has led to a counter-objection by the **Campaign for the Protection of Rural Wales**.

1.10.4 To my mind the Plan in its original form was right. This is a sizeable greenfield site. Not only does it help create a pleasant rural setting for the village, but also it is part of a sensitive stretch of open countryside which separates Trinant from the extensive Oakdale employment area to the west.

1.10.5 I appreciate that this site was identified as a housing commitment in the Islwyn Local Plan. However there is no reason why the UDP should not adopt a different approach; this is, after all, a most appropriate opportunity to consider matters afresh in the light of the circumstances currently prevailing. Indeed in this respect I observe that the Council now declines to allocate the objection land for housing due to the uncertainty about whether access problems can be overcome.

1.10.6 The settlement boundary as defined in the Deposit Draft Plan is clear, logical and defensible, following as it does the recognisable edge of the existing built-up area. By contrast the changed boundary as now proposed by the Council is fragile and relatively arbitrary, given that it severs one piece of countryside from another with no evident justification on the ground for so doing. Development on this site would, contrary to the Council’s belief, represent a significant spread of the built-up area into this sensitive stretch of countryside causing serious harm to the character and appearance of these surroundings and to the setting and identity of Trinant. In these circumstances I shall not endorse PC051.

1.10.7 If, as the Council says, there is a local need for more housing in this village then land will have to be found elsewhere in or around the existing built-up area; this site, I am convinced, is not the solution. I would point out however that later in this report [*see under Policy DC2.99(70)*] I am recommending the Council to give consideration to allocating a nearby site for housing purposes.

RECOMMENDATION

1.10.8 **That no modification be made to the Plan in response to the objection made by Mrs M Davies (0542) nor in relation to Proposed Change PC051.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.7

LAND SOUTH OF UNDERWOOD ROAD, OAKDALE

OBJECTION

DO/5435/0546 The Penmaen Undivided Estate

Primary Issue

1.11.1 • Should the Oakdale settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.11.2 This objection concerns a site at the southern fringe of the built-up area of Oakdale. It comprises rough grazing land and woodland. There is housing to the north and west with open countryside in the other 2 directions.

1.11.3 The entire site is identified in the Plan as part of a Green Wedge; in addition the western half is under a leisure designation, while the remainder is within a Site of Importance for Nature Conservation. There have, I observe, been no arguments raised either explicitly or implicitly against the leisure and nature conservation designations.

1.11.4 The Objector claims that due to its relationship with existing housing this site would form a natural extension to the settlement area. I disagree. There is a clear

demarcation between the urban area and the stretch of open countryside which surrounds it. The objection site in its present open state relates well to these essentially rural surroundings; thus the Plan is fully justified in excluding it from the settlement, the boundary of which in this vicinity is logical and defensible.

RECOMMENDATION

1.11.5 **That no modification be made to the Plan in response to this objection.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.9

LAND NORTH OF OAKDALE COMPREHENSIVE SCHOOL, OAKDALE

OBJECTION

DO/5435/0544 The Penmaen Undivided Estate

Primary Issue

1.12.1 • Should the Oakdale settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.12.2 This is a densely wooded site on the edge of the Sirhowy River valley. It is triangular in shape and is bordered by school premises to the south with mainly housing to the east beyond the road which marks the site boundary; the river and open land lies to the west.

1.12.3 At present this site, due to its sylvan character, relates well to the open valley area. However this situation will, in my judgement, change radically as a result of the Plan’s proposals for safeguarding the route of the Sirhowy Enterprise Way, a major road for which planning permission has now been granted. The identified route runs directly alongside the western boundary of the objection site. Accordingly this piece of land will be severed from the rest of the valley by a significant physical feature and will thus be effectively surrounded by development. Due to those factors, and its relatively limited size, this site will become dominated by those surrounding urban influences and certainly could not be regarded as “countryside” as the Council continues to describe it; in such circumstances there is no reason why its development should not be deemed acceptable as a matter of principle.

1.12.4 Given those considerations, it is logical and appropriate to include this land within the settlement by realigning the designated boundary in this immediate vicinity to coincide with the route of the safeguarded road. However since there is no objection argument calling for the site to be formally allocated for development purposes, I make no recommendation in this respect.

RECOMMENDATION

- 1.12.5 **That the Proposals Map be modified by the realignment of the settlement boundary to coincide with the route of the Sirhowy Enterprise Way so as to include the objection site within the settlement area.**
-

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.10

LAND AT PENGAM ROAD, BEDWELLY

OBJECTIONS

DO/5339/0438 R E Phillips & Partners
DO/5339/0438 R E Phillips & Partners
(registered under Policy C13(8))

Primary Issue

- 1.13.1
- Should this site’s Green Wedge designation be deleted and instead should the adjoining settlement boundary be realigned to include this land.

Inspector’s Conclusions

1.13.2 This objection relates to a small area of grazing land on the eastern side of Pengam Road. There is housing along the opposite road frontage and school grounds to the north and east. To the south and south-east is a broad stretch of open land which, together with the objection site, is designated by this Plan as a Green Wedge.

1.13.3 In my opinion the present site plays a valuable role in helping prevent the coalescence of the settlement of Cefn Fforest and the built-up area on the western side of Pengam Road. The predominant character of this site and land to the south and south-east is one of openness and the Plan is entirely justified in seeking to ensure that this is safeguarded from development. The settlement boundary as shown on the Proposals Map follows the recognisable edge of the existing urban area and also coincides with roads; it is thus logical and defensible.

1.13.4 The Objector maintains that the present site is suitable for housing purposes. I disagree. Development here would amount to a noticeable extension of the urban area into this sensitive stretch of countryside causing harm to the character and appearance of these immediate surroundings and seriously prejudicing the Plan’s worthy aims of preventing the coalescence of the nearby settlements.

RECOMMENDATION

- 1.13.5 **That no modification be made to the Plan in response to these objections.**
-

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.11

LAND AT FIELDS PARK, NEWBRIDGE

OBJECTIONS

List of objections attached at Appendix 1

Proposed Change PC052
Further Proposed Change FPC245

Primary Issue

- 1.14.1
- Should this site be included within the settlement boundary and be allocated for housing purposes.

Inspector’s Conclusions

1.14.2 This is a sizeable site, largely comprising grassland and scrub, situated on the northern edge of the built-up area of Newbridge. There is housing to the west and south as well as along part of the eastern boundary; open countryside lies to the north and north-east.

1.14.3 There is no dispute that the substantial southern section of this site can properly be regarded as brownfield land; although now somewhat overgrown, it was once the route of a railway line but became disused and has since been filled, graded and levelled.

1.14.4 The objection site has had a rather chequered planning history. In January 2000 permission was granted for the erection of 3 dwellings on a small area at the western tip of this site fronting Fields Park Road, while just over a year later a scheme for the erection of 18 dwellings on former railway land in the eastern part similarly received consent. Conversely, the central section of the brownfield area was the subject of a refusal of permission for residential development in January 1991.

1.14.5 In development plan terms, this site was allocated for housing purposes in the adopted Islwyn Local Plan and this allocation was in effect carried through into the Pre-Deposit Draft UDP. However this was deleted under the provisions of the Deposit Draft Plan and the site was excluded from the designated settlement area. Subsequently, PC052 and FPC245 have been introduced by the Council and these provide for the realignment of the settlement boundary so as to include within the designated area the 2 parts of the objection site which have recently received planning permission for housing.

1.14.6 The end result of all these changes in planning direction is that the Council’s preferred approach is to treat one section of a continuous stretch of brownfield land completely differently from the sections on either side, notwithstanding that in the past this has all been dealt with on a common basis; furthermore the settlement boundary hereabouts now follows a rather curious and arbitrary line without any apparent justification for it on the ground.

1.14.7 To my mind it is wholly illogical to exclude the central section of brownfield land from the settlement area. It has the same characteristics and past use as the sections on each side and its development would be likely to have no greater environmental impact than might be expected to arise from the implementation of the permissions recently granted. In principle development here would be acceptable and it should therefore stand within the settlement boundary.

1.14.8 The primary argument raised by the Council against its inclusion relates to potential access problems. I recognise that there are genuine constraints in this regard. Gilboa Road, the most likely means of access on to the main road network, is substandard in many respects and the Council’s contention that this road in its present state is incapable of serving a development of the scale which the whole objection site could accommodate seems well founded. I note that the larger of the 2 permitted schemes is to be accessed from another road, Homeleigh, but this too apparently has no additional capacity beyond that.

1.14.9 Yet those constraints still do not justify excluding the residue of the brownfield land from the settlement area because *in principle* it remains suitable for development; I emphasise that term since the declared function of the settlement boundary designation is to “define the area within which development would normally be allowed”. Thus for the purposes of defining settlement boundaries it is, in my view, neither necessary nor realistic to seek to resolve at this stage all the technical difficulties which potential sites might face. It is, in the context of this particular strategic function, enough to establish the principle.

1.14.10 The Council also suggests that there are land assembly problems which count against the designation of this site as part of the settlement. However no convincing evidence has been submitted in support of this argument.

1.14.11 Given all the foregoing considerations, I conclude that the entire brownfield section of the objection site should be included within the settlement area. As for the remainder, at the Inquiry the Council confirmed that if the brownfield section were judged to be acceptable then the greenfield area too should be included within the designated settlement area since this has always been recognised as having development potential in land-use terms and a defensible settlement boundary could be established. I find no reason to disagree with that assessment.

1.14.12 Regarding the issue of allocating this site for housing purposes, this would be environmentally compatible with the neighbouring built-up areas and would round-off the established pattern of development. Clearly the access situation needs to be addressed. However there is no overwhelming evidence that this problem is incapable of being resolved within the lifetime of the UDP; and that, to my mind, is the critical consideration.

1.14.13 The Council admits that there are engineering solutions but questions whether they are realistically achievable in financial terms. In my experience such perceived technical problems at the Plan preparation stage are very often overcome as part of the more comprehensive and focused analysis undertaken, with the benefit of the encouragement and impetus which a Plan allocation provides, during the development control process. And after all, the Council initially thought the same about the easternmost section of the brownfield area, yet within 15 months of the publication of the Deposit Draft Plan this problem had been overcome. I find some support for this conclusion from the evidence submitted by **Mrs Harvey** and **Ms Harvey-White**; they refer to the current land ownership position

concerning the central brownfield section and a sizeable area (within the settlement boundary) directly to the south and this seems to present at least one opportunity which might be worth examining at some future stage.

1.14.14 In general terms too, there are powerful arguments in favour of allocating the objection site for housing purposes. As I have already concluded [*see under Part 1 Policy IH*], there is a serious shortfall in housing land provision which the Plan needs to rectify. A site of this size would make an important contribution in this respect. It is also significant, in strategic policy terms, that Newbridge lies within the Area of Growth, the Plan’s preferred location for necessary new development.

1.14.15 For these reasons the Plan should take a pro-active approach to encouraging the development of this site by allocating it for housing purposes. It certainly passes enough of the site-selection tests set out in Topic Paper 1 which the Council has used as a benchmark to determine whether land is suitable for such an allocation. For the purposes of this part of my recommendation, it is appropriate to ignore the areas covered by the 2 recent permissions; given that the Council, I am told, intends updating the Plan at the modification stage to identify any additional housing commitments (ie permissions) which have arisen since the date of the Deposit Draft publication, those areas will not need to be formally allocated as such. For the sake of completeness however I shall recommend the identification of those areas as housing commitments.

1.14.16 As to the matter of housing capacity, I do not intend recommending a specific figure since there is no information available as to the measured size of the residual area of the objection site which is to be formally allocated. I must leave this calculation to the Council. However there is nothing to suggest that applying the Council’s standard ratio (25 dwellings per hectare) would be inappropriate.

1.14.17 The allocation of the objection land will lead to the need for site details to be included in Appendix 3 of the Plan. Reference should be made to the present access constraints. Other matters for inclusion are largely factual and the Council is in the best position to determine what is appropriate and necessary.

1.14.18 For the avoidance of doubt I confirm that I have taken into account the arguments raised by a few Objectors about flooding and drainage problems in this locality which, it is said, any more development would exacerbate. There is no evidence that this could not be resolved as part of the development control process; the Council itself does not identify this as a significant issue.

1.14.19 Also, I acknowledge that there are certain related objections registered under Policy T11. These are reported under the relevant policy heading but it is appropriate to record here that the Council has confirmed that these transportation provisions do not represent an insurmountable problem in the context of determining the suitability of this site for allocation for housing.

1.14.20 Finally, I do not intend formally endorsing PC052 or FPC245 since their provisions are wholly subsumed within my overall recommendation.

RECOMMENDATION

1.14.21 **That:**

- (i) **Policy H1 be modified by the inclusion of the objection site, save for the 2 areas which have the benefit of planning permission for housing development, as a housing allocation (including a capacity figure to be assessed by the Council);**
- (ii) **Appendix 2 Section B be modified by the inclusion of the 2 areas of the objection site which have the benefit of planning permission for housing development;**
- (iii) **the Proposals Map be modified by (a) the realignment of the settlement boundary so as to include the objection site within the settlement area, (b) the designation of that part of the objection site referred to in (i) above as a Policy H1 housing allocation and (c) the designation of those parts of the objection site referred to in (ii) above as housing commitments;**
- (iv) **Appendix 3 be modified by the inclusion of details of the objection site taking into account my conclusions in paragraph 1.14.17 above.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.12

LAND AT CWMBRYNNAR COTTAGE, PONTLLANFRAITH

H1.99.77

LAND AT GILWERN HOUSE, NEWBRIDGE ROAD, PONTLLANFRAITH

OBJECTIONS

DO/5432/0436 Cwmbrynnar Estate
DO/5432/0433 Cwmbrynnar Estate
(registered under Policy H1.99(50))
DO/5432/0435 Cwmbrynnar Estate
(registered under Policy C13(19))
DO/5251/0235 Mr N James
(registered under Policy H1.99(77))
DO/5251/0236 Mr N James
(registered under Policy C13(19))

Primary Issue

- 1.15.1
- Should the Green Wedge designation which covers these sites be deleted and instead should the adjoining settlement boundary be realigned and the land be allocated for housing purposes.

Inspector’s Conclusions

1.15.2 The first objection site consists of 2 small parcels of generally overgrown land on either side of Cwmbrynnar Cottage which fronts on to the southern side of Newbridge Road. The second objection site originally included the same 2 parcels of land but has since been amended so that it now comprises only open fields and woodland which lie to the south. To the east of the objection sites is a large residential home, a coach depot and an area of grazing land.

1.15.3 This entire block of land, which also includes a residential property (which is or was a vicarage) close to the south-western boundary, is surrounded by roads and is designated in the Plan as a Green Wedge. The settlement boundary follows the alignment of the roads which border this land to the west, north and east; in each direction there is extensive development. In particular, directly opposite the Cwmbrynnar Cottage road frontage is a sizeable superstore which occupies the foremost section of a large industrial estate. To the south, beyond the A472 dual carriageway, is extensive open countryside.

1.15.4 For the purposes of this part of my report it is appropriate to treat these 2 objection sites as one. The considerations are substantially the same and while **Mr James** (in relation to the Gilwern House site) has not formally objected to the settlement boundary under Policy DC2, his case is essentially the same as that of the **Cwmbrynnar Estate**. Furthermore, given that these sites occupy such a substantial amount of the whole of this Green Wedge it is also appropriate that I examine this designated area in its entirety.

1.15.5 The Council claims that this Green Wedge performs the vital role of separating the settlements of Pontllanfraith and Pentwynmawr and that accordingly its development for housing would be wholly unacceptable. I disagree.

1.15.6 The concept of the Green Wedge policy is “to define and maintain open spaces and gaps of open countryside between settlements ...(which)... help prevent the coalescence of urban areas and maintain the integrity of communities and neighbourhoods”. In this case however there is continuous development in depth around 3 sides of this area of land and on the ground there is no discernible separation between the built-up settlements known as Pontllanfraith and Pentwynmawr. Indeed the degree of physical inter-relationship between them will be reinforced when the Plan’s own proposals materialise for a very substantial extension to the employment/industrial estate stretching from the heart of Pontllanfraith to a housing area at the western edge of Pentwynmawr.

1.15.7 While locally and historically these might be regarded as 2 different communities, in planning terms there is nothing of significance on the ground to distinguish one from the other. On the contrary, the impression when travelling along Newbridge Road is one of continuous urban development. The objection land frontage is directly faced by the superstore and the presence of extensive industrial premises around that structure is

unmistakable; this is a busy main road and the character and environment of this stretch is dominated by that development. And those considerations have a noticeable bearing on the character of the subject land itself.

1.15.8 This land cannot be described as open countryside. It is entirely surrounded by roads, closely bordered on 3 sides by urban development and is physically separated from the extensive stretch of countryside to the south by the dual carriageway. To my mind the subject land amounts simply to an open space at the fringe of, but certainly within, a continuous urban settlement. The dual carriageway defines the settlement boundary for a considerable length in both directions and there is no logical reason why it should not be adopted for similar purposes in the vicinity of the present sites. I am convinced that the designation of this land as a Green Wedge would serve no useful planning purpose and, in particular, it would not be consistent with the Plan’s anti-coalescence objectives.

1.15.9 As to the question of the allocation of the objection sites for housing, given my foregoing conclusions there is in principle no compelling reason for resisting development here. A housing scheme would satisfactorily round-off the built-up area and complete the existing pattern of residential development between Newbridge Road and the dual carriageway. No environmental harm to the character and appearance of these surroundings need arise.

1.15.10 In this respect I acknowledge the Council’s point that this is greenfield land; yet elsewhere the Plan allocates such land for development where general need or site-specific circumstances make it appropriate to do so. In other words, it takes a balanced and realistic approach and that, to my mind, is an acceptable way to proceed given the County Borough’s circumstances. In the present case a significant “general need” consideration is my earlier conclusion [*see under Part 1 Policy 1H*] that there is a serious shortfall in housing land provision which the Plan needs to rectify. A site of this overall size would make an important contribution in this respect. It is also significant, in strategic policy terms, that the objection land lies within the Area of Growth, the Plan’s preferred location for new development.

1.15.11 In reaching those conclusions I have also taken into account the Council’s argument about the potential impact on the setting of Cwmbrynnar Cottage, a Grade II Listed Building. Contrary to the Council’s belief, this building does not enjoy a rural setting. I have already described the influence which surrounding urban development has on the character of the objection land and, therefore, on the setting of Cwmbrynnar Cottage. While of course any housing scheme would need to pay due respect to the present setting of this building, in the circumstances there is nothing to justify ruling out the principle of development.

1.15.12 Finally I have studied the report of the Inspector who conducted the Islwyn Local Plan Inquiry and dealt with an objection relating to the present land (I am unsure of the extent of the site on that occasion). Clearly I have reached a different conclusion as to the suitability of this land for housing purposes but circumstances have changed since 1993 when the previous Inquiry was held, not least in terms of the housing provision situation. I observe that contrary to my own findings regarding the UDP, the previous Inspector “found there to be sufficient land allocated to meet the housing needs of the Borough.”

1.15.13 As I confirmed earlier, these conclusions represent an overview of the entire area of land which forms the Green Wedge. The precise terms of the duly-made objections are such that Cwmbrynnar Cottage itself, the vicarage, the residential home, the coach depot

and the small field to the east are all outside the combined formal objection sites. However, since the first two of those properties are so limited in size and are completely surrounded by the objection land, it must inevitably and logically follow that, in regard to the Green Wedge and settlement boundary issues, they should be treated by the Plan in exactly the same way; this I shall recommend. As for the other two properties and the field at the eastern end, again it would be entirely logical and make good planning sense to treat this land similarly and I urge the Council to give this serious consideration.

1.15.14 In summary therefore, I intend formally recommending the deletion of the objection sites along with Cwmbrynnar Cottage and the vicarage from the Green Wedge and the realignment of the settlement boundary to coincide with the A472 dual carriageway so as to include that extent of land within the defined settlement area. I shall also recommend the allocation of the objection sites for housing purposes. This will necessitate the inclusion of a reference to these sites in Appendix 3. Apart from the factual matters, which I leave to the Council to determine, reference should be made to the importance of preserving the setting of Cwmbrynnar Cottage and to the constraints imposed by the Tree Preservation Order which covers parts of the second site.

1.15.15 As for the matter of housing capacity, the Council has estimated a combined total for these sites of 80 dwellings based on its specified 25 dwellings per hectare ratio. This appears to take no account of the listed building and tree preservation constraints; even so, I am aware that the Council’s practice has been to apply this ratio for general guidance purposes in all allocations unless and until a more detailed assessment has been made. Accordingly the Council’s estimate will suffice for the present purposes.

RECOMMENDATION

1.15.16 **That:**

- (i) **Policy H1 be modified by the inclusion of the objection sites as housing allocations with a combined capacity estimate of 80 dwellings;**
- (ii) **the Proposals Map be modified (a) by the realignment of the settlement boundary to coincide with the route of the A472 dual carriageway so as to include the objection sites along with Cwmbrynnar Cottage and the vicarage within the settlement area, (b) by the deletion of the area of land described in (a) above from the designated Green Wedge and (c) by the designation of the objection sites instead as Policy H1 housing allocations;**
- (iii) **Appendix 3 be modified by the inclusion of details of the objection sites taking into account my conclusions in paragraph 1.15.14 above;**
- (iv) **the Council gives serious consideration to the merits of modifying the Proposals Map (a) by further realigning the settlement boundary to coincide with the route of the A472 dual carriageway so as to include the residential home, the coach depot and the adjoining field within the settlement area and (b) by the deletion of the area of land described in (a)**

above from the designated Green Wedge, in accordance with my conclusions in 1.15.8 and 1.5.13 above.

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.13

LAND AT COED-Y-FEDW, MACHEN

OBJECTIONS

DO/5324/0385 Partnership
DO/5024/0319 Mrs E A Thomas
(registered under Policy H1.99(2))

Primary Issue

- 1.16.1
- Should this site be included within the settlement boundary and be allocated for housing purposes.

Inspector’s Conclusions

1.16.2 These objections concern an extensive area of open land at the northern edge of Machen. This land rises steeply above the existing built-up area and is prominent in the wider landscape. It has a dense coverage of trees and other vegetation and forms an integral part of the extensive wooded hillside which surrounds this part of the settlement. While there is housing to the west and south, this site has the appearance and character of open countryside.

1.16.3 Both Objectors refer in detail to the past use of this site and describe it as brownfield land. I note that among other things a foundry and associated works once stood here and that there have been mining activities; a railway line crossed part of the site and a section of track still exists near the south-eastern corner. Also a haulage business operated from a residence prior to its demolition.

1.16.4 However the fact is that currently there remains no readily discernible evidence of any significant development or former activities; in any event, there is no clear indication from the Objectors’ representations as to precisely how much (or how little) of the site was previously in such use. The Council claims that about 85% of this site can genuinely be regarded as greenfield land and that the remainder has now virtually all regenerated naturally; I find no reason to question this. In this connection the guidance in DPP(Wales) 2001 is helpful. While this is draft guidance only and thus should be given limited weight, it does confirm in Section 3.3 that excluded from the definition of previously developed (ie brownfield) land is “land where the remains of any structure or activity have blended into the landscape through the process of time so that it can reasonably be considered as part of the natural surroundings”.

1.16.5 Given those circumstances, the Objectors’ “brownfield argument” is not persuasive. I am satisfied that housing development on the objection site would amount to a significant spread of the built-up settlement into this attractive and prominent stretch of open countryside causing serious harm to the character and appearance of these surroundings. The

designated settlement boundary in this vicinity, which follows the edge of the existing built-up area, is entirely logical and defensible; it should remain untouched. And it follows that this land should not be allocated for housing purposes.

1.16.6 In reaching those conclusions I have taken into account the Council’s other points, along with the Objectors’ counter-arguments, about the potential damage to the site’s nature conservation interest (the Plan acknowledges its importance with a suitable designation under Policy C10) and the absence of any satisfactory access arrangements. To my mind these considerations add further strength to the already overwhelming case against any modification to the Plan in response to the present objections.

RECOMMENDATION

1.16.7 **That no modification be made to the Plan in response to these objections.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.16

LAND AT TY MAWR FARM, GELLIGROES

OBJECTIONS

DO/5339/0439 R E Phillips & Partners
DO/5659/1102 Mr R Gillings
(registered under Policy H1.99(60))

Conditionally Withdrawn

DO/5659/1100 Mr R Gillings

Further Proposed Change FPC016

Primary Issue

- 1.17.1
- Should this site be included within the settlement boundary and be allocated for housing purposes.

Inspector’s Conclusions

1.17.2 This site lies at the junction of the A472 dual carriageway and Newport Road. It is mainly open land although a substantial proportion comprises the curtilage of a large residential property. To the south of this site is a small group of dwellings and other buildings which are included within the defined settlement boundary. This boundary extends around the eastern and northern sides of the objection site; beyond the dual carriageway is an extensive urban area.

1.17.3 The Council now accepts that it would be appropriate to include this site within the settlement area and has introduced FPC016 which realigns the designated boundary accordingly. Given the extent to which this site is enclosed by existing development, I agree entirely with this change. While **R E Phillips & Partners** have not conditionally withdrawn their objection as a result, clearly their request has been fully met.

1.17.4 As to the question of the allocation of this site for housing purposes, the Council’s sole argument against this proposition is that this land is not considered to be genuinely available for development. I recognise that the matter of “genuine availability” is raised in national guidance in relation to housing land provision and it is, in general terms, right to take this into account when considering the allocation of land in this Plan.

1.17.5 However the only evidence that the Council offers in support of its argument is that the residential property on the objection site is currently occupied. That, in my judgement, is not enough. There appears to have been no investigation as to the intentions of the owners in this respect nor any attempt to examine critically the likelihood of this site coming forward during the lifetime of this Plan. If the mere fact of current occupancy were to be adopted as justification for not allocating land in a development plan then, to my mind, this would severely constrain such plans in terms of performing their acknowledged role in the overall planning process.

1.17.6 There is no dispute that this site is suitable for housing development. At present it is underused in the sense that it is occupied by just a single dwelling. I am not convinced that there are any reasons to believe that this land will definitely not become available for development within the Plan period. In these circumstances, it should be allocated for housing purposes. This would enable the UDP to demonstrate certainty and transparency in its policies and proposals, and in that way be consistent with national guidance.

1.17.7 There are also other powerful arguments in favour of positively allocating the objection site for housing purposes. As I have already concluded [*see under Part 1 Policy IH*], there is a serious shortfall in housing land provision which the Plan needs to rectify - and it must demonstrate how this can be achieved. A site of this size would make a useful contribution in this respect. It is also significant, in strategic policy terms, that this land lies within the Area of Growth, the Plan’s preferred location for new development.

1.17.8 As for the matter of housing capacity, the Council calculates that this site could accommodate 22 dwellings based on its adopted ratio. I shall recommend this figure. In addition the allocation of the objection land will lead to the need for site details to be included in Appendix 3 of the Plan. The Council refers to the need for certain access improvements but otherwise it appears that on this occasion matters for inclusion are likely to be largely factual; thus the Council is in the best position to determine what is appropriate and necessary.

RECOMMENDATION

1.17.9 **That:**

- (i) **Policy H1 be modified by the inclusion of the objection site as a housing allocation with an estimated capacity of 22 dwellings;**

(ii) **the Proposals Map be modified by the realignment of the settlement boundary so as to include the objection site within the settlement area in accordance with Further Proposed Change FPC016 and by the designation of the objection site as a Policy H1 housing allocation;**

(iii) **Appendix 3 be modified by the inclusion of details of the objection site taking into account my conclusions in paragraph 1.17.8 above.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.17

LAND TO THE WEST OF RIVER ROW, OAKDALE

OBJECTION

DO/5435/0545 The Penmaen Undivided Estate (The)

Primary Issue

- 1.18.1
- Should the Oakdale settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.18.2 This is a predominantly open site comprising grassland, trees and areas of vegetation; it lies within the floor of the Sirhowy River valley. There is other similar land to the north, west and south. This broad valley area, which contains extensive tree cover, provides a most pleasant, quasi-rural environment in distinct contrast to the urban areas nearby. There is some loose-knit housing to the north-east of the objection site; however those properties are on much higher ground and this, together with the extent of intervening tree cover, creates a clear division between these 2 environmentally contrasting areas. And there is an even greater contrast with the more densely developed settlement area further to the east.

1.18.3 The nearest sections of the settlement boundary, as defined by the Plan, are logical and defensible, following as they do the recognisable edge of the built-up settlement and the designated limits of the Oakdale employment area. Given that factor and all the foregoing circumstances, there is nothing to justify including the present site within this settlement. It relates well to the surrounding open land and any development here (which would be the potential consequence of a settlement designation) would seriously damage the attractiveness of this stretch of the valley.

1.18.4 In reaching those conclusions I have borne in mind the Plan’s proposals for safeguarding the route of the Sirhowy Enterprise Way, a major road for which planning permission has since been granted. The identified route runs a little way to the east of the objection site. It seems to me that this road is likely to change noticeably the appearance and character of the land immediately on either side of its route although doubtless landscaping

and other mitigating measures will form part of the final scheme. But from the evidence available I see no reason why this should weaken the case for the continuing exclusion of the objection land from the designated settlement. Indeed the presence of this road would reinforce the sense of separation between this site and the settlement.

RECOMMENDATION

1.18.5 **That no modification be made to the Plan in response to this objection.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.18

ALLOTMENT GARDENS, LLWYN-ON LANE, OAKDALE

OBJECTION

DO/5435/1924 The Penmaen Undivided Estate
DO/5435/1925 The Penmaen Undivided Estate
(registered under Policy H1.99(52))

Primary Issue

- 1.19.1 • Should this site be included within the settlement boundary and be allocated for housing purposes.

Inspector’s Conclusions

1.19.2 This site, which comprises largely grassland and allotments, lies on the south-eastern side of Llwyn-on Lane at the edge of the Oakdale settlement. Beyond this road is fairly densely developed residential area, while adjoining this site to the west is a recently completed housing scheme. There is open ground on the eastern side but this is allocated by the Plan for housing purposes. Thus the defined settlement boundary, which follows the edge of the existing and planned housing areas, borders the objection site on 3 sides.

1.19.3 Although open countryside extends to the south and south-east, this site has no noticeable relationship to it. The objection land rises appreciably towards its rear boundary which is marked by a conspicuous ridge which creates a clear physical and visual barrier to the countryside beyond. The present site is thus completely enclosed and enjoys an intimate relationship with the surrounding built-up settlement. Accordingly there is no reason why it should not be included within the designated boundary. Indeed, it is wholly illogical for the Plan to seek to exclude this site, while including land directly alongside which has the same general appearance and character. And in expressing that opinion, I take into account the Council’s argument that the objection site is greenfield land and therefore unacceptable for development; that argument is irrational given that the adjoining allocated land actively promoted for development by the Plan, is also greenfield in nature.

1.19.4 Development on the present site (which would be the potential consequence of a settlement designation) would cause no environmental damage since it would simply round-off the built-up area and complete the established pattern of housing. However I do not intend formally recommending the allocation of this site for those purposes, given the Council’s concern about the loss of the allotments.

1.19.5 The Council maintains that this facility is well used and that, in local terms, it should not be lost. However the Objector has suggested that other nearby land within its ownership could be made available for allotment purposes and it seems to me that there might be other sites which would perhaps be suitable; there is no evidence that the Council has seriously investigated other possibilities. I would therefore urge the Council to undertake, prior to the publication of any modifications, a thorough examination of possible alternative locations (including discussing this matter further with the Objector) in an effort to identify a replacement for the Llwyn-on Lane allotments.

1.19.6 If such a site can be found then I would encourage the Council to allocate the objection site for housing purposes. Every effort should be made to enable a positive allocation to be included in the adopted Plan. As I have already concluded [*see under Part 1 Policy 1H*], there is a serious shortfall in housing land provision which the Plan needs to rectify - and it must demonstrate how this can be achieved. A site of this size would make a useful contribution in this respect. It is also significant, in strategic policy terms, that this land lies within the Area of Growth, the Plan’s preferred location for new development.

1.19.7 However, for the avoidance of any doubt, I would confirm that even if no suitable alternative can be identified at this stage then, for the reasons advanced above and since the present allotments can properly be regarded as an urban type of use, the objection site should still be included within the settlement area. This I shall recommend. It would, in such circumstances, remain open to the Council to consider resisting the development of the present allotments under the terms of Policy L1.

RECOMMENDATION

1.19.8 **That:**

- (i) **the Proposals Map be modified by the realignment of the settlement boundary so as to include the objection site within the settlement area;**
- (ii) **the Council undertakes an examination of possible alternative locations in the vicinity which are suitable for use as replacement allotments with a view to being able to further modify the Plan by allocating the objection site for housing, all in accordance with my conclusions in paragraphs 1.19.5 to 1.19.7 above.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.19

PONTYWAUN FARM, CWMCARN

OBJECTIONS

DO/5318/0380 Mr D Llewellyn
DO/5063/0162 Mr W Phillips
DO/5318/0381 Mr D Llewellyn
(registered under Policy C13.99)
DO/5063/1963 Mr W Phillips
(registered under Policy C13.99)

Primary Issue

- 1.20.1 • Should this site be excluded from the settlement area and be designated instead as a Green Wedge.

Inspector’s Conclusions

1.20.2 This case concerns a long, narrow strip of open land situated between the edge of the built-up area of Pontywaun and the A467. It is shown on the Proposals Map to be within the settlement boundary because the Council regards it as being suitable for development, in particular for employment purposes.

1.20.3 The Objectors maintain that this land cannot be adequately accessed and any possible future development would be further constrained by the presence of a trunk sewer which passes through the site. However I do not find those arguments convincing. The Council acknowledges that regarding both of these matters there are constraints which any development scheme would need to address; but it remains confident that they are capable of being overcome. From the evidence available, I find no reason to disagree. Indeed I note that the principle of development on this land has long been established by way of an allocation in the adopted Islwyn Local Plan and the grant of a now expired planning permission; in land-use terms apparently nothing has changed since those decisions.

1.20.4 The location and characteristics of this site are such that it is appropriate for inclusion within the settlement area. In any event it would certainly not be a suitable candidate for designation as a Green Wedge since it does not perform the functions of separating settlements or maintaining the integrity of communities and neighbourhoods. Thus no modification of the Plan is warranted.

RECOMMENDATION

- 1.20.5 **That no modification be made to the Plan in response to these objections.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.20

**LAND TO THE REAR OF MOUNT PLEASANT,
YNYSSDU**

OBJECTION

DO/5054/0153 Mr N Cuff

Primary Issue

- 1.21.1 • Should the Ynysddu settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.21.2 The objection site is a small area of open land in an elevated position on the eastern side of Mount Pleasant. This is a residential road with extensive frontage development which is situated at the edge of Ynysddu, a small linear settlement.

1.21.3 While there is housing along the frontages to each side of this site, behind it there is extensive open countryside. Due to its elevation in relation to the road, as well as its depth, configuration and open nature, the objection land is more closely associated with the surrounding countryside than the built-up area; certainly any development on this site (which would be the potential consequence of a settlement designation) would not be in keeping with the established pattern of housing hereabouts. It would tend to spread the settlement, in a particularly conspicuous fashion, into these open surroundings to the detriment of their character and appearance thus spoiling the rural setting of Ynysddu.

1.21.4 The settlement boundary as defined by the Plan follows the recognisable edge of the built-up area; it is clear, logical and defensible and should remain unchanged.

RECOMMENDATION

- 1.21.5 **That no modification be made to the Plan in response to this objection.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.21

LAND TO THE REAR OF DARREN ROAD, RISCA

OBJECTION

DO/5031/0114 Mrs D Drew

Primary Issue

- 1.22.1 • Should the Risca settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.22.2 This is a wooded, overgrown and steeply sloping site on the northern edge of Risca. Along the southern boundary is a railway line, beyond which is a sizeable urban area. To the north of this line there are a few dwellings and other buildings but these are fairly widely scattered and the character generally is one of open countryside.

1.22.3 The objection land in its present open state forms an integral part of the semi-rural fringe around this part of Risca and I can see no justification for its inclusion within the settlement boundary. Because of the elevation of this site in relation to the built-up area, any development here (which would be the potential consequence of a settlement designation) would be particularly conspicuous and be harmful to the appearance and character of these surroundings.

1.22.4 In reaching those conclusions I have borne in mind the Objector’s claim that there were once 3 dwellings on this site. However the Council says that these were demolished more than 10 years ago and that there are now no visible remains. Given those considerations, and from what I saw of the present site conditions during my inspection, the past history of this land does not provide any justification for modifying the UDP. The defined settlement boundary hereabouts is clearly recognisable on the ground and deserves to be adopted.

RECOMMENDATION

- 1.22.5 **That no modification be made to the Plan in response to this objection.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.22

LAND SOUTH OF THE VILLAGE HALL, MANMOEL

OBJECTION

DO/5162/0224 Mr T Watkins

Primary Issue

- 1.23.1
- Should this site be included within a settlement boundary to be defined for the whole village of Manmoel.

Inspector’s Conclusions

1.23.2 Manmoel is a very small, isolated hamlet within the open countryside. It consists essentially of a compact group of dwellings with a scattering of more outlying properties. There is a church, a village hall and a public house but no recognisable “village centre” in the commonly accepted sense of that term.

1.23.3 Given those circumstances, it is entirely appropriate that the Plan should not treat this as a settlement under the provisions of Policy DC2. It is of such limited scale and so lacking in necessary services and facilities that this is not a place where general development should be encouraged as a matter of policy principle; its rural character deserves to be protected and this can be achieved through the Plan’s provisions as they currently stand in relation to Manmoel.

1.23.4 Nor is there anything about the objection site which weakens those conclusions. This is open grazing land situated between the village hall and the main group of houses. It is an important part of Manmoel’s rural setting and, in order to safeguard the character and appearance of these surroundings, the Plan is right to discourage housing development (which the Objector seeks to promote) in this location.

RECOMMENDATION

- 1.23.5 **That no modification be made to the Plan in response to this objection.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.23

**LAND EAST OF HENGOED AVENUE, CEFN
HENGOED**

OBJECTION

DO/5189/0074 Mr H Whittle

Primary Issue

- 1.24.1
- Should the Cefn Hengoed settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.24.2 This objection concerns a large area of open land on the upper reaches of the valley which separates the settlements of Cefn Hengoed and Fleur-de-Lys. Adjoining this site to the north-west is a community building with housing beyond. On the opposite side of Hengoed Avenue which marks the western site boundary is a further substantial housing area. However in all other directions are the open slopes of the valley.

1.24.3 Given the location, appearance and character of the objection land, clearly this forms an integral part of this pleasant open valley whose strategic, anti-coalescence role is acknowledged in the Plan through designation as a Green Wedge. Any development here (which would be the potential consequence of a settlement designation) would be most conspicuous both from the adjacent roadside and in more distant views from Fleur-de-Lys. This would seriously damage the attractiveness and openness of this stretch of the valley and erode this important gap between these neighbouring settlements.

1.24.4 The Objector refers, in support of his case, to a planning permission for the development of a public house on this site. However I understand that this was granted over 20 years ago and is no longer extant. Planning policies and other considerations necessarily change over time and there is no reason to give weight to this aspect of the site’s history when judging the merits of the present objection.

1.24.5 The settlement boundary in this vicinity as defined by the Plan recognises the clear division between the urban area and the open valley and, given all the foregoing circumstances, there are no grounds for modifying it.

RECOMMENDATION

- 1.24.6 **That no modification be made to the Plan in response to this objection.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.24

LAND SOUTH WEST OF CEFN ILAN, ABERTRIDWR

OBJECTION

DO/5105/0227 D J & J Matthews

Primary Issue

- 1.25.1 • Should the Abertridwr settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.25.2 The objection site is a relatively small area of mostly open grassland which contains a few sheds. It is situated at the fringe of the settlement with housing adjoining it to the east and also just a little way to the north. However there is an extensive open hillside behind this site and further open ground to the north-west.

1.25.3 The Objectors consider this site to be suitable for development on the basis that this would represent the logical extension of the existing line of housing and would tidy up the area, making good use of land which was once allotments. I have some sympathy with this objection. It is a fact that this site has the potential to accommodate a development scheme which could be designed so as to continue the line of housing that lies to the east without spreading the built-up area any deeper into the surrounding countryside. And at present the Plan’s defined settlement boundary to the north of this site appears on the ground to be rather arbitrary and indistinct, enclosing as it does an area of open land without any evident reason. Thus in these respects the objection site relates quite well to the designated settlement.

1.25.4 On the other hand, the rear boundary of the present site is not defined by any significant physical feature so there is no sense of natural containment or separation from the adjoining hillside, nor does this case involve all the open land along to the next spur of housing development a little distance to the north-west; in these circumstances, this site alone would not provide the opportunity to round-off the settlement in a completely satisfactory manner. Furthermore, I have no information about the actual future prospects for the development of the open ground (within the defined settlement area) to the north-east and therefore am unable to reach a firm conclusion regarding the likely relationship between that land and any potential housing scheme on the objection site.

1.25.5 This is a marginal case but, as things stand, there is not sufficient justification for modifying the settlement boundary in the manner proposed by the Objectors. I shall recommend accordingly. However I would urge the Council, when undertaking its review of housing provision in the County Borough (as it must do assuming it accepts my recommendation under Policy 1H) to give, in the light of my comments in the preceding paragraphs, serious consideration to the development potential of this site and adjoining open ground directly to the north-east and north-west with a view to rounding-off the settlement area with an appropriate housing scheme.

RECOMMENDATION

1.25.6 **That:**

- (i) **no modification be made to the Plan in response to this objection;**
 - (ii) **the Council, as part of its review of housing provision prior to the modification of this Plan, gives serious consideration to the development potential of the objection site and adjoining open land taking into account my conclusions in paragraphs 1.25.3 to 1.25.5 above.**
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POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.27

GLYNMARCH STREET / DERI SCHOOL COMPLEX, DERI

OBJECTIONS

DO/5092/0203 Mr C Payne
DO/5316/0943 Deri Regeneration Committee
(registered under Policy H1.99(87))

Primary Issue

- 1.26.1
- Should this site be included within the settlement boundary and be allocated for housing purposes.

Inspector’s Conclusions

1.26.2 These objections do not cover entirely the same extent of land but a substantial area is common to both. It is thus appropriate to treat this as a single composite site. This land lies to the west of Bailey Street which is the main road through the linear settlement of Deri. Adjoining this site to the south is a school and a small area of housing, while northwards is a ribbon of dwellings fronting Bailey Street. The objection site has a fairly long frontage to this road; the land rises steeply from this point with an open hillside stretching further beyond the western boundary.

1.26.3 **Mr Payne** claims that this site should be regarded as brownfield land, pointing out that it has been used in the past for mining-related activities and also for recreational purposes. The Council acknowledges that some such uses have occurred but argues that those areas have mostly regenerated and that, in any event, the majority of this site can properly be described as greenfield land.

1.26.4 From what I saw during my own inspection I have no quarrel with the Council’s assessment. Given the contours and state of the ground, certain areas of this site appear to have been used in the distant past for the deposit of minerals waste; yet the general

impression is that overall this site, due to the extent of grass, heath and other vegetation, is a natural part of the more extensive open hillside which surrounds this side of the settlement. Indeed its landscape value and nature conservation interest have been recognised in the Plan through, respectively, its identification under Policy HE8 (as proposed to be changed) as part of a Special Historic Landscape following its inclusion by Cadw in the national register of such places and by its designation under Policy C10 as part of a Site of Importance for Nature Conservation.

1.26.5 Given those circumstances, **Mr Payne’s** argument is not persuasive. In this connection the guidance in DPP(Wales) 2001 is helpful. While this is draft guidance only and thus should be given limited weight, it does confirm in Section 3.3 that excluded from the definition of previously developed (ie brownfield) land is “land where the remains of any structure or activity have blended into the landscape through the process of time so that it can reasonably be considered as part of the natural surroundings”.

1.26.6 The defined settlement boundary, which in this vicinity follows fairly closely the edge of the built-up area, is clear on the ground, logical and defensible. The objection site has the character and appearance of open countryside, albeit that it extends into the heart of the settlement, and it is thus distinctly different from the developed areas nearby. Any housing development on this land, as contemplated by both Objectors, would amount a significant spread of the built-up settlement into this conspicuous and sensitive area of countryside and would cause serious harm to the character and appearance of these surroundings.

1.26.7 In this regard it is notable that this settlement has developed over time in the form of 2 distinct built-up areas separated by an appreciable stretch of open land; the present site forms the major portion of the stretch to the west of the main road and I accept the Council’s argument that it is especially important to safeguard this area of separation in the interests of Deri’s identity and setting. And, doubtless, development here would also have a noticeable adverse impact on this site’s landscape value and nature conservation interest.

1.26.8 Given all the foregoing considerations, there is no justification for modifying the settlement boundary or allocating this land for housing purposes.

RECOMMENDATION

1.26.9 **That no modification be made to the Plan in response to these objections.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.28

LAND AT PENTWYN ROAD, TRINANT

OBJECTIONS

DO/5292/0324 Mrs D Davies
PCO/5292/3322 Mrs D Davies

Proposed Change

PC050

Primary Issue

- 1.27.1
- Should the Trinant settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.27.2 The objection site comprises the residential curtilage of a single dwelling situated at the southern entrance to the village. It is a relatively long, narrow site with a lengthy frontage to the main road. The dwelling stands at the northern tip of its garden close to a group of other dwellings; those properties lie within the defined settlement boundary.

1.27.3 The Objector says that the whole of this curtilage should be included within the defined boundary since it is part of the built-up village and the only property along this road to be excluded by the Plan. The Council agrees in part with this argument. It has introduced PC050 which realigns the settlement boundary so as to include within the settlement area the northernmost section (about a third) of the curtilage where the dwelling stands.

1.27.4 To my mind there is no justification for the Council’s latest position. This site is a single entity; the land associated with the dwelling seems to be used wholly as a domestic garden and there is no difference, in terms of character and appearance, between one part and another. Moreover, the line of the changed settlement boundary is entirely arbitrary and is not marked on the ground by any significant feature. I shall not endorse this change.

1.27.5 It follows that the Plan must treat the whole curtilage of this property in the same way. But should it lie inside or outside the settlement boundary? Whereas the dwelling itself is closely related to the built-up edge of the village, the garden substantially is not. There is extensive open farmland to the west and south of the objection site. On the other side of the main road a significant length of the site frontage faces further open land. Given those circumstances, I conclude that by reason of the size, configuration and open nature of the garden area, this curtilage overall merges naturally with the surrounding open land and makes an important contribution to the rural fringe rather than having the appearance of being an integral part of the built-up area. The Deposit Draft Plan properly recognised those characteristics by excluding this site from the settlement area. The designated boundary is clear, logical and defensible and I am convinced that it should remain unchanged.

1.27.6 The prospect of further development here if this site were to be included within the settlement boundary (the Objector confirms that likelihood) strengthens my opinion. This property is in a most conspicuous and sensitive position on a main approach into Trinant. Allowing the built-up area to spread in this direction would cause noticeable harm to the character and appearance of these surroundings to the detriment of the rural setting of this village.

RECOMMENDATION

1.27.7 **That no modification be made to the Plan in response to these objections nor in relation to Proposed Change PC050.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.29

WHITE HART, MACHEN

OBJECTION

DO/5272/0318 Mr J C Hicks

Primary Issue

1.28.1 • Should the Machen settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.28.2 This objection concerns a small patch of grassland, part of a much larger field, which lies just behind a domestic garage standing side-on to a narrow lane on the northern fringe of Machen. There is housing to the east and west along this side of the road; a public house stands opposite.

1.28.3 The settlement boundary as defined by the Plan is drawn tightly behind the gardens of these frontage properties. In the case of those to the west their gardens are of extremely limited depth. The effect of this is that here the settlement boundary for a noticeable length runs very close to the road and embraces, in relation to the objection site, only the domestic garage and the limited area of ground immediately at the roadside. To my mind this is entirely justified since the farmland to the rear of these properties has the character and appearance of open countryside, in distinct contrast to the urban nature of the established settlement area.

1.28.4 Severing the corner of this field in the completely arbitrary manner proposed by the Objector, effectively to create a building plot, would be unacceptable. Development here would, by reason of the location, depth and configuration of the objection site, be out of keeping with the predominant pattern of nearby frontage housing and would extend the built-up area into these pleasant rural surroundings thereby causing appreciable environmental

harm. The defined settlement boundary hereabouts is firm and defensible and should remain untouched.

1.28.5 In reaching those conclusions I have taken into account the Council’s evidence about the unsuitability of the access lane which would serve this site. I recognise that is substandard in many respects; the Objector’s claim that development on the objection land could facilitate road improvements is unrealistic given the extent of works which would likely be required to overcome the present deficiencies. This is a supplementary point which simply reinforces the already compelling environmental case for resisting any modification of the Plan.

RECOMMENDATION

1.28.6 **That no modification be made to the Plan in response to this objection.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.30

LAND AT CORBETTS LANE, CAERPHILLY

OBJECTION

DO/5263/0308 Mr A Thomas

Proposed Changes

PC055, PC055A

Primary Issue

1.29.1 • Should the Caerphilly settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.29.2 This site, as identified in the Council’s representations, consists of the curtilages of 2 residential properties together with areas of grass and woodland. It is situated at the edge of the settlement; to the west is a small group of dwellings, while beyond the main road to the south is a major industrial site. To the east and north is open countryside.

1.29.3 The Objector calls for the settlement boundary to be changed back to how it was shown in the Rhymney Valley District Local Plan (RVDLP) and, correspondingly, for the UDP’s Green Wedge designation to be deleted. Reference is also made to the fact that planning permission has recently been granted for the erection of 3 dwellings on this site. However I observe that neither the settlement area in the RVDLP nor the planning permission relates to the northern section of the land identified as the present objection site. For the avoidance of uncertainty I shall consider the larger site as defined on the plan accompanying the Council’s representations.

1.29.4 The Council accepts the need to modify the Plan to reflect the recent permission and has proposed changes (PC055 and PC055A) to this effect, realigning the settlement boundary and deleting the Green Wedge designation. To my mind this is entirely appropriate. As for the northern section of this site, the Council intends that this should remain within the countryside and under the Green Wedge designation. This decision too is justified.

1.29.5 This section of the site is fairly open in character and is adjoined effectively on 3 sides by other open land. Due to its location, size and nature, it forms an integral part of the countryside fringe around this side of the urban area and it lies within the strategic open gap which separates the built-up settlements of Caerphilly, Bedwas and Llanbradach. For those reasons it deserves protection since any development here (which would be the potential consequence of a settlement designation) would cause significant harm to the appearance and character of this stretch of countryside and be an unwelcome step towards the coalescence of those nearby settlements.

RECOMMENDATION

1.29.6 **That:**

- (i) **the Proposals Map be modified by the realignment of the settlement boundary so as to include the southern section of the objection site within the settlement area and by the deletion of the said land from the designated Green Wedge in accordance with Proposed Changes PC055 and PC055A;**
- (ii) **no other modification be made to the Plan in response to this objection.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.31

LAND AT BIRCHWOOD BUNGALOW, LLANBRADACH

OBJECTIONS

DO/5282/0288 Messrs H & D Evans
DO/5282/0290 Messrs H & D Evans
(registered under Policy C13(25))

Primary Issue

- 1.30.1
- Should this site’s Green Wedge designation be deleted and instead should the adjoining settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.30.2 This objection concerns a long and very narrow strip of woodland between the main road leading into Llanbradach and the railway line. To the west, beyond the line, is open countryside. On the other side of the road there are 2 areas of housing separated by a stretch of open land. Between the road and the railway, there are, to the north and south of this site, further residential properties.

1.30.3 The 2 blocks of housing on the opposite side of the road lie within defined settlement areas; so too do the residential and other properties which stand beyond the southern boundary of the objection site. Neither the site itself nor the dwellings to the north are included. Just over half of this site, the northern section, is designated as part of a Green Wedge.

1.30.4 In relation to the settlement boundary issue, I see no reason to criticise the Plan. The defined boundaries follow the recognisable edge of the 2 main built-up areas on the other side of the road and also embrace the fairly substantial developed stretch directly to the south of this site. This is logical and defensible. By contrast the narrow strip of land which is the subject of these objections is, due to its wooded nature and close relationship with the countryside west of the railway line, open in character and it is right to exclude it from the defined settlement area.

1.30.5 The Objectors consider this site would be suitable for development with 2 or 3 dwellings; I am not convinced. The roadside environment created by the woodland is most pleasant and contrasts quite noticeably with the built-up areas opposite and to the south; any development on this land would, because of the very limited depth of the site, be likely to alter significantly for the worse the appearance of this street scene.

1.30.6 However I reach a different conclusion about the Green Wedge designation. The Council claims that this is necessary in order to prevent the coalescence of Llanbradach and Ystrad Mynach. To the extent that there is an open gap between these settlements this is in reality only evident on the opposite side of the road where the broad stretch of meadow land separates 2 sizeable built-up areas to the north and south.

1.30.7 On the western side of this road there is no development of substance for some distance to the north and certainly no impression that the open land on this side performs the important “separation” role which the Green Wedge policy is designed to protect. In fact the Plan itself provides evidence to reinforce those conclusions in that the southern half of the objection site is not covered by the Green Wedge designation notwithstanding that there is no difference, physically or environmentally, between this and the northern section and no evident planning reason for dividing the site in this way. I shall accordingly recommend the deletion of the objection site from the Green Wedge.

1.30.8 I would also urge the Council to consider, in the light of those conclusions, the merits of adopting a similar approach regarding other land to the north which the Plan designates as a Green Wedge. I comment elsewhere in this report [*see under Policy C13*] on the importance of exercising caution when defining areas for this special form of policy control. It should not be used as simply another layer of widespread countryside protection but should be confined strictly to those areas which perform the functions which the Plan associates with this designation. To do otherwise is to risk damaging the integrity of the Green Wedge policy.

RECOMMENDATION

1.30.9 **That:**

- (i) **the Proposals Map be modified by the deletion of the objection site from the Green Wedge;**
 - (ii) **no other modification be made to the Plan in response to these objections;**
 - (iii) **the Council gives serious consideration, in relation to the Green Wedge designation of land to the north of the objection site, to the merits of adopting a similar approach to that recommended in (i) above in accordance with my conclusions in paragraph 1.30.8 above.**
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POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.32

LAND AT BEDWAS RUGBY CLUB AND THE SOUTH EAST WALES TEC, BEDWAS

OBJECTIONS

DO/5169/0279 Atlantic Property Developments PLC
PCO/5460/3171 Greendoorstep (Caerphilly)

Proposed Change

PC056

Primary Issue

- 1.31.1 • Should the Bedwas settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.31.2 This site forms part of a narrow stretch of land between 2 sections of the defined settlement area of Bedwas. It accommodates sizeable office premises as well as a rugby ground with associated clubhouse and other buildings. Due to the nature and scale of built development on this land and the fact that it is effectively surrounded by extensive housing and employment areas, this site is distinctly urban in character. Given those circumstances, there is no justification for excluding it from the defined settlement area.

1.31.3 The Council clearly agrees with this assessment since it now proposes a change (PC056) realigning the settlement boundary to include the objection land. However this has attracted a counter-objection from **Greendoorstep (Caerphilly)** which argues that this change would open up the prospect of more development leading to the coalescence of Caerphilly and Bedwas.

1.31.4 This is not a persuasive argument. The objection site is already occupied by a number of buildings and does not have the appearance of being an open gap separating neighbouring settlements. If any further development were proposed here it would have the effect of consolidating the existing urban character of this immediate area and, in principle, cause no environmental harm in the sense which **Greendoorstep** fears. In any event, I note from the Council’s representations that there are other policy reasons why any such development might be resisted.

RECOMMENDATION

1.31.5 **That the Proposals Map be modified by the realignment of the settlement boundary so as to include the objection site within the settlement area in accordance with Proposed Change PC056.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.34

LAND AT WAUN RYDD, GELLIGAER

OBJECTIONS

DO/5662/1067 Messrs A & P Price
DO/5662/1056 Messrs A & P Price
(registered under Policy H1.99(16))
DO/5662/1069 Messrs A & P Price
(registered under Policy C10(54))
DO/5662/1072 Messrs A & P Price
(registered under Policy C13(14))

Primary Issue

1.32.1 • Should the Green Wedge and nature conservation designations which cover this site be deleted and instead should the adjoining settlement boundary be realigned and the land be allocated for housing purposes.

Inspector’s Conclusions

1.32.2 This objection concerns a substantial area of open grassland on the fringe of Gelligaer. There is housing on the northern and eastern sides of this site but farmland in the other 2 directions.

1.32.3 The Objector claims that the development of this land would represent the rounding-off and consolidation of the existing pattern of housing in this part of the settlement and that no environmental harm would arise. I disagree. The limits of the adjoining established built-up areas are clearly defined on the ground and accurately represented by the settlement boundary as shown on the Proposals Map. Those areas are densely developed and

urban in character. This is in complete contrast to the open countryside which surrounds them to the south and west and of which the objection land, by reason of its scale, appearance and nature, plays an important and integral part.

1.32.4 Development of the present site would amount to a significant expansion of the built-up settlement into these open surroundings to the serious detriment of their rural character and appearance. It is worth noting that the outer boundary of this site is entirely artificial, having no noticeable physical definition; this, if the Objector’s case were accepted, would leave the adjoining land to the south and west vulnerable to further encroachment by development thereby increasing the scale of environmental damage.

1.32.5 There are other considerations too. This land forms part of a designated Green Wedge which separates Gelligaer and Penybryn. The Objector maintains that these areas have already coalesced. While I recognise that there is already some sense of linkage along the main road between these settlements, in substance they remain separate; certainly on and around the objection site the greater impression in reality is that of the openness which there still is between them. On balance, to my mind the Plan is right to seek to safeguard this characteristic.

1.32.6 Additionally, the northern section of the present site comprises the major part of a designated Site of Importance for Nature Conservation (SINC). Although the Objector criticises this designation, no compelling evidence is offered to support its deletion. The Council has demonstrated that this site meets the adopted criteria for SINC designation and I see no reason to set this consideration aside.

1.32.7 Finally I have borne in mind the general housing provision situation. While the development of this site would make a useful contribution towards addressing the housing shortfall which I have found exists [*see under Part 1 Policy 1H*] and also have the merit of being within the Area of Growth which is the Plan’s preferred strategic location for new development, the environmental and associated objections to the release of this greenfield site for such purposes are overwhelming.

RECOMMENDATION

1.32.8 **That no modification be made to the Plan in response to these objections.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.35

LAND AT DAN-Y-COED, GELLIGROES

OBJECTIONS

DO/5471/1295 Mr H Waters

Conditionally Withdrawn

DO/5494/1445 Mr & Mrs P Waters

Proposed Change

PC057

Primary Issue

- 1.33.1
- Should the Gelligroes settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.33.2 Dan-y-Coed is a dwelling situated at the southern end of a short ribbon of properties on the fringe of the built-up settlement. The curtilages of both this property and the adjoining house lie outside the Plan’s defined settlement boundary. This objection calls for the realignment of that boundary to include not only the recognisable residential curtilages of these properties but also an adjoining overgrown wooded parcel of land.

1.33.3 The Council acknowledges the sense in modifying the settlement boundary in relation to these residential curtilages and proposes a change (PC057) to this effect. This has led to the conditional withdrawal of the objection made by **Mr & Mrs Waters**. I shall endorse this change. This part of the objection site, comprising the dwellings and their formal gardens, is clearly domestic in character and relates well to the adjoining built-up area.

1.33.4 However there is a noticeable division between that part and the remainder of this site which is distinctly different in character. This has a “natural” appearance and compares favourably with the woodlands which surround this side of Gelligroes; thus it is entirely appropriate to regard this as part of the countryside fringe. Any development here, (which would be the potential consequence of a settlement designation), would extend the existing ribbon of properties into this pleasant woodland area and noticeably spoil the character and appearance of these immediate surroundings.

RECOMMENDATION

1.33.5 **That:**

- (i) **the Proposals Map be modified by the realignment of the settlement boundary so as to include the northern section of the objection**

site within the settlement area in accordance with Proposed Change PC057;

(ii) no other modification be made to the Plan in response to the objection made by Mr H Waters (1295).

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.36

LAND ADJACENT TO GLANHOWY ROAD, WYLLIE

OBJECTIONS

DO/5413/2016 Trustees of Mr J Thomas Davies (Deceased)
DO/5470/1286 Trustees of the Llanover Estate

Primary Issue

- 1.34.1
- Should the Wyllie settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.34.2 This site is a long, narrow stretch of open land on the slopes of a river valley; it lies due east of the built-up settlement of Wyllie but is otherwise adjoined by open countryside. Given those circumstances, I can find nothing to justify the Objectors’ argument that this land is suitable for development and thus should be included within the defined settlement area.

1.34.3 The edge of the built-up area is clear on the ground and properly represented by the Plan’s defined settlement boundary. This site is, due to its location and nature, an integral part of the rural surroundings of this small village. Any development here would be most conspicuous on these valley slopes; this would amount to an appreciable spread of the built-up area into this sensitive countryside fringe thereby causing noticeable harm to the character and appearance of the immediate village setting and the wider surroundings. The defined settlement boundary is logical and defensible; it should remain unchanged.

RECOMMENDATION

- 1.34.4 **That no modification be made to the Plan in response to these objections.**
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POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.37

**FORMER NESS TAR PLANT AND ADJOINING LAND,
CAERPHILLY**

OBJECTION

DO/5509/1251 Westbury Homes (Holdings) Ltd
DO/5509/1253 Westbury Homes (Holdings) Ltd
(registered under Policy H1.99(74))
DO/5509/1258 Westbury Homes (Holdings) Ltd
(registered under Policy C11(17))

Primary Issue

- 1.35.1
- Should the Special Landscape Area (SLA) designation which covers part of this site be deleted and instead should the adjoining settlement boundary be realigned and part of the land be allocated for housing purposes.

Inspector’s Conclusions

1.35.2 These are part of a series of objections which have the common aim of modifying the Plan so as to facilitate and encourage the development of this site primarily for housing purposes. I report elsewhere on matters relating to employment, transportation, recreation and land reclamation [see under Policies E1.23, T4.99, L5.19 and D1.28].

1.35.3 The present objections concern mainly the former tar plant site (including part of a former brickworks) and an extensive area of farmland and woodland to its south. To the west of this site is an area of housing, while beyond the railway line which marks the northern boundary is a business park; there is open countryside in other directions.

1.35.4 The 2 distinct parts of this site raise completely different considerations. The former tar plant is brownfield land and the Plan already recognises its suitability in principle for some kind of development in that it is included within the defined settlement boundary. I have concluded elsewhere that the Plan (in its changed form) is right not to commit itself to, or rule out, specific land uses [see under Policy D1.28]. Therefore housing, being one of the potential range of urban uses which the Council says would in principle be acceptable, is already accommodated by the Plan albeit not in the express terms which the Objector would prefer.

1.35.5 However the Objector’s proposal is for a comprehensive approach to the development of the tar plant site and the open land to the south; it is claimed that the costs of removing the contamination on the brownfield area and constructing a by-pass, which is seen as the most appropriate means of overcoming existing access problems for such a development, are such that they cannot be borne by developing the former tar plant in isolation. Given those considerations, it is necessary to judge this proposal as a whole.

1.35.6 The land forming the much larger, southern section of the objection site is open in character and appearance and to my mind it is an integral part of the countryside

fringe around this side of the town. While I acknowledge that the woodland areas in the east are intended to be safeguarded and that a broad strip of land beside the proposed by-pass would not be built on, development here, no matter how well landscaped and sensitively designed it may be, would represent a significant expansion of the existing urban area into these essentially rural surroundings and cause serious harm to their character and appearance.

1.35.7 In this connection the Objector’s arguments about the SLA designation are not persuasive. The whole of the greenfield section of this site lies within the SLA. The Objector takes issue with the designation of the northernmost part (but excepting the woodland area in the east) which lies between the former tar plant and the public footpath which crosses this site. While this part was similarly designated in the Rhymney Valley District Local Plan (RVDLP), I observe that the Rhymney Valley Landscape Strategy (RVLS) which informed the RVDLP (and which the Council still relies on generally to support the UDP) did not regard it all as worthy of special protection by means of inclusion within the SLA.

1.35.8 This part of the objection site is very much flatter than the land adjoining to the south and not so prominent in distant views; indeed it is relatively undistinguished in landscape terms, being quite different in character and appearance from the rest of the SLA hereabouts. The Council, in its supplementary evidence effectively admits as much. It seeks to justify its designation of this part of the site by referring to the need to establish clear and firm SLA boundaries.

1.35.9 I acknowledge the value of this approach. The boundary which the RVLS indicates is, in this immediate vicinity, diagrammatic and does not appear to relate to any conspicuous features on the ground. For the purposes of the Plan it is important to be more definitive. Unless it would lead to the inclusion of a significant area of land which is patently unworthy of such designation, which is not the case here, it is sensible that the SLA boundary should be aligned with established physical features wherever possible. In this regard I am conscious that Policy C11 does not impose a total prohibition on development within SLAs; broadly, proposals causing no harm in landscape terms are permissible and any examination of “harm” would need to take into account the level of quality of the land directly affected. Given these circumstances, there is nothing to warrant any modification to the SLA boundary.

1.35.10 In reaching my overall conclusions on this case I have borne in mind the appreciable contribution which potentially the development of this site would make towards reducing the scale of the housing land supply shortfall which presently exists [*see under Part 1 Policy 1H*]; and, being located so relatively close to the town centre, public transport facilities and established housing and employment areas, other merits of the site are evident especially in the context of the principles of sustainability. To that extent therefore, a number of national guidance objectives would be met. Further general benefits would arise in terms of the provision of open space for which the Plan confirms there is a local need, and the by-pass which the Council accepts would improve the road network around Caerphilly.

1.35.11 Yet in my judgement the environmental case against the release of the substantial greenfield section of this site for development is overwhelming. And it is worth noting in this context that this land lies within the Area Of Consolidation; while I have concluded earlier [*see under Part 1 Policy 1DS*] that the Plan should be less inflexible about making provision for development in this strategy area, a single proposal of the scale contemplated in the present case would be significantly at odds with the Plan’s fundamental

strategy for this part of the County Borough. An additional consideration which weighs against this proposal is the undoubted harmful impact that the provision of the by-pass would have on the Site of Importance for Nature Conservation which lies in the south-western corner of the objection site. For those reasons no modification should be made to the Plan.

RECOMMENDATION

1.35.12 **That no modification be made to the Plan in response to these objections.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.38

LAND AROUND LLANBRADACH STATION, LLANBRADACH

OBJECTION

DO/5485/1246 Railtrack Plc

Primary Issue

- 1.36.1 • Should the Llanbradach settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.36.2 The objection site is primarily an area of open land on the western side of the railway line which for a significant stretch marks the boundary of this sizeable urban settlement. To the west of the railway the land rises steeply and with its woodland cover this hillside is a prominent landscape feature visible from over a considerable distance.

1.36.3 There is a clear division between these areas of totally contrasting character and this is accurately reflected by the Plan’s definition of the settlement boundary. The objection site, in terms of its essential character and appearance, relates well to the extensive area of open countryside beyond the railway line and any development here (which would be the potential consequence of a settlement designation) would be likely to lead to significant environmental damage. I can see no justification for any modification.

RECOMMENDATION

1.36.4 **That no modification be made to the Plan in response to this objection.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.39

LAND AT COMMERCIAL STREET, GELLIGAER

OBJECTIONS

DO/5674/1211 Mr W James
DO/5674/2089 Mr W James
(registered under Policy DC2 - Paragraph 1.36)
DO/5674/1209 Mr W James
(registered under Policy H1.99(3))
DO/5674/1213 Mr W James
(registered under Policy C13(15))
DO/5674/1217 Mr W James
(registered under Policy C13 - Paragraph 6.52)
DO/5674/1218 Mr W James
(registered under Policy C13 - Paragraph 6.51)

Primary Issue

- 1.37.1
- Should the Green Wedge designation which covers this site be deleted and instead should the adjoining settlement boundary be realigned and the land be allocated for housing purposes.

Inspector’s Conclusions

1.37.2 This is a roughly triangular shaped area of open land effectively surrounded by roads and with housing bordering 2 sides. On the third side, beyond the B4254 main road, is a recreation ground with farmland further on.

1.37.3 The Council’s case rests essentially on the need to safeguard the open gap between the settlements of Gelligaer and Penpedairheol. However I do not consider that the objection site performs any significant function in this respect. To the east and south lie areas of housing which in planning land-use terms merge to form a single, cohesive urban settlement - in practical terms, Penpedairheol. I am aware that the group of houses directly to the south originally formed an off-shoot of the early village of Gelligaer (and has been described in some of the submitted evidence as a settlement, Glyngaer, in its own right) but that is no longer the case on the ground. The main body of the settlement of Gelligaer stands a little distance to the west beyond the main road. And although there is open land on the other side of the B4254, the objection site is effectively and visually divorced from it by the substantial embankment which carries this road.

1.37.4 Given those circumstances, there is a noticeable sense of enclosure around this site and its character is heavily influenced by the urban environment of the nearby housing. To the extent that there is an open gap between the specified settlements, this clearly goes no further eastwards than the stretch of embanked main road bordering this site.

1.37.5 For those reasons I am convinced that the development of the objection land would not, in principle, cause any material environmental harm. It would not have the effect of leading to the coalescence of the 2 neighbouring settlements or otherwise damage their

integrity, nor would it encroach into open countryside. Rather it would satisfactorily round-off the directly adjoining urban settlement up to a firm and defensible boundary feature. It is also notable that this site would satisfy the majority, if not all, of the criteria which the Council has adopted (in Topic Paper 1) for determining potential housing allocations. Accordingly, I intend recommending the realignment of the settlement boundary and the allocation of this site for housing purposes; and I shall adopt the Council’s capacity estimate of 30 dwellings.

1.37.6 In reaching those conclusions I have had regard to the Council’s point that this is greenfield land, any past colliery use as referred to by the Objector having effectively finished in the very distant past. Yet elsewhere the Plan allocates such land for development where general need or site-specific circumstances make it appropriate to do so. In other words, it takes a balanced and realistic approach and that, to my mind, is an acceptable way to proceed given the County Borough’s circumstances. In the present case a significant “general need” consideration is my earlier conclusion [*see under Part 1 Policy 1H*] that there is a serious shortfall in housing land provision which the Plan needs to rectify. A site of this size would make a useful contribution in this respect. It is also significant, in strategic policy terms, that the objection land lies within the Area of Growth, the Plan’s preferred location for new development.

1.37.7 The Council has also drawn my attention to an appeal decision in 1986 regarding a proposal for the residential development of this site. In dismissing that appeal the Inspector concluded that this was a visually important open space between the main road and the built-up area. Of course that Inspector was charged with determining a development proposal against the provisions of a local plan which was in his words “well advanced and is therefore to be given weight”. The current UDP presents the opportunity to consider strategies and policies afresh in the light of circumstances which now prevail. And 2 of the more significant changes since then which have a bearing on my conclusions are the housing shortfall situation and the Plan’s promotion of the Area of Growth as the place for necessary new development. Apart from that, the need to safeguard an open space between a settlement and a road is not one of the specified strategic functions of the Green Wedge policy.

1.37.8 Finally, the allocation of this site for housing will necessitate the inclusion of details within Appendix 3. Apart from the factual matters which the Council is best able to determine, reference should be made to the need for any future scheme to treat with sensitivity the relationship of the development with the cottages which face the southern site boundary. While neither they, nor their immediate surroundings, have any statutory historic recognition, I accept the Council’s point that these properties and their setting have sufficient qualities to merit particular consideration.

RECOMMENDATION

1.37.9 **That:**

- (i) **Policy H1 be modified by the inclusion of the objection site as a housing allocation with a capacity estimate of 30 dwellings;**
- (ii) **the Proposals Map be modified (a) by the realignment of the settlement boundary to coincide with the line of the B4254 so as to include**

the objection site within the settlement area and (b) by the deletion of the objection site from the designated Green Wedge and by its designation instead as a Policy H1 housing allocation;

(iii) **Appendix 3 be modified by the inclusion of details of the objection site taking into account my conclusions in paragraph 1.37.8 above.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.40

**LAND NORTH OF THE FORMER SAWMILL,
DRAETHEN**

OBJECTIONS

DO/5509/1956 Westbury Homes (Holdings) Ltd
DO/5509/1952 Westbury Homes (Holdings) Ltd
(registered under Policy H1.99(57))
DO/5509/1969 Westbury Homes (Holdings) Ltd
(registered under Policy C11(16))

Primary Issue

- 1.38.1
- Should this site be allocated for housing purposes and be included within a settlement boundary to be defined for the whole village of Draethen, and should the Special Landscape Area (SLA) designation which covers the village and this site be deleted.

Inspector’s Conclusions

1.38.2 Draethen is no more than a small hamlet situated in open countryside. There is a core group of residential properties but others on the fringes are quite widely spread. There is no discernible cohesion or pattern to the housing here nor any real impression of a significant built-up frontage or development in depth; and there is certainly no “village centre” in the commonly accepted sense of that term.

1.38.3 Given those circumstances, I agree with the Council’s assessment that Draethen is not urban in character and that, in accordance with the Plan’s approach to other such small rural villages/hamlets, it is not appropriate to identify it as a settlement within its own defined boundary. Although, as the Objector points out, a settlement limit was shown in the Rhymney Valley District Local Plan, this is of no great significance; the current UDP presents the opportunity to consider strategies and policies afresh in the light of circumstances which now prevail.

1.38.4 My views about the objection site reinforce those general conclusions. This is an area of mainly open grassland fronting the main street through Draethen. There are houses to the south and, while there is a single dwelling directly to the east, the general

impression is that this site is otherwise surrounded by open countryside. And in its present open state this land merges well with those surroundings. Any development here as envisaged by the Objector would extend the existing built area into this sensitive stretch of countryside and cause serious harm to the character and appearance of this attractive rural hamlet. In this context it is also worth noting that Draethen, including the objection site, is a Conservation Area; its setting therefore merits particular care and attention.

1.38.5 In overall terms I have no quarrel with the inclusion of Draethen within the designated SLA and can find no justification, in response to the present objections, for modifying the Plan.

RECOMMENDATION

1.38.6 **That no modification be made to the Plan in response to these objections.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.41

LAND AT THE RISE, LLANBRADACH

OBJECTIONS

DO/5658/1154 Mrs S Suter & Mrs S Jones
DO/5658/1141 Mrs S Suter & Mrs S Jones
(registered under Policy H1.99(28))
DO/5658/1146 Mrs S Suter & Mrs S Jones
(registered under Policy C13(25))
DO/5658/1150 Mrs S Suter & Mrs S Jones
(registered under Policy L6.99(23))

Primary Issues

- 1.39.1
- Should the Green Wedge designation, so far as it covers the north-western section of this site, be deleted and instead should the adjoining settlement boundary be realigned and this land be allocated for housing purposes.
 - Should the remainder of the objection site be designated under Policy L6 for the purposes of a riverside park.

Inspector’s Conclusions

1.39.2 The entire objection site is part of a stretch of open land between the main road through the settlement of Llanbradach and the A469 dual carriageway. Adjoining to the west is a small area of housing, while beyond the river which forms the northern site boundary is a large industrial estate. The river meanders around the rest of this site; on the eastern side there is then a very narrow strip of largely open ground up to the dual

carriageway but to the south is a much larger open area with the edge of the built-up settlement further on. The objection land is mainly under grass but with some tree cover.

1.39.3 As to the first issue, while the section identified by the Objectors for housing purposes is closely related to the housing and employment areas to the west and north, it forms an integral part of the wider stretch of open space which serves to separate those areas (which represent the southernmost reaches of the built-up settlement of Ystrad Mynach) and the northern edge of Llanbradach. In terms of its essential appearance and character this section of the objection land is indistinguishable from the rest; while the proposed housing site is bounded by the flood embankment and trees, there is no real sense of containment or severance from other nearby open land and thus no justification on these grounds for its development.

1.39.4 Housing here would amount to a noticeable spread of the built-up area into this relatively narrow and sensitive stretch of open land to the detriment of the character of these immediate surroundings; and it would be an unwelcome step towards the erosion of this important gap between the neighbouring settlements of Ystrad Mynach and Llanbradach. The settlement boundaries hereabouts are logically drawn and defensible, and for the foregoing reasons they deserve to remain untouched.

1.39.5 In reaching those conclusions I have taken into account the housing shortfall position on which the Objectors place some emphasis. However despite my earlier recommendation [*see under Part 1 Policy 1H*] that the Plan must identify a significant amount of extra provision, the environmental objections against the allocation of this greenfield site are overwhelming. Nor is the Objectors’ argument about the need for additional housing provision in Ystrad Mynach and Llanbradach persuasive. The Plan does not seek to apportion its overall requirement between even the 3 development strategy areas; less still is there justification for doing so in relation to individual settlements, not least since there is no reliable evidence on which to base any calculation of the precise scale of any such perceived “local need”.

1.39.6 In respect of the second issue, there is no suggestion that the Objectors’ proposal for a riverside park on the remainder of the present site is in any way independent of their housing development aspirations; on the contrary, it is clear that this recreation project is inextricably linked with, and is supplementary to, that development.

1.39.7 Consequently this must, given my conclusions on the first issue and bearing in mind that the Council itself has no intention of providing any such facility here, be regarded as a proposal with no likelihood of implementation within the lifetime of the UDP. In these circumstances, it would be wrong for the Plan to allocate this part of the site for the specified recreation purposes since this would be inconsistent with national guidance which calls for development plans to provide certainty and clarity. In any event, as the Council says, if such a scheme were to come forward in isolation it would not necessarily be precluded by the provisions of the Plan’s countryside and leisure policies.

1.39.8 For those reasons, while I do not doubt that an appropriate riverside park in this location would be likely to bring many benefits especially in view of the Plan’s own proposal for a riverside walk in this vicinity, a formal allocation in this regard cannot be justified.

RECOMMENDATION

1.39.9 **That no modification be made to the Plan in response to these objections.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.42

LAND SOUTH OF IVY ROW, BRITHDIR

OBJECTION

DO/5450/1421 Mr & Mrs W Boobier

Proposed Change

PC058

Primary Issue

1.40.1 • Should the Brithdir settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.40.2 The objection site comprises a detached dwelling and part of its curtilage together with a strip of adjoining land on which stands a small building. It lies at the southern tip of the Brithdir settlement. To the north is a ribbon of houses, while on the south side of this site is a grassed play area; in other directions there is generally open countryside.

1.40.3 The settlement boundary as currently defined is illogical and arbitrary. While it excludes the dwelling and part of the garden, it includes the major proportion of this domestic curtilage; there is no such division between these 2 areas on the ground. The Council recognises the sense in including this entire residential property within the settlement area and proposes a change (PC058) to this effect. However I consider that the Plan should go further and include the rest of the objection site as well.

1.40.4 There is no significant physical feature denoting the changed settlement boundary. The adjoining strip of land is at the same level as the garden area and is not unlike it in terms of its essential character. By contrast the southern boundary of the objection site is marked by a sharp change in level down to the lower-lying play area which, in addition, is of a noticeably different appearance. I am aware that the Plan’s settlement boundaries have been defined, wherever possible, by reference to natural or other physical features of significance. The embankment at the southern boundary of this site provides this opportunity and should be preferred to the artificial line now chosen by the Council.

1.40.5 The Council’s fears about the consequences of this adjoining land being developed are not convincing. It is, in principle, most unlikely that a dwelling on this part of the site would be any more “visible and intrusive” than the large residence directly alongside or the ribbon of houses further on; and if there are insurmountable access problems, as

alluded to by the Council, then there are other policies in the Plan against which such matters could properly be judged should any development proposal be forthcoming.

1.40.6 As for the Special Landscape Area (SLA) designation which covers this site, I note that the Council did not propose, in conjunction with the settlement boundary change, the deletion of this designation; nor is there any formal objection seeking such action. However its deletion must inevitably and logically follow as a consequence of my intention to recommend the realignment of the settlement boundary to include this site within the settlement area; I consider it appropriate, therefore, to recommend its deletion.

RECOMMENDATION

1.40.7 **That the Proposals Map be modified by the deletion of the objection site from the designated Special Landscape Area and by the realignment of the settlement boundary so as to include the objection site within the settlement area.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.43

LAND ADJACENT TO CAERPHILLY NORTHERN BY-PASS, CAERPHILLY

OBJECTIONS

DO/5263/1863 Mr A Thomas
DO/5263/1864 Mr A Thomas
(registered under Policy C10(166))
DO/5263/1865 Mr A Thomas
(registered under Policy C13(29))

Primary Issue

1.41.1

- Should the Green Wedge and nature conservation designations which cover this site be deleted and instead should the adjoining settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.41.2 This objection concerns a stretch of open land situated between the Caerphilly Northern By-Pass, which marks the limit of the town’s urban area, and a large industrial estate on the western fringes of Bedwas. This site is mainly under grass although there is significant tree cover and other mature vegetation around the boundaries, including along the bank of the River Rhymney which borders the objection land to the north and east.

1.41.3 The Objector claims that the river represents the true boundary between the settlements of Caerphilly and Bedwas and that the designation of this land as a Green Wedge

is inappropriate and unnecessary. He further says that the site is relatively low in botanical diversity and of limited ecological value.

1.41.4 As to the first point, this stretch of the by-pass provides a clear definition to the northern edge of Caerphilly’s urban area, while it is similarly evident that the western limits of the built-up area of Bedwas do not extend beyond the river.

1.41.5 Yet despite those conclusions, I am not convinced that the Green Wedge designation is appropriate. Although physically this stretch of land stands between areas of urban development, there is no impression given on the ground that these are 2 distinct settlements each with their own identity. The gap is so relatively narrow, and the influence of the adjoining development so great, that in planning land-use terms this land has all the characteristics of an urban open space within a single cohesive settlement. Indeed I note from the Proposals Map (taking PC056 into account) that at the eastern end of this stretch of land the settlement areas to the north and south are effectively enjoined, while at the western end the gap is not much more than the combined width of the by-pass and the river.

1.41.6 Given those circumstances, while I consider that this stretch of land provides an attractive open space alongside the river and that its protection can be justified on environmental and visual amenity grounds, it simply does not perform the functions for which, according to the Plan’s explanation, Green Wedges are intended; in particular it is not countryside and has no rural character or qualities. Furthermore it is effectively severed from the broader Green Wedge areas to the north-west and south-east. Its value as an open space is much more localised. Elsewhere in this report I have referred to the need and justification for an urban open space policy [*see under Policy C13*]. For all the foregoing reasons, this site should be embraced by the provisions of such a policy and, correspondingly, be included within a realigned settlement boundary.

1.41.7 Regarding the designation of this land as a Site of Importance for Nature Conservation (SINC), there is no compelling evidence to suggest that this is unwarranted. This site was similarly designated in the Rhymney Valley District Local Plan following an extensive survey. Those SINCs were re-surveyed as part of the preparation of the UDP. The Council refers to the value and variety of this site’s habitat and this is described in much more detail in Topic Paper 5. The Objector’s counter-evidence consists of an ecological survey undertaken in 1995; I note that it did not cover the full extent of the land now in question. While there clearly is some disparity between the expert findings of the parties’ respective surveys, in the circumstances I prefer the Council’s more recent and more extensive assessment, not least since this was undertaken as part of a comprehensive Plan-wide exercise thus enabling a balanced judgement to be made about the objection site’s relative nature conservation value.

RECOMMENDATION

1.41.8 **That:**

- (i) **the Proposals Map be modified by (a) the deletion of the objection site from the designated Green Wedge, (b) the designation of this land as an Urban Open Space under the provisions of the new policy which I am recommending elsewhere in this report and (c) the realignment of the**

settlement boundary so as to include this land within the defined settlement area;

(ii) no other modification be made to the Plan in response to the objection made by Mr A Thomas (1864).

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.46

LAND EAST OF GEORGE STREET, ABERCARN

OBJECTION

DO/5447/1409 Mr D Lloyd

Primary Issue

- 1.42.1 • Should the Abercarn settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.42.2 The objection land consists of the sizeable curtilage of a residential property which is located at the eastern edge of the built-up area of Abercarn. There is housing directly to the west and south of this site, while to the north-west further development is under way on land which is within the Plan’s defined settlement boundary. This site is otherwise bordered by open land.

1.42.3 Given the nature and use of this site and its close relationship with the established built-up area, to my mind it clearly has an urban character; development on the remaining adjacent land within the defined settlement would strengthen that relationship and urbanise these immediate surroundings still more. This is in distinct contrast to the noticeably open character and appearance of the fields and wooded hillside to the east and north.

1.42.4 The development of this land (which would be the potential consequence of a settlement designation) would, contrary to the Council’s belief, be unlikely to cause any significant environmental harm; it would simply amount to the rounding-off of this settlement in a logical and satisfactory fashion. In this respect, although the objection site lies within a Special Landscape Area (SLA), its contribution to the undoubted qualities of the wider surrounding countryside is, in my judgement, negligible given that part is domestic garden and part is heavily overgrown.

1.42.5 While the Council refers to potential problems of accessing this site for development purposes, there is no suggestion that these would be incapable of resolution within the lifetime of this Plan. In any event the presence of such difficulties should not prevent the Plan from taking a sensible and realistic approach to the definition of settlement boundaries.

1.42.6 For those reasons I intend recommending the realignment of the settlement boundary so as to include this site. As for the SLA designation, I observe that there is no formal objection seeking the deletion of this designation. However its deletion must inevitably and logically follow as a consequence of my intention to recommend the realignment of the settlement boundary to include this site within the settlement area; I consider it appropriate, for the sake of completeness, to recommend its deletion.

RECOMMENDATION

1.42.7 **That the Proposals Map be modified by the deletion of the objection site from the designated Special Landscape Area and by the realignment of the settlement boundary so as to include the objection site within the settlement area.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.47

LAND TO THE EAST OF BEDWAS COLLIERY, BEDWAS

OBJECTIONS

DO/5654/1407 Messrs Greenhaf
DO/5654/1239 Messrs Greenhaf
(registered under Policy H1.99(59))

Primary Issue

1.43.1 • Should this site be included within the settlement boundary and be allocated for housing purposes.

Inspector’s Conclusions

1.43.2 This is an extensive site on the northern side of the built-up area of Trethomas. The southernmost section of the defined site falls within the settlement area identified on the Proposals Map but the majority, namely all the land to the north of the former railway line, is within the countryside fringe.

1.43.3 The site area beyond the railway comprises mainly fields and woodland; this ground rises noticeably away from the settlement and various parts are visible from a number of public vantage points. Due to its scale, location and present open state, it clearly forms an integral part of the rural surroundings of the existing settlement. Development here, as envisaged by the Objector, would represent a significant spread of the urban area into this fairly prominent stretch of open countryside thereby causing serious harm to the character and appearance of these surroundings. It would also appreciably reduce the open gap which

presently provides an important degree of separation between this settlement and the substantial developed area of Graig y Rhacca to the east.

1.43.4 The settlement boundary in this immediate vicinity is clear and defensible and, given the foregoing considerations, I see no compelling reason why it should be modified. Of course, as the Objector says, this part of the overall site would make a highly significant contribution to helping meet the additional housing requirement which I have already identified [*see under Part 1 Policy 1H*]. However not only is this greenfield land but it is also located within the Area of Consolidation and these, in planning policy terms, are persuasive grounds for not selecting a site of this scale as a preferred housing option; and in any event the environmental case against its release for development is overwhelming.

1.43.5 The Objector also claims that the development of this site could, beneficially, facilitate and expedite the reclamation of the former Bedwas Colliery land just to the west. I am aware that reclamation of this area is a specific Plan proposal under Policy D1 and the Council confirms that it is in the early stages of developing a strategy for the future use of that land. The Council considers that, irrespective of its aspirations for Bedwas Colliery, the Plan cannot encourage or otherwise facilitate the development of that part of the objection site which lies to the north of the former railway; in all the circumstances, I agree. In relation to this part of the site, no modification should be made to the Plan.

1.43.6 As for the question of allocating the southern section for housing, the Council resists this on the grounds that the existing access arrangements are unsatisfactory; also that this site is not regarded as being genuinely available for development since it is dependent on the colliery redevelopment for a mixed-use scheme and on the construction of a new link road which is identified under Policy T7(2).

1.43.7 There is no compelling counter-argument from the Objector regarding those points. Indeed there seems to be no attempt to promote the allocation of this part of the site for housing in isolation from the rest; nor is there any suggestion that the “planning benefits” earlier described by the Objector would be offered up by the much smaller-scale development which just this section of the objection site could accommodate. I therefore have no evidence to indicate that there is a real prospect of this piece of land becoming available for development within the lifetime of this Plan; as such it would be inconsistent with the tenor of national guidance to make a positive allocation in this respect.

RECOMMENDATION

1.43.8 **That no modification be made to the Plan in response to these objections.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.48

LAND AT PENYCOED FAWR FARM, BLACKWOOD

OBJECTIONS

DO/5518/1376 Beazer Homes
DO/5518/1372 Beazer Homes
(registered under Policy H1.99(68))

Primary Issue

- 1.44.1 • Should this site be included within the settlement boundary and be allocated for housing purposes.

Inspector’s Conclusions

1.44.2 This objection concerns a substantial area of open farmland at the northern edge of Blackwood. Due to its scale, nature and appearance it clearly forms an integral part of the rural surroundings of the existing urban area and in physical environmental terms I can find nothing to justify modifying the Plan in the way sought by the Objector. The defined settlement boundary hereabouts is logical and defensible, following as it does the recognisable edge of the built-up area. Any development here would amount to a significant spread of the urban settlement into this pleasant countryside fringe thereby causing serious harm to the character and appearance of these rural surroundings.

1.44.3 Nor do housing provision considerations justify any such modifications either. While this site would make an appreciable contribution to helping meet the additional housing requirement which I have already identified [*see under Part 1 Policy 1H*], this is greenfield land and in planning policy terms this is a persuasive argument for not selecting a site of this scale as a preferred housing option; moreover, the environmental case against its release for development is in any event overwhelming.

RECOMMENDATION

- 1.44.4 **That no modification be made to the Plan in response to these objections.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.49

BLACKWOOD GOLF COURSE, BLACKWOOD

OBJECTIONS

DO/5507/1366 Blackwood Golf Club
DO/5507/1360 Blackwood Golf Club
(registered under Policy H1.99(12))
DO/5507/1369 Blackwood Golf Club
(registered under Policy C13(10))

Primary Issue

- 1.45.1
- Should this site’s Green Wedge designation be deleted and instead should the adjoining settlement boundary be realigned and this land be allocated for housing purposes.

Inspector’s Conclusions

1.45.2 This objection relates to the whole of Blackwood Golf Course which covers an area of almost 19ha and lies towards the northern end of the large urban settlement of Blackwood. This course is mainly surrounded by housing development, the only exceptions being along the short north-eastern boundary beyond which is open countryside and on the south-west side where it adjoins a recreation ground. In turn, the recreation ground is almost entirely surrounded by housing.

1.45.3 This course, naturally, is open in appearance but to my mind it does not possess the characteristics of countryside. It is not an especially large course and the presence of the surrounding housing development is inescapable. And it is these extensive urban surroundings which are the dominating influence on the character of the objection land and establish the prevailing local environment hereabouts. The same is true of the recreation ground, in fact even more so given its smaller size.

1.45.4 Nor does this site function as an open gap separating neighbouring settlements. From a planning land-use standpoint the development surrounding the golf course (and recreation ground) is continuous and cohesive; there is no evident distinction between the housing on one side and another in terms of their identity and essential character and the Plan’s attempt to create such a distinction through the designation of this site as part of a Green Wedge is artificial and unsupportable.

1.45.5 To my mind the golf course has all the characteristics of an open space within an urban area and accordingly the Plan should properly acknowledge this by realigning the defined settlement boundary so as to include this site (and logically this must encompass the recreation ground as well). The track which marks the north-eastern edge of the objection land is an appropriate boundary for this purpose.

1.45.6 However given those same circumstances, the present site is, in my judgement, a prime candidate for designation under the new urban open space policy which I

am recommending [see under Policy C13]. Due to its location, size, nature and appearance, this site performs a valuable role as an open amenity area which provides enjoyment both recreationally and visually. It also creates an attractive setting for the surrounding housing and is environmentally beneficial in wider townscape terms. Thus it deserves to be safeguarded and the modification which I am recommending will ensure this.

1.45.7 For those reasons, notwithstanding the housing provision shortfall which I have earlier identified [see under Part 1 Policy 1H] and the fact that this site lies within the Area of Growth, it would be inappropriate for the Plan to allocate this land for housing purposes.

1.45.8 In reaching those conclusions I have taken into account the Objector’s desire to relocate the golf course in order to provide a better and larger facility elsewhere. However this is not a sound basis for setting aside the strong environmental objections to the development of this site which are identified above.

1.45.9 Finally, while I have no remit to recommend formally any modification to the Green Wedge designation in relation to the recreation ground, it follows from the foregoing conclusions that the Plan should, sensibly, treat this and the objection land in the same way. I urge the Council to do so.

RECOMMENDATION

1.45.10 **That:**

(i) **the Proposals Map be modified by (a) the deletion of the objection site from the designated Green Wedge, (b) the designation of the objection site as an Urban Open Space under the provisions of the new policy which I am recommending elsewhere in this report and (c) the realignment of the settlement boundary along the line of the track on the north-eastern edge of the objection site so as to include this site and the adjoining recreation ground within the defined settlement area;**

(ii) **the Council gives serious consideration to the merits of further modifying the Plan by the deletion of the recreation ground from the Green Wedge and its designation as an Urban Open Space taking into account my conclusions in paragraph 1.45.9 above.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.50

LAND AT GLENDALE, VAN ROAD, CAERPHILLY

OBJECTIONS

DO/5509/1356 Westbury Homes (Holdings) Ltd
DO/5509/1354 Westbury Homes (Holdings) Ltd
(registered under Policy H1.99(82))
DO/5509/1358 Westbury Homes (Holdings) Ltd
(registered under Policy C11(16))

Primary Issue

- 1.46.1
- Should this site’s Special Landscape Area (SLA) designation be deleted and instead should the adjoining settlement boundary be realigned and this land be allocated for housing purposes.

Inspector’s Conclusions

1.46.2 This site, which comprises the curtilages of 2 residential properties, lies at the junction of Van Road and the A468 link road. To the south, beyond Van Road, are business premises at the western edge of the Caerphilly Business Park, while on the other side of the link road to the west is a housing area. To the north and east is woodland and farmland.

1.46.3 The areas beyond the adjacent roads are urban in character and these, properly, are identified by the Plan as being within the Caerphilly settlement area. To the north and east of the junction the defined settlement boundary follows the line of these roads, deviating only in the case of Van Road to include a small group of houses a little way to the east of the objection site.

1.46.4 The grounds of this site are heavily wooded to the extent that at the time of my inspection the dwellings were barely visible from the adjoining roads. As such this site assimilates well with the neighbouring open land and to my mind it makes an important contribution to the essentially rural character of the countryside fringe around this part of the urban settlement. It is also, by reason of its nature and intimate relationship with that land, seen as an integral part of the attractive open landscape hereabouts (a designated SLA) and its position at the junction of town and country makes it particularly prominent and sensitive in this respect. For these reasons I have no quarrel with the Plan’s definition of the settlement boundary; it accurately reflects the recognisable edge of the developed area and justifiably excludes the objection site.

1.46.5 The likely effect which any development of the objection land would have on these surroundings gives further strength to those conclusions. While in some respects this site would represent only a relatively small addition to the existing extensive urban area, it is in such a conspicuous location that development here would seriously spoil the character and appearance of this attractive countryside fringe; and it would be the first breach of the very firm and defensible settlement boundary which the A468 link road provides. While this site would make a useful contribution to helping meet the additional housing requirement which I

have already identified [*see under Part 1 Policy 1H*], these environmental arguments against its release for development are overwhelming.

RECOMMENDATION

1.46.6 **That no modification be made to the Plan in response to these objections.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.53

LAND EAST OF MACHEN

OBJECTION

DO/5559/0835 Mrs M Feder

Primary Issue

1.47.1 • Should the Machen settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.47.2 This site comprises an area of grassland, trees and scrub just beyond the eastern tip of the built-up settlement of Machen. It is surrounded primarily by farmland but to the north is an extensive quarry. There is a noticeable stretch of open ground between this site and the nearest dwellings in the settlement.

1.47.3 There is no case for modifying the settlement boundary so as to include the objection land. This site is open in character and appearance and clearly is part of the countryside surrounding Machen; it does not even abut the built-up area. Any development here, as contemplated by the Objector, would be relatively remote from the body of the established settlement and would cause significant damage to these essentially rural surroundings. The settlement boundary as defined by the Plan is logical and appropriate and for the foregoing reasons it should remain untouched.

RECOMMENDATION

1.47.4 **That no modification be made to the Plan in response to this objection.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.56

**LAND TO THE REAR OF WILLOW PARK,
CROESPENMAEN**

OBJECTION

DO/5680/1735 Mrs C Vega

Primary Issue

- 1.48.1
- Should the Croespenmaen settlement boundary be realigned to exclude this site.

Inspector’s Conclusions

1.48.2 The objection site is a small open space situated between a housing development and an industrial estate. It has a frontage to the road serving the industrial estate, while to the rear is a playing field. On the other side of the road is open land although opposite the southern tip of the present site is industrial property. The settlement boundary in this vicinity generally follows the line of this road, enclosing the housing and industrial areas along with the objection site.

1.48.3 The Objector claims that this site should be excluded from the defined settlement area in order to safeguard this space as a buffer zone between the housing and the industrial estate. However that is not, according to the Plan, the function of settlement boundaries and in the circumstances here it would be inappropriate to employ this provision for the purposes suggested.

1.48.4 The Plan’s defined boundary is entirely logical, following as it does the line of the road which in this immediate locality marks the edge of the recognisable built-up area. While the objection site is open in that it is not developed, it is completely different in character and appearance from the land on the other side of the road; it has the characteristics of being a small open space within an urban environment. In these circumstances, it should remain within the settlement boundary.

1.48.5 The Council does not dispute that this piece of land creates a useful buffer zone. However I note that it is already safeguarded for such purposes under the terms of a S52 Agreement to which the Council says it is committed. Furthermore I am aware that there are a number policies in this Plan which are designed to protect residential occupiers from the harmful effects of new development; if in due course any proposals for the development of this land were to be submitted they would need to be considered in the light of those provisions.

1.48.6 For all these reasons, no modification to the Plan should be made on this occasion.

RECOMMENDATION

1.48.7 **That no modification be made to the Plan in response to this objection.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.57

LAND AT MILL FARM, MACHEN

OBJECTIONS

DO/5650/1088 Mrs F Pembridge
DO/5650/1101 Mrs F Pembridge
(registered under Policy H1.99(17))
DO/5650/1096 Mrs F Pembridge
(registered under Policy L6.99(22))
DO/5650/1098 Mrs F Pembridge
(registered under Policy CF6.99(3))

Primary Issues

- 1.49.1 • Should the major proportion of this site be included within the settlement boundary and be allocated in part for housing purposes.
- Should other parts of this site be allocated for a primary school (within the proposed settlement boundary) and for a riverside park (outside of the settlement boundary).

Inspector’s Conclusions

1.49.2 This site, which lies on the south-eastern side of the settlement of Machen, comprises 2 distinct areas; first, a large recreation ground abutting the existing built-up area and secondly, an extensive stretch of essentially open farmland further on. The River Rhymney divides these 2 areas. To the north-east of this site, beyond the main road through this settlement, is an area of housing but otherwise it is mostly adjoined by open countryside.

1.49.3 The Objector’s intention is that the existing recreation ground would remain for that purpose, while the rest of the objection site lying within her proposed settlement boundary would be developed for housing and a primary school. The easternmost section of the objection site, beyond the designated boundary, would be used as a riverside park.

1.49.4 In terms of the first issue, I can find no compelling reason for modifying the UDP. The defined settlement boundary accurately reflects the edge of the recognisable built-up area and provides an appropriate and defensible policy boundary. So far as the existing recreation ground is concerned, no purpose would be served by including it within the settlement boundary. As for the prospect of developing the central part of the present site for housing, this would amount to a substantial spread of development into these pleasant rural

surroundings in a manner which, contrary to the Objector’s belief, would not be well integrated with the established settlement; this would cause significant harm to the character and appearance of this stretch of countryside and to Machen's setting.

1.49.5 I have taken into account the Objector’s argument about the contribution which this site could make towards redressing the housing provision shortfall but, despite my earlier findings on this matter [*see under Part 1 Policy 1H*], there is no justification for setting aside the strong environmental case identified above against the release of this greenfield site.

1.49.6 Regarding the second issue, there is no evidence of there being any need for a new school site in Machen. The Objector does not challenge the Council’s argument to this effect. In these circumstances, there is no reason why the Plan should seek to allocate land for this purpose and this consideration serves to reinforce my conclusions about the absence of any justification for modifications.

1.49.7 On the matter of the riverside park, I recognise that this could potentially be beneficial in both recreational and environmental terms. However, there is no suggestion that this could materialise without housing development on the central part of the objection site and the arguments against that proposition are overwhelming. If, in contrast to the Objector’s current intentions, any such leisure proposal were to come forward in isolation then, as things presently stand under the Plan’s policies (in particular Policy DC2), in principle it is likely that it would be looked on favourably. An allocation, as such, is unnecessary.

RECOMMENDATION

1.49.8 **That no modification be made to the Plan in response to these objections.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.60

LAND SOUTH OF THE FORMER SAWMILL SITE, DRAETHEN

OBJECTIONS

DO/5509/1951 Westbury Homes (Holdings) Ltd
DO/5509/1953 Westbury Homes (Holdings) Ltd
(*registered under Policy H1.99(58)*)
DO/5509/1949 Westbury Homes (Holdings) Ltd
(*registered under Policy C11(16)*)

Primary Issue

1.50.1

- Should this site be allocated for housing purposes and be included within a settlement boundary to be defined for the whole village of Draethen, and

should the Special Landscape Area (SLA) designation which covers the village and this site be deleted.

Inspector’s Conclusions

1.50.2 I have previously dealt with objections in relation to another site in this village which raised the same issues as in this case. For the reasons specified there [*see under Policy DC2.99.40 - paragraphs 1.38.2/3*] I again reject the proposal made by this Objector for the definition of a settlement boundary for Draethen.

1.50.3 As before, the site-specific circumstances reinforce those conclusions. The present site includes a noticeable amount of open grassland, some tree cover and a small group of old buildings. It lies behind dwellings which front on to the main street through Draethen and has itself a long frontage to a lane leading eastwards from this village. The objection land is predominantly open in nature and it relates well to the extensive area of generally unspoilt countryside which surrounds and infiltrates Draethen. Any development here as envisaged by the Objector would appreciably extend the existing built area into this sensitive stretch of countryside and cause serious harm to the character and appearance of this attractive rural hamlet. In this context it is also worth noting that Draethen, including the objection site, is a Conservation Area; its setting therefore merits particular care and attention.

1.50.4 As in the previous case, I have no quarrel with the designation of Draethen as part of the SLA and, given all the foregoing circumstances, see no reason for modifying the Plan.

RECOMMENDATION

1.50.5 **That no modification be made to the Plan in response to these objections.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.61

LAND SOUTH OF THE PROPOSED NORTHERN LINK ROAD, BLACKWOOD

OBJECTIONS

DO/5346/0655 Chelverton West Plc
DO/5346/0658 Chelverton West Plc
(registered under Policy H1.99(4))

Primary Issue

1.51.1 • Should this site be included within the settlement boundary and be allocated for housing purposes.

Inspector’s Conclusions

1.51.2 These objections concern land at the northern edge of Blackwood town centre as defined on the Proposals Map. Directly to the south is an extensive cleared site which, at the time of my inspection was in the early stages of development; I understand that permission has been granted here for a food superstore and other retail development. Further south are other business and retail properties. To the west of the objection site is a small group of dwellings and then, beyond the main road through the town centre, is a sizeable area of housing. In contrast, to the north and east is generally open land forming part of the Sirhowy River valley.

1.51.3 The present site comprises mainly open grass and woodland sloping down to the valley bottom. As things currently stand this site, in terms of its character and appearance, relates well to the adjoining open land. However in my judgement this situation will change radically due to the Plan’s proposals for safeguarding the route of the Sirhowy Enterprise Way, a major road for which planning permission has now been granted. The identified route runs a little way to the east of the objection land but, more significantly, a spur road linking the new route to the existing main road will cross the valley directly alongside the northern site boundary. Accordingly this piece of land will be severed from the rest of the valley to the north by a significant physical feature and will thus be enclosed on 3 sides by development.

1.51.4 In these circumstances, this site would become dominated by the urban influences of the surrounding development and would no longer have the characteristics of countryside as such; it would itself become ripe for development. Housing on this land, as envisaged by the Objector, would consolidate and round-off the built-up area without causing any noticeable harm to the appearance and character of the nearby river valley; and the proposed spur road would represent a clear, logical and defensible boundary for this part of the settlement.

1.51.5 I recognise the Council’s concern to ensure that the strip of woodland along the eastern boundary which is designated as a Site of Importance for Nature Conservation (SINC) would not be damaged. However this designation and a housing allocation are not incompatible. The policy for such Sites (Policy C10) provides all the necessary safeguards and does not seek to preclude development altogether; furthermore, there are already instances in other parts of the County Borough where land designated as a SINC lies within a settlement boundary and is allocated for housing purposes.

1.51.6 I also acknowledge another of the Council’s arguments that this is greenfield land; yet elsewhere the Plan allocates such land for development where general need or site-specific circumstances make it appropriate to do so. In other words, it takes a balanced and realistic approach and that, to my mind, is an acceptable way to proceed given the County Borough’s circumstances. In the present case a significant “general need” consideration is my earlier conclusion [*see under Part 1 Policy 1H*] that there is a serious shortfall in housing land provision which the Plan needs to rectify. A site of this size would make a very useful contribution in this respect. It is also significant, in strategic policy terms, that the objection land lies within the Area of Growth, the Plan’s preferred location for new development.

1.51.7 For these reasons I intend recommending the realignment of the settlement boundary (logically this must encompass the adjoining small group of dwellings as well as the present site) and the allocation of the objection land for housing purposes. This will

necessitate the inclusion of a reference to this site in Appendix 3. Apart from the factual matters, which I leave to the Council to determine, reference should be made to the importance of ensuring that any scheme takes proper account of the nature conservation interests of the SINC.

1.51.8 As for the matter of housing capacity, I shall adopt the Council’s estimate of 37 dwellings; while this figure might not be fully achievable, given the SINC consideration, I am aware that the Council’s practice has been to apply its normal ratio for general guidance purposes in all allocations unless and until a more detailed assessment has been made. Accordingly this estimate will suffice for the present purposes.

RECOMMENDATION

1.51.9 **That:**

- (i) **Policy H1 be modified by the inclusion of the objection site as a housing allocation with a capacity estimate of 37 dwellings;**
- (ii) **the Proposals Map be modified by the realignment of the settlement boundary to coincide with the route of the Sirhowy Enterprise Way spur road so as to include the objection site and the adjoining small group of dwellings within the settlement area and by the designation of the objection site as a Policy H1 housing allocation;**
- (iii) **Appendix 3 be modified by the inclusion of details of the objection site taking into account my conclusions in paragraph 1.51.7 above.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.62

LAND AT HENDREDDENY, CAERPHILLY

OBJECTIONS

DO/5355/0732 K S Jenner
DO/5355/0728 K S Jenner
(registered under Policy H1.99(46))
DO/5355/0726 K S Jenner
(registered under Policy C13(31))

Primary Issue

- 1.52.1
- Should this site’s Green Wedge designation be deleted and instead should the adjoining settlement boundary be realigned and this land be allocated for housing purposes.

Inspector’s Conclusions

1.52.2 The objection site consists primarily of open farmland in a prominent hillside location to the north of the built-up area of Hendrenny. A modern housing estate adjoins this site to the south but there is open countryside to the west and north. Beyond the eastern boundary is a broad wooded strip which separates this site from the built-up area further on.

1.52.3 Due to its scale and nature, the objection site forms an integral part of the countryside fringe around this part of the urban settlement. There is a clear division between these areas of totally contrasting character and this is accurately reflected by the Plan’s delineation of the settlement boundary. Any development on this site would represent a noticeable encroachment of the urban area into these pleasant rural surroundings thereby seriously damaging their character and appearance; this would also erode a significant part of the open gap which presently separates this settlement from Abertridwr to the north-west. Even if confined to the smaller area of the site which the Objector suggests as an alternative proposition, development here would be unacceptable.

1.52.4 I have taken into account the housing provision situation on which the Objector places some emphasis but, notwithstanding my earlier conclusions about the scale of the shortfall [*see under Part 1 Policy 1H*], the environmental case against the release of this site (or any part of it) is overwhelming.

RECOMMENDATION

1.52.5 **That no modification be made to the Plan in response to these objections.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.63

LAND TO THE REAR OF BRYN DERI TERRACE AND ELIDYR ROAD, TREOWEN

OBJECTIONS

DO/5321/0394 Mr G Clifford-Smith
DO/5321/0395 Mr G Clifford-Smith
(registered under Policy H1.99(70))

Primary Issue

1.53.1

- Should this site be included within the settlement boundary and be allocated for housing purposes.

Inspector’s Conclusions

1.53.2 This site is a large, essentially overgrown area of land with a noticeable coverage of trees and shrubbery; it is located on rising ground on the western side of the built-up settlement of Treowen. To the west and north-west is open countryside.

1.53.3 Given the scale and open nature of this site, it clearly forms an integral part of the rural area surrounding this settlement. Any development here would amount to an appreciable and conspicuous spread of the urban area which would significantly harm the character and appearance of this stretch of countryside. Given those considerations, the settlement boundary, which hereabouts follows the recognisable edge of the built-up area, should remain untouched and this land should not be allocated for housing.

1.53.4 In reaching those conclusions I have borne in mind that this site is regarded by the Council as brownfield land having in the past been used for minerals spoil tipping; I also note that some 30 years ago it had the benefit of planning permission for residential development. However over the years this land has regenerated so much that it is designated by the Plan as a Site of Importance for Nature Conservation. While there still is some evidence on the ground of those past activities, vegetation predominates and it is this which now establishes the character of this site.

1.53.5 In this connection the guidance in DPP(Wales) 2001 is helpful. While this is draft guidance only and thus should be given limited weight, it does confirm in Section 3.3 that excluded from the definition of previously developed (ie brownfield) land is “land where the remains of any structure or activity have blended into the landscape through the process of time so that it can reasonably be considered as part of the natural surroundings”. To my mind those considerations apply in this case.

RECOMMENDATION

1.53.6 **That no modification be made to the Plan in response to these objections.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.64

LAND AT GWAUN FRO, PENPEDAIRHEOL

OBJECTIONS

DO/5663/1054 Messrs Powell & Price
DO/5663/1045 Messrs Powell & Price
(registered under Policy H1.99(30))
DO/5663/1053 Messrs Powell & Price
(registered under Policy L99(24))
PCO/5663/3237 Messrs Powell & Price
(registered under Policy HE8)
PCO/5663/3240 Messrs Powell & Price
(registered under Policy HE8)

Proposed Changes PC261, PC262

Primary Issues

- 1.54.1
- Should part of this site be included within the settlement boundary and be allocated for housing purposes.
 - Should the remainder of this site be allocated for the purposes of a golf course.
 - Should the designation of the whole site as part of an historic landscape be deleted.

Inspector’s Conclusions

1.54.2 These objections concern an extensive area of farmland on the western side of the built-up settlement of Penpedhairheol. There is open countryside to the north and west, while south of this land are a recreation ground, a cemetery and fields. The defined settlement boundary in this vicinity follows the edge of the established developed area.

1.54.3 As to the first issue, the Objectors propose the realignment of the settlement boundary around a sizeable section of this site which abuts a residential estate and its allocation for housing. The long western boundary of this part of the site is not marked by any significant physical feature apart from a few sporadic trees along the more southerly section; and in regard to their essential character and appearance there is nothing to distinguish this part from the remainder of the objection land. All of this site, by reason of its scale and nature, forms an integral component of the open countryside around this part of the settlement and, given the foregoing considerations, I can find no justification in land-use planning terms for dividing the objection area in the way now sought.

1.54.4 For the avoidance of any doubt I would confirm that, contrary to the Objectors’ strongly-held belief, the flood defence embankment which has been constructed a short distance to the north-west of the proposed housing site does not in my judgement have the effect of severing the south-eastern part of the objection land from the rest.

1.54.5 These conclusions are reinforced by my opinion about the prospect of housing development on this part of the site which, I found, is visible from a number of vantage points in the surrounding area. This would amount to a substantial expansion of the urban area into this generally unspoilt stretch of open countryside which has been acknowledged by Cadw as having historic landscape value and be seriously damaging to the character and appearance of these essentially rural surroundings. At the same time it would harm the setting not only of Penpedhairheol, but Gelligaer as well. And in this respect it is worth noting that the area at the north-eastern edge of the latter settlement, together with adjoining open land which stretches up to the objection site boundary, is a designated Conservation Area, while within parts of that area are 2 Scheduled Ancient Monuments; thus special care and attention must be paid to their setting.

1.54.6 I accept the Objectors’ point that housing development here would accord with a number of acknowledged sustainability objectives. I also take into account the substantial contribution which this site could make in terms of helping address the housing provision shortfall which I have earlier identified [*see under Part 1 Policy 1H*]; and, advantageously, this land lies within the Area of Growth which is the Plan’s preferred location for new development. However those considerations do not outweigh the arguments which I describe above.

1.54.7 The settlement boundary hereabouts is clear, logical and defensible and in view of the compelling environmental case which there is against housing development on this sizeable area of greenfield land any modification of the Plan in these respects is wholly unwarranted.

1.54.8 Turning to the second issue, planning permission was granted in 1994 for a golf course on the objection site; however this is no longer extant. In those circumstances, the Objectors contend that the Plan should formally acknowledge the suitability of the subject land for this purpose.

1.54.9 As to the question of the need for such a facility, I note that a Sports Council for Wales analysis in 1997 concluded that Caerphilly requires 2 additional 18-hole golf courses in order to satisfy unmet demand although it did confirm that local knowledge should be used in conjunction with those findings to determine suitable locations; and it said that an examination of waiting lists for existing facilities would give an indication of current need.

1.54.10 On the other hand, the Council’s more recent analysis of local golf course provision discloses that almost all existing clubs are experiencing diminishing membership numbers due to the fact that several new courses have been built in the region and fewer people are playing golf; there were no “new member” waiting lists at any of the clubs which were surveyed. From those findings it was concluded that there was no actual demand, let alone need, for a new course within the County Borough. No direct counter-evidence has been offered by the Objectors.

1.54.11 Given the foregoing considerations, to my mind the position regarding the need for a new golf course can at best be described as uncertain. Nor, even if a need were proven, is there any evidence to suggest that this site is the best or only option for the development of such a facility within the entire Plan area. This is not an appropriate basis on which to allocate land for a specific purpose like this in a development plan. In any event, the Plan as it stands would not necessarily preclude such a proposal if it were forthcoming. Policy DC2 recognises the appropriateness in principle of leisure proposals in the countryside and Policy L10 provides further guidance; however I accept that since this site now falls within a designated Landscape of Historic Interest (HLI) [*see my conclusions below on the third issue*] the provisions of Policy HE8 would give rise to more exacting considerations than is usually the case in the countryside. In all the circumstances, the Plan should not allocate this land for the purposes of a golf course.

1.54.12 Turning therefore to the third issue, subsequent to the publication of the Deposit Draft Plan Cadw issued its consultation document “Landscapes of Historic Interest in Wales”; this includes a Register of Landscapes, Parks and Gardens of Special Historic Interest in which Gelli-gaer Common is listed as an HLI. The objection site lies within the designated area of this common. In acknowledgement of this change in circumstances, the Council introduced PC261 and PC262 so as to include Gelli-gaer Common within the

provisions of Policy HE8; this policy is aimed at protecting specified historic parks, gardens and landscapes from the unacceptable impact of development. I am aware that during the course of the Inquiry the final version of the Register was published; Gelli-gaer Common, including the objection land, remains designated as an HLI.

1.54.13 The Objectors say in effect that, insofar as they relate to the objection site, the specified proposed changes should not be adopted. They are critical of the lack of consultation which preceded the designation of this land by Cadw and the absence of any opportunity to challenge that decision; they submit that the findings of a survey by Wessex Archaeology at the time of the golf course planning application demonstrate that the present site should be distinguished from the more open common area to the north and that Cadw’s description of the nature of Gelli-gaer Common does not apply to the objection land; and they also claim that the landscape of this site has been altered over the years by farming practices, flood prevention works and coal working activities.

1.54.14 The contents of the Cadw document are not for me to judge; my concern, arising from the present objections, is whether or not the objection site should be included within the area covered by the provisions of Policy HE8. The Council has chosen to bring all the land which Cadw designates as an HLI under the umbrella of Policy HE8 and I have no quarrel with that approach. It would be wholly inappropriate for the Plan to be selective about which parts of the designated area should be made the subject of these policy controls; not only would that be inconsistent with the tenor of advice in PG(Wales) 1999 which refers to the need to take the Register into account in the preparation of development plans, but the failure to give proper acknowledgement to some parts of a designated HLI would completely undermine the policy provisions insofar as they did apply to the other parts. While I have considered the technical evidence submitted by both parties, including the Wessex study, nothing alters my opinion that the Council’s general approach to this matter, for the purposes of the preparation of this Plan, is right and proper.

1.54.15 For those reasons, and given that there are no other objections to PC261 and PC262, I shall endorse them. On a point of procedure, the Council has formally asked me to recommend PC263 (but not, curiously, PC261 or PC262). Since PC263, which refers to Historic Parks and Gardens but not Landscapes and is thus not relevant to the present case, does not appear to arise from a duly-made objection and nor is there any counter-objection before me, I must leave it to the Council to decide whether to modify the Plan in accordance with this particular change.

RECOMMENDATION

1.54.16 **That:**

- (i) **Policy HE8 be modified by the inclusion of “GELLIGAER COMMON” in the list of sites in accordance with Proposed Change PC261;**
- (ii) **the Proposals Map be modified by the designation of Gelligaer Common as a Special Historic Landscape in accordance with Proposed Change PC262;**

(iii) **no other modification be made to the Plan in response to the objections made by Messrs Powell & Price (1054, 1045, and 1053).**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.65

**LAND TO THE REAR OF PENNAR LANE,
NEWBRIDGE**

OBJECTIONS

DO/5354/0715	Trustees of the George & Molly Stewart Settlements
DO/5354/0713	Trustees of the George & Molly Stewart Settlements (<i>registered under Policy H1.99(14)</i>)
DO/5354/0716	Trustees of the George & Molly Stewart Settlements (<i>registered under Policy C10(71)</i>)

Primary Issue

- 1.55.1
- Should this site’s designation as a Site of Importance for Nature Conservation (SINC) be deleted and instead should the adjoining settlement boundary be realigned and this land be allocated for housing purposes.

Inspector’s Conclusions

1.55.2 This site comprises mainly pasture with a small central block of woodland and other generally peripheral tree cover; there is a residential property at the south-east corner. It lies at the edge of the built-up area of Newbridge and is adjoined on its southern and eastern boundaries by housing. To the north there is a limited area of open ground and then further housing. The long western boundary of the objection site is marked by a former railway line and a belt of trees; beyond is a recreation ground and open countryside.

1.55.3 This land, taken together with the small patch of ground to the north, is already effectively enclosed on 3 sides by development; and on the remaining side is the substantial belt of trees bordering the former railway which mostly runs through a fairly deep cutting in this vicinity. These surrounding features create a noticeable sense of containment and the distinct impression is that this site is far more closely related to the built-up settlement than to the open countryside which lies beyond the railway; certainly the objection land does not itself possess the characteristics of open countryside but rather is heavily influenced by the urban housing around it. In fact a sizeable part of this site already falls within the defined settlement boundary.

1.55.4 Given those circumstances, I am convinced that the development of this land for housing would cause no significant harm to the character or appearance of these surroundings; it would have the effect of rounding-off the settlement in a well-integrated fashion up to a clearly defined boundary, the former railway line. In this respect it is notable that to the west of the objection site this line has been adopted by the Plan as the settlement boundary for a very considerable continuous length around Newbridge and Blackwood; there seems to be no justification for disregarding this feature in the present case.

1.55.5 In forming those views I have taken into account the Council’s argument that this is greenfield land; yet elsewhere the Plan allocates such land for development where general need or site-specific circumstances make it appropriate to do so. In other words, it takes a balanced and realistic approach and that, to my mind, is an acceptable way to proceed given the County Borough’s circumstances. In the present case a significant “general need” consideration is my earlier conclusion [*see under Part 1 Policy 1H*] that there is a serious shortfall in housing land provision which the Plan needs to rectify. A site of this size would make a very useful contribution in this respect. It is also significant, in strategic policy terms, that the objection land lies within the Area of Growth, the Plan’s preferred location for new development.

1.55.6 As for the SINC designation which covers the eastern section of this site, the Objector does not offer any compelling evidence to suggest that this land has no real nature conservation value. I appreciate the Council’s concern to ensure that this area would not be damaged. However this designation and a housing allocation are not incompatible. The policy for such Sites (Policy C10) provides all the necessary safeguards and does not seek to preclude development altogether; furthermore, there are already instances in other parts of the County Borough where land designated as a SINC lies within a settlement boundary and is allocated for housing purposes. Thus given those circumstances, there are no grounds for deleting the SINC designation; but nor is the presence of this designation a reason for not allocating this site for housing purposes. In the final analysis it will be for the Council, at the development control stage, to use its judgement to determine the scale of housing which would be appropriate for this land, balancing the need for new dwellings against nature conservation interests.

1.55.7 As for the access problems which the Council identifies, these would not seem to be insurmountable. The Objector has suggested a solution which the Council accepts is “technically possible” although it questions whether this would be readily achievable. That, to my mind is not a sound reason for the Plan to ignore the valuable development potential of the objection site. In my experience such perceived problems at the Plan preparation stage are very often overcome as part of the more comprehensive and focused examination undertaken, with the benefit of the encouragement and impetus which a Plan allocation provides, during the development control process.

1.55.8 For these reasons I intend recommending the realignment of the settlement boundary and the allocation of the objection land for housing purposes. This will necessitate the inclusion of a reference to this site in Appendix 3. Apart from the factual matters, which I leave to the Council to determine, reference should be made to the importance of ensuring that any scheme takes proper account of the nature conservation interests of the SINC; and the perceived problems relating to the access arrangements should also be identified.

1.55.9 As for the matter of housing capacity, I shall adopt the Council’s estimate of 100 dwellings; while this figure might not be fully achievable, given the SINC consideration, I am aware that the Council’s practice has been to apply its normal ratio for general guidance purposes in all allocations unless and until a more detailed assessment has been made. Accordingly this estimate will suffice for the present purposes.

1.55.10 I would also urge the Council to consider the merits of continuing the realignment of the settlement boundary along the line of the former railway so as to encompass also the area of open ground due north of the objection site. This would be a logical and appropriate extension of the present proposal.

RECOMMENDATION

1.55.11 **That:**

- (i) **Policy H1 be modified by the inclusion of the objection site as a housing allocation with a capacity estimate of 100 dwellings;**
- (ii) **the Proposals Map be modified by the realignment of the settlement boundary to coincide with the route of the former railway line so as to include the objection site within the settlement area and by the designation of the objection site as a Policy H1 housing allocation;**
- (iii) **Appendix 3 be modified by the inclusion of details of the objection site taking into account my conclusions in paragraph 1.55.8 above;**
- (iv) **the Council gives serious consideration to the merits of continuing the realignment of the settlement boundary along the route of the former railway line so as to include the open ground to the north of the objection site within the settlement area in accordance with my conclusions in paragraph 1.55.10 above;**
- (v) **no other modification be made to the Plan in response to the objection made by the Trustees of the George & Molly Stewart Settlements (0716).**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.67

LAND AT CAERPHILLY GOLF COURSE, CAERPHILLY

OBJECTIONS

DO/5630/0981 Persimmon Homes (Wales) Ltd
DO/5630/1034 Persimmon Homes (Wales) Ltd
(registered under Policy H1.99(73))

Primary Issue

- 1.56.1
- Should this site be included within the settlement boundary and be allocated for housing purposes.

Inspector’s Conclusions

1.56.2 Caerphilly Golf Course covers an extensive area of open hillside to the south of the built-up settlement. Adjoining to the north and east as well as on part of the western

boundary is mainly housing, while in other directions there is generally open countryside; to the south the land continues to rise and forms what is known as Caerphilly Mountain. The site itself has the typical manicured appearance of a golf course but also includes large areas of heath and woodland; in addition there is a small loose-knit group of dwellings in the south-western corner.

1.56.3 The objection land, due to its scale and nature, has a generally open character and it blends well with the attractive hillside which extends to the south. There is a stark contrast between this and the built-up area which adjoins the present site; the division is clear on the ground and is accurately reflected by the Plan’s defined settlement boundary.

1.56.4 The Objector says that the golf club wishes to relocate in order to improve its facilities. This requires substantial investment and commitment and this would be enabled by the disposal of the present course which is seen as representing an opportunity to provide a housing based, mixed-use development to serve Caerphilly and contribute significantly to meeting the shortfall in housing land provision in the County Borough as a whole and in this town especially. Associated with any such scheme is the prospect of providing a much needed southern distributor road/by-pass around the town; I deal with this particular matter later in this report [*see under Policy T4.99(8)*].

1.56.5 I recognise of course that a site of this size has the potential to make an appreciable difference to the housing provision situation which is described elsewhere in this report [*see under Part 1 Policy 1H*]; and, being located so relatively close to the town centre and established housing areas, the benefits which might arise from other possible additional uses are fairly easy to imagine, especially in the context of the principles of sustainability. To that extent therefore, a number of national guidance objectives would be met. Yet I am not persuaded by those considerations.

1.56.6 This is an extensive area of open land which, to my mind, forms an integral part of the attractive, essentially rural surroundings on the southern side of the town. It is on the lower reaches of Caerphilly Mountain which creates a most impressive backdrop to this settlement and is, I have found, visible from numerous vantage points over a considerable distance. Development here would amount to a significant encroachment of the urban area into this sensitive and prominent stretch of countryside; this would be significantly harmful to the character and appearance of these surroundings and seriously damage the setting of this historic town.

1.56.7 In reaching those conclusions I have taken into account the Objector’s arguments about the benefits which might arise both from the provision of the distributor road and the relocation of the golf course. However the environmental case against the release of this greenfield site for development is overwhelming. And coupled with that, my conclusions on the Objector’s arguments about the Plan’s overall development strategy [*see under Part 1 Policy IDS*] have a particular relevance to the present objection cases. Accordingly no modification should be made to the Plan.

RECOMMENDATION

1.56.8 **That no modification be made to the Plan in response to these objections.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.68

LAND AT LLAN-FACH ROAD, ABERCARN

OBJECTIONS

DO/5655/1414 E A Bond Contractors Ltd
DO/5655/1426 E A Bond Contractors Ltd
(registered under Policy C11(9))

Primary Issue

- 1.57.1 • Should this site deleted from the designated Special Landscape Area (SLA) and instead be included within the settlement boundary.

Inspector’s Conclusions

1.57.2 This site has a frontage to the southern side of Llan-Fach Road which is a lengthy residential street at the edge of the settlement of Abercarn. This piece of land is the only noticeable open gap on either side of this road and, as defined by the Objector, extends no deeper than the curtilages of the dwellings on each flank.

1.57.3 In my judgement there is no justification for excluding this site from the defined settlement area. Even in its present open state, because of its limited size and the extent of housing nearby, it clearly forms part of the urban street scene; it patently does not have the characteristics of open countryside. In this context I agree with the Objector’s opinion that this land is in principle suitable for development; housing here would simply complete the pattern of development along this otherwise built-up frontage and cause no demonstrable environmental harm to these surroundings.

1.57.4 The absence of any noticeable physical definition of the rear site boundary is not, on this occasion, significant. In planning land-use terms the logical and effective limit of the settlement is established by the virtually continuous straight line of the rear boundaries of the houses on this side of the road and if development were to take place on this site that would merely serve to reinforce the appropriateness of drawing the settlement boundary in the way that I shall recommend.

1.57.5 As for the current SLA designation of the objection site, similarly this is unwarranted. This is a patch of rough, overgrown ground in an urban location. It is completely different, in terms of its nature and appearance, from the extensive valley slopes which fall away to the south and which, understandably, the Plan designates as an SLA. The landscape quality of the wider surrounding area would not suffer in any way if the present site were excluded from the designation.

RECOMMENDATION

- 1.57.6 **That the Proposals Map be modified by the deletion of the objection site from the designated Special Landscape Area and by the realignment of the settlement boundary so as to include the objection site within the settlement area.**
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POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.69

TREDOMEN CONSERVATION AREA, TREDOMEN

OBJECTION

LDO/5718/0565 Mr G Bracey

Primary Issue

- 1.58.1
- Should the Tredomen settlement boundary be realigned to include the Conservation Area.

Inspector’s Conclusions

1.58.2 Tredomen Conservation Area largely consists of a quite densely developed area of housing. It abuts a larger, even more densely developed residential area. In basic land-use terms there is nothing to distinguish these 2 areas and essentially together they form a single cohesive settlement which as a whole is urban in character and appearance.

1.58.3 Yet the Plan fails to acknowledge this. The settlement boundary is drawn in such a manner as to exclude the Conservation Area from the settlement; thus the Plan, by definition, treats this as countryside. To my mind this is illogical and wholly inappropriate and it undermines all that Policy DC2 and related Plan provisions are trying to achieve.

1.58.4 The Council’s sole argument for excluding the Conservation Area from the defined settlement is to give it additional protection from unacceptable development. In my judgement this is misguided and unnecessary. The Plan’s specified policy (HE4) on such areas is strong and would in itself be entirely adequate in terms of providing appropriate and necessary safeguards against harmful development. And this would be supported by national policy guidance. Artificially severing the Conservation Area from the settlement area and subjecting it to the provisions of Policy DC2 would in practice be of no additional value. The primary objectives of Policies HE8 and DC2 are wholly different and the Plan should not confuse them in this way.

1.58.5 The outer boundary of the Conservation Area marks the clear division between the urban settlement and what can genuinely be described as countryside and it should,

sensibly, be adopted by the Plan as the settlement boundary hereabouts. I shall recommend accordingly.

RECOMMENDATION

- 1.58.6 **That the Proposals Map be modified by the realignment of the settlement boundary so as to include the Tredomen Conservation Area within the settlement area.**
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POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.70

LAND EAST OF TRINANT SERVICE STATION, TRINANT

OBJECTION

DO/5431/0667 Mr P Robinson

Primary Issue

- 1.59.1 • Should the Trinant settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.59.2 The objection site is centrally located in this settlement. It comprises generally open land mainly covered with grass and other vegetation and is part of a larger stretch of similar ground which separates 2 areas of housing and leads into the countryside surrounding this village. This entire stretch of land is designated by the Plan as a Site of Importance for Nature Conservation (SINC).

1.59.3 However a narrow strip of this site which fronts on to the main road through Trinant, although shown lying within the SINC is actually a hard-surfaced area beside land used for parking and open storage in conjunction with the contractor’s workshop/store which stands, in effect, in the centre of the objection site frontage. Also included within the SINC is land behind the workshop/store which is similarly hard-surfaced and used in conjunction with the business. Here the settlement boundary is drawn so tightly around the building that hard-surfaced land on either side and behind, which evidently is used for associated parking and open storage purposes, has been excluded from the defined settlement area.

1.59.4 It seems to me that the Council has attempted to be unnecessarily precise in its definition of the settlement boundary and land, albeit limited in size, which is part of the urban fabric of Trinant has not been properly acknowledged in the Plan. Nor has sufficient consideration been given to the environmental and social benefits which could accrue from a slightly more flexible approach. There are 2 major considerations which lead me to my eventual conclusions on this matter.

1.59.5 First, this is a pleasant rural village and the main road is characterised by housing. The workshop/store and its associated land is a noticeable exception and to my mind spoils the overall appearance of this street scene. The Plan could be pro-active in encouraging the improvement of this entire stretch of road frontage between the existing dwellings by including it within the settlement boundary thereby establishing its suitability for development/redevelopment. Secondly, having identified this potential, it seems to me that this would be an opportunity for the Plan to enable some provision to be made for housing, a local need for which the Council has identified in another case [*see under Policy DC2.99.6*].

1.59.6 However, the settlement boundary realignment specifically sought by the Objector is not the solution and formally I shall not recommend it as such because this would result in an arbitrary and illogical boundary. The objection site is said to be based on the extent of a planning permission granted in 1985; yet this does not correspond with the slightly larger area which the adopted Islwyn Local Plan (ILP) defines as a housing commitment. I appreciate that the Council has reviewed the allocations/designations which appeared in the ILP; and, if appropriate, there is no reason why such provisions should not be abandoned for the purposes of the UDP. The Council has chosen to do just that in the present case due to the SINC designation and the changing policy emphasis on developing brownfield rather than greenfield land. Yet to my mind the ILP provisions represent an appropriate response to the points identified in the preceding paragraph.

1.59.7 Neither the SINC designation nor the fact that this is essentially greenfield land need prevent its inclusion within the settlement boundary. Policy C10 provides all the necessary safeguards to ensure that important nature conservation interests are not harmed and it expressly does not seek to preclude development altogether; furthermore, there are already instances in other parts of the County Borough where land designated as a SINC lies within a settlement boundary and is allocated for housing purposes. Additionally, elsewhere the Plan allocates greenfield land for development where general need or site-specific circumstances make it appropriate to do so. In other words, it takes a balanced and realistic approach and that, to my mind, is an acceptable way to proceed given the County Borough’s circumstances. In the present case a significant “general need” consideration is my earlier conclusion [*see under Part 1 Policy 1H*] that there is a serious shortfall in housing land provision which the Plan needs to rectify. It is also significant, in strategic policy terms, that Trinant lies within the Area of Growth, the Plan’s preferred location for new development.

1.59.8 For all these reasons I urge the Council to reconsider the merits of carrying forward the provisions of the ILP to include land here within the settlement boundary and allocate it for housing purposes.

RECOMMENDATION

1.59.9 **That:**

- (i) **no modification be made to the Plan in response to this objection;**
- (ii) **the Council gives serious consideration to the merits of carrying forward the provisions of the Islwyn Local Plan by realigning the settlement boundary so as to include land on and around the objection site within the settlement area and by allocating this land for housing**

purposes in accordance with my conclusions in paragraphs 1.59.4 to 1.59.8 above.

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.71

LAND AT THE ENTRANCE TO PENALLTA INDUSTRIAL ESTATE

OBJECTIONS

LDO/5715/1928 Mr K Lewis
LDO/5715/0550 Mr K Lewis
(registered under Policy C13(15))

Primary Issue

- 1.60.1
- Should this site’s Green Wedge designation be deleted and instead should the adjoining settlement boundary be realigned to include this land.

Inspector’s Conclusions

1.60.2 This is a small piece of open ground at the entrance to the Penallta Industrial Estate; it forms part of a long, fairly narrow stretch of land which lies between the estate and an area of housing.

1.60.3 The Objector claims that this site does not contribute to the function of the adjoining stretch of open land which the Plan designates as a Green Wedge; he says its inclusion within the settlement area would enable its development which would enhance the appearance of the entrance to the industrial estate. I disagree. In terms of character and appearance, there is nothing to distinguish this site from the rest of this open stretch and there is no reason why the Plan should be modified so as to treat these areas differently. Certainly development here, as envisaged by the Objector, would be most conspicuous and out of keeping with the prevailing pattern of the existing nearby housing and industrial areas; and it would erode the sense of separation between those areas. Thus I can find nothing to justify realigning the settlement boundary so as to include this site in isolation.

1.60.4 Regarding the Green Wedge issue however, I am not persuaded that the Plan is right in its approach to this land. The Council maintains that it performs the role of separating Gelligaer and Penallta. While physically this stretch of land stands between areas of urban development, there is no impression given on the ground that these are 2 distinct settlements each with their own identity. The gap is so relatively narrow, and the influence of the adjoining development so great, that in planning land-use terms this land has all the characteristics of an urban open space within a single cohesive settlement. Indeed I note from the Proposals Map that at the southern end of this stretch of land the settlement areas to the east and west are enjoined, while at the northern end the gap appears to measure no more than a few metres.

1.60.5 Given those circumstances, while I have no quarrel with the Council’s point that this stretch of open land provides a valuable buffer between the housing area and the

industrial estate, it simply does not perform the functions for which, according to the Plan’s explanation, Green Wedges are intended; it certainly is not countryside and has no rural character or qualities. Furthermore it is effectively severed from the broader Green Wedge area to the north. Its value as an open space is much more localised and is to do with protecting nearby residents’ amenities and the urban environment hereabouts. For these reasons I consider that it should be designated as an urban open space under the provisions of the new policy which I am recommending [*see under Policy C13*]. And, correspondingly, it should be included within a realigned settlement boundary. I urge the Council to adopt this approach.

1.60.6 In terms of my formal recommendation regarding the objection site however, given my earlier conclusion that the Plan should not treat this separately, no modification in isolation should be made.

RECOMMENDATION

1.60.7 **That:**

- (i) **no modification be made to the Plan in response to these objections;**
- (ii) **the Council gives serious consideration to the merits of modifying the Proposals Map by (a) the deletion of the entire stretch of open land including the objection site from the designated Green Wedge, (b) the designation of this land as an Urban Open Space under the provisions of the new policy which I am recommending elsewhere in this report and (c) the realignment of the settlement boundary so as to include this land within the defined settlement area in accordance with my conclusions in paragraph 1.60.5 above.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.72

LAND AT SUNNY VIEW, PONTLOTTYN

OBJECTION

LDO/5740/1944 Mrs M Roberts

Primary Issue

- 1.61.1
- Should the Pontlottyn settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.61.2 This is an area of steeply-rising grassland situated to the rear of residential properties fronting the western side of the main road through Pontlottyn. There is an area of housing also to the north; however to the south is woodland and an extensive open hillside rises away from the western site boundary.

1.61.3 The objection site, due to its open nature and close relationship with the adjoining hillside and woodland, forms an integral part of the countryside fringe on this side of the urban settlement; the absence of any significant physical feature along the western boundary of this site reinforces this sense of integration. This is in distinct contrast to the built-up areas to the north and east. The division between these areas of contrasting character is clear on the ground and is accurately reflected by the Plan’s definition of the settlement boundary. I therefore see no reason for modifying this boundary.

1.61.4 My views about the prospect of any development on this site (which would be the potential consequence of a settlement designation here) give strength to those conclusions. Housing, as contemplated by the Objector, would represent a noticeable encroachment of the urban area into these essentially rural surroundings and would be seriously harmful to their character and appearance. The Council also cites severe access problems.

1.61.5 In reaching the foregoing conclusions, I have borne in mind the Objector’s point that this site has been included in earlier Local Plans as part of the defined settlement area and as a housing allocation. However the current UDP provides the opportunity to consider strategies and policies afresh in the light of circumstances which now prevail. Given the present circumstances, I believe the Plan is right to adopt its chosen approach to this site.

RECOMMENDATION

1.61.6 **That no modification be made to the Plan in response to this objection.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.74

LAND AT TYN Y WAUN FARM, MACHEN

OBJECTION

DO/5211/2059 Mr M Newton
(reported under Policy H1.19)

Inspector’s Comment

1.62.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy H1.19.

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.76

LAND AT TUNNEL ROW, NEWBRIDGE

OBJECTION

DO/5364/2077 Mr R Collins

Primary Issue

- 1.63.1 • Should the Newbridge settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.63.2 This is a substantial area of mainly open land (there is a short ribbon of dwellings in the northern corner of this site) which lies between the built-up area of Newbridge and the A472 dual carriageway. It falls wholly within the objection site area of a case on which I have already reported [*see under Policy DC2.99.2*]. For the reasons advanced in relation to that case, I reach the same conclusions regarding the present objection; thus there is nothing to warrant any modification to the Plan.

RECOMMENDATION

- 1.63.3 **That no modification be made to the Plan in response to this objection.**
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POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.77

**LAND SOUTH EAST OF PLYNLIMON AVENUE,
CROESPENMAEN**

OBJECTIONS

DO/5339/0443 R E Phillips & Partners
DO/5339/0446 R E Phillips & Partners
(registered under Policy H1.99(63))
DO/5339/1973 R E Phillips & Partners
(registered under Policy C13(13))

Primary Issue

- 1.64.1
- Should this site’s Green Wedge designation be deleted and instead should the adjoining settlement boundary be realigned and this land be allocated for housing purposes.

Inspector’s Conclusions

1.64.2 This objection concerns an area of grazing land on the eastern side of the built-up settlement of Croespenmaen. There is housing on the western side of this site and also adjoining a section of the northern boundary but there is open countryside in other directions.

1.64.3 The settlement boundary hereabouts follows the recognisable edge of the built-up area. Outside this boundary the land is open in appearance and character and the objection site forms an integral part of this countryside fringe. Although the trees and hedgerows around this site create some sense of enclosure and the higher ground in the eastern section accentuates this, the close relationship with surrounding fields and wooded areas is unmistakable. In particular, the lane which marks the southern boundary of the objection land has distinct rural characteristics derived from the roadside trees and hedges and the open fields on either side.

1.64.4 To my mind the defined settlement boundary is clear, logical and defensible and, given the foregoing considerations, there is no compelling reason why it should be modified. The prospect of housing development on this land, as contemplated by the Objector, reinforces those conclusions. I have studied the Objector’s detailed landscape appraisal but have concluded on the basis of all the evidence available, including my own observations, that development here would result in a significant expansion of the urban area into this sensitive stretch of open countryside and be seriously damaging to the character and appearance of these essentially rural surroundings.

1.64.5 Additionally this would represent a most unwelcome step towards the erosion of the open gap which separates the settlements of Croespenmaen and Crumlin; in these circumstances it is right that the Plan should designate this as a Green Wedge.

1.64.6 I recognise, as the Objector says, that there are a number of considerations which weigh in favour of the allocation of this site for housing. Prominent among these are the potential contribution that a site of this size could make towards redressing the housing provision shortfall to which I have referred elsewhere in this report [*see under Part 1 Policy 1H*], the fact that Croespenmaen lies within the Area of Growth which is the Plan’s preferred location for necessary new development, the proximity of this site to the extensive Oakdale employment area and the availability of shops, services and public transport provision within the nearby settlement.

1.64.7 Yet in my judgement the environmental case against modifying the Plan so as to facilitate and encourage housing development on this land outweighs those considerations.

1.64.8 I am also aware that in the Pre-Deposit Draft UDP the objection land was allocated for housing purposes but that this was deleted at the Deposit stage as part of the Council’s decision to reduce the scale of over-allocation of housing land in the Oakdale/Croespenmaen area. However, contrary to the Objector’s position, I do not regard this as especially significant. During the gestation of a development plan, due to the very nature of the adoption process it will often be the case that radical changes occur in the approach to

particular policies and proposals; that, to my mind, demonstrates the strength of the plan that is eventually adopted rather than a weakness.

1.64.9 In reaching those conclusions I have also borne in mind the evidence raised by the Objector on the matter of previously developed land. Reference is made to former mine workings and landfill activities on this site. However any active use seems to have been in the distant past and the land has since regenerated to the extent that it now has all the characteristics of a greenfield site; its suitability for development should be judged accordingly. In this connection the guidance in DPP(Wales) 2001 is helpful. While this is draft guidance only and thus should be given limited weight, it does confirm in Section 3.3 that excluded from the definition of previously developed (ie brownfield) land is “land where the remains of any structure or activity have blended into the landscape through the process of time so that it can reasonably be considered as part of the natural surroundings”. To my mind those considerations apply in this case. Thus the question of past activities is not a persuasive one.

1.64.10 Given all the foregoing circumstances, I can find no sound reasons for modifying the Plan in the manner sought by the Objector.

RECOMMENDATION

1.64.11 **That no modification be made to the Plan in response to these objections.**

POLICY DC2

SETTLEMENT BOUNDARY

DC2.99.78

LAND AT HIGH MEADOW, ABERCARN

OBJECTION

LDO/5891/3349 Mr G Butcher

Primary Issue

1.65.1 • Should the Abercarn settlement boundary be realigned to include this site.

Inspector’s Conclusions

1.65.2 The objection site is a steeply sloping parcel of largely overgrown land at the edge of the built-up settlement. To the west is housing and there is another small group of residential properties just a short way beyond the north-western site boundary; the south-eastern boundary aligns with a road on the opposite side of which is a haulage depot/commercial premises with a ribbon of houses further on. To the north of the objection land is a wooded hillside.

1.65.3 Accordingly the present site is, due to those circumstances and its own modest size and configuration, largely surrounded by built development and it is seen from most immediate vantage points to be within an urban environment. Its relationship with the hillside to the north is limited and it does not have the appearance and character of truly open countryside. The most conspicuous and impressive landscape feature hereabouts is the wooded hillside to the east but the objection site is separated from this by the road and the adjacent properties.

1.65.4 To my mind this site contributes nothing of significance to the rural fringe around this urban settlement. As such, if it were to be developed (which would be the potential consequence of a settlement designation) no demonstrable harm would arise; it would have the effect of rounding-off the built-up area and completing the established pattern of housing in this vicinity without any noticeable encroachment into the surrounding countryside.

1.65.5 Also it follows from those conclusions that I regard the Plan’s inclusion of this site within a Green Wedge to be without foundation. Since there is no other settlement remotely close to this side of Abercarn the objection land simply does not perform the function of preventing coalescence for which the Green Wedge policy is designed.

1.65.6 As for the Special Landscape Area (SLA) designation which also applies to this land, this is an extremely small element of a very extensive designated area. Given that factor, the nature and appearance of this site and the sense of containment which the adjoining development creates, I am not convinced that its exclusion from the SLA would cause any noticeable reduction in the qualities of the wider landscape.

1.65.7 Although there are no formally registered objections to the Green Wedge and SLA designations, their deletion must inevitably and logically follow as a consequence of my intention to recommend the realignment of the settlement boundary to include this site within the settlement area; I consider it appropriate, for the sake of completeness, to recommend their deletion.

RECOMMENDATION

1.65.8 **That the Proposals Map be modified by the deletion of the objection site from the Green Wedge and Special Landscape Area and by the realignment of the settlement boundary so as to include the objection site within the settlement area.**

POLICY OMISSION

OBJECTION

DO/5696/1813 Countryside Council for Wales

Primary Issue

- 1.66.1 • Should this section of the Plan include a policy aimed at conserving, where feasible, features of nature conservation interest within all new developments.

Inspector’s Conclusions

1.66.2 In dealing earlier with certain objections to Policy DC1 I concluded that Criterion C, which gave general protection to nature conservation interests, was unnecessary because there are several other policies in the Plan which cover the same matters. However I have considered it appropriate to recommend certain modifications to Policy C12 so as to broaden the scope of its provisions to include nature conservation issues.

1.66.3 Those modifications together with the existing provisions of other policies provide adequate safeguards regarding the matters of concern to this Objector. Another new policy is not warranted.

RECOMMENDATION

- 1.66.4 **That no modification be made to the Plan in response to this objection.**
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POLICY OMISSION

OBJECTIONS

DO/5696/1491 Countryside Council for Wales
(registered under Policy CF11)
PCO/5696/3266 Countryside Council for Wales
PCO/5377/3195 Lafarge Redland Aggregates Ltd

Conditionally Withdrawn

DO/5541/1363 Campaign for the Protection of Rural Wales
(registered under Policy CF11)
DO/5638/1579 House Builders Federation
(registered under Policy CF11)
PCO/5541/3121 Campaign for the Protection of Rural Wales
PCO/5630/3291 Persimmon Homes (Wales) Ltd

Proposed Changes

PC062, PC351

Further Proposed Changes

FPC012, FPC013, FPC014, FPC015

Primary Issues

- 1.67.1 • Should the scope of this policy be widened to include wildlife and amenity considerations and should its wording be clarified.
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Inspector’s Conclusions

1.67.2 These objections stem from the inclusion of Policy CF11 which sought community benefits by way of planning agreements associated with development proposals. At the proposed changes stage the Council decided to delete this policy and instead include in the Plan a new general policy regarding planning obligations (PC351 and PC062). These changes led to the conditional withdrawal of certain objections but gave rise to others. The Council then produced further changes which reworded the new policy (FPC012) and the reasoned justification (FPC013, FPC014 and FPC015). Some counter-objections have been conditionally withdrawn as a result. Also, while the objection made by **Lafarge Redland Aggregates Ltd** is sustained, in my opinion FPC012 fully meets the Objector’s concern in that the disputed phrase regarding the “conferment of public benefit or advantage” has been suitably replaced.

1.67.3 As to the remaining outstanding objection, the **Countryside Council for Wales** says that reference should be made to wildlife and amenity benefits which can be secured through planning obligations. However one of the aims of the changed provisions is to create a policy which is applicable generally to an unspecified range of development proposals and is capable of securing an unspecified range of benefits; what would be appropriate in any given case would be open to negotiation between the relevant parties and explained in more detail in development briefs. The supporting text however does provide a cross-reference to other provisions of the Plan where the use of planning obligations would be likely to arise. I endorse this basic approach which is consistent with the tenor of national guidance. In these circumstances it would be inappropriate to make express reference to wildlife and amenity benefits within the provisions of the new policy.

1.67.4 Given the foregoing considerations, I am recommending the adoption of the latest version of the new policy in replacement of Policy CF11.

RECOMMENDATION

1.67.5 **That:**

- (i) **the Plan be modified by the deletion of Policy CF11 in accordance with Proposed Change PC351;**
- (ii) **the Plan be further modified by the inclusion of a new policy titled “PLANNING OBLIGATIONS” with supporting text in accordance with Proposed Change PC062 and Further Proposed Changes FPC012, FPC013, FPC014 and FPC015;**
- (iii) **no other modification be made to the Plan in response to the objections made by the Countryside Council for Wales (1491 and 3266).**

OBJECTIONS RELATING TO OTHER GENERAL DEVELOPMENT POLICIES

OBJECTIONS

Conditionally Withdrawn

DO/5541/1128 Campaign for the Protection of Rural Wales
(reported under Part 1 Policy IDC)

DO/5541/1147 Campaign for the Protection of Rural Wales
(reported under Part 1 Policy IDC)

DO/5698/1553 Environment Agency Wales
(reported under Part 1 Policy IDC)

DO/5339/0444 R E Phillips & Partners

DO/5339/0441 R E Phillips & Partners
(reported under H1.99(64))

DO/5314/0373 Aber Valley Community Council

DO/5390/0759 Argoed Community Council

DO/5429/0662 Mrs D Robinson

RECOMMENDATION

1.68.1 **That the Plan be modified in accordance with Proposed Changes PC049, PC054, PC059 and PC060.**

TOPIC 2

POPULATION AND HOUSING

INTRODUCTION

OBJECTION DO/5698/1590 Environment Agency Wales

Primary Issue

- 2.1.1 • Should reference be made to household water use and the benefits of including water-saving features in new development.

Inspector’s Conclusions

2.1.2 I recognise that the construction of new buildings, especially dwellings, within the County Borough would have an impact on the water environment. The Council accepts that developers should be made aware of its aspirations regarding water conservation and of the benefits of incorporating water-saving features in the design of new housing development. However I agree with the Council that this is a matter of detail which would best be dealt with by way of Supplementary Planning Guidance which is in preparation and that it is not appropriate for inclusion in the Plan. For these reasons no modification should be made.

RECOMMENDATION

2.1.3 **That no modification be made to the Plan in response to this objection.**

POLICY 1H

PROVISION FOR RESIDENTIAL DEVELOPMENT

OBJECTIONS

LDO/5729/1793 Duffryn Ffrwdd (Newtown) Estate Ltd
(reported under Part 1 Policy 1H)
DO/5339/2091 R E Phillips & Partners
(reported under Part 1 Policy 1H)
DO/5509/1954 Westbury Homes (Holdings) Ltd
(reported under Part 1 Policy 1H)
DO/5460/1661 Greendoorstep (Caerphilly)
(reported under Part 1 Policies 1H and 1DS)

Inspector’s Comment

2.2.1 These objections are fully considered, and are the subject of an appropriate recommendation, under Part 1 Policy 1H.

POLICY H1

PROVISION FOR RESIDENTIAL DEVELOPMENT

OBJECTIONS

DO/5421/0646	Alfred McAlpine Developments Ltd
LDO/5729/1794	Duffryn Ffrwdd (Newtown) Estate Ltd
DO/5654/1987	Messrs Greenhaf
DO/5638/1557	House Builders Federation
DO/5650/1103	Mrs Pembridge
DO/5630/1946	Persimmon Homes (Wales) Ltd
DO/5662/1078	Messrs A & P Price
DO/5339/0418	R E Phillips & Partners
DO/5658/1157	Mrs S Suter & Mrs S Jones
DO/5509/1955	Westbury Homes (Holdings) Ltd
DO/5663/1035	Messrs Powell & Price

Primary Issues

- 2.3.1
- Has sufficient land been allocated for housing in order to meet the County Borough’s needs.
 - Should proportionately more land be allocated for housing in the Area of Consolidation and/or the Area of Growth.
 - Does the Plan place too much emphasis on the development of brownfield land.

Inspector’s Conclusions

2.3.2 In respect of the 3 issues which these objections raise, I have already examined all the relevant evidence in the process of considering Policies 1H and 1DS in Part 1 of the Plan. Although the question of whether Policy H1 gives too much emphasis to the allocation of brownfield sites does not expressly arise in those earlier cases, the thrust of the present objections regarding this issue is that more land - and more greenfield land in particular - should be allocated in order to ensure that adequate provision is made generally for housing.

2.3.3 Given those considerations, it is unnecessary to add anything to my earlier conclusions and my recommendations concerning modifications to those policies [see paragraphs 1.5.30 and 1.8.39] more than adequately respond to the present objections; for the sake of brevity and to avoid confusion I do not intend repeating them here but shall confine my recommendation to a simple cross-reference.

RECOMMENDATION

- 2.3.4 **That the Plan be modified in accordance with my recommendations on Part 1 Policies 1DS and 1H at paragraphs 1.5.30 and 1.8.39 of this report.**

POLICY H1.4

SITES FOR RESIDENTIAL DEVELOPMENT

LAND ADJACENT TO BRYN GLAS, PONTLOTTYN

OBJECTIONS

DO/5474/0725 Mr J Crump
DO/5233/0033 J Elliott
DO/5274/0313 Mrs G Hammond
DO/5109/0240 Mr T E John
DO/5278/0285 Mr I G Jones
DO/5700/0689 Mr D P Lewis
DO/5013/0123 Mrs B L Morgan
DO/5237/0056 Mrs E Roach
DO/5203/0108 Mrs M I Roberts
DO/5238/0059 Mr P S Thomas

Conditionally Withdrawn

DO/5356/0980 Dwr Cymru - Welsh Water

Further Proposed Change FPC212

Primary Issue

- 2.4.1
- For amenity, access and drainage reasons should the allocation of this site for housing purposes be deleted.

Inspector’s Conclusions

2.4.2 The Objectors maintain that, in accordance with what they say was the intention when the adjoining housing estate was built, this site should be left undeveloped and landscaped.

2.4.3 However I observe that planning permission was granted for the residential development of this land in 1991 and renewed 3 years later. It was first identified for housing in the Upper Rhymney Valley Local Plan (1986) and again later in the Rhymney Valley District Local Plan (1996). This site is within the settlement of Pontlottyn, surrounded by urban forms of development and relates well to existing housing to the west and south. Given this planning history and the current site circumstances, I can find nothing inappropriate about the Plan’s allocation of this land for housing.

2.4.4 As for the technical matters raised by Objectors, this site has a frontage to the road which already serves a substantial area of housing on this side of Pontlottyn and leads to the nearby settlement of Fochriw. There is no compelling evidence that this road would be incapable of accommodating the amount of traffic which the development of the present site would be likely to generate.

2.4.5 Regarding the drainage position, the Council acknowledges that improvements to the trunk sewer are necessary before any development on this site could take place.

However those works are in hand and are expected to be completed well before the end of the Plan period. The Council, in response to the objection made by **Dwr Cymru - Welsh Water**, proposes a further change (FPC212) to include a suitable reference to this constraint in the Appendix 3 description of this allocation site. To my mind this is as far as the Plan needs to go in recognition of this situation.

RECOMMENDATION

2.4.6 **That:**

- (i) **Appendix 3 be modified by the inclusion in the description of the Policy H1(4) site of additional text referring to the constraints on development arising from the current condition of the Rhymney Valley Trunk Sewer in accordance with Further Proposed Change FPC212;**
- (ii) **no other modification be made to the Plan in response to these objections.**

POLICY H1.6

SITES FOR RESIDENTIAL DEVELOPMENT

FORMER CONCRETE WORKS, DERI

OBJECTIONS

DO/5562/1245 Miss V J N Collier-Salt
DO/5316/0936 Deri Regeneration Committee
LDO/5738/1884 Friends of the Earth
DO/5570/1298 Mrs M Rowlands
DO/5738/1887 Friends of the Earth
(registered under Policy CF3)
DO/5316/0939 Deri Regeneration Committee
(registered under Policy L7)

Primary Issue

- 2.5.1
- Should the allocation of this site for housing purposes be deleted, or should the specified density/capacity be reduced; alternatively should this land instead be allocated in whole or in part for recreational and community use.

Inspector’s Conclusions

2.5.2 The allocation site is a long, relatively narrow area of open land located at the southern end of the settlement of Deri. There is housing on higher ground along both sides of this site, while at the northern end is a medical centre; a recreation ground adjoins to the south. This land is part of a former concrete works and can be categorised as brownfield. Furthermore Deri lies within one of the Plan’s designated Community Regeneration Areas

wherein the Plan, amongst other things, aims to produce attractive residential communities with a wide choice of housing.

2.5.3 In these circumstances, to my mind this site is suitable for housing and there is no reason why, for the purposes of this Plan, the specified capacity estimate should be reduced given that this figure is for guidance only at this stage.

2.5.4 However since the publication of the Deposit Draft Plan the Council has reconsidered the allocation of the present site in the light of local initiatives regarding the provision of community and recreational facilities on this land. I am told that the Authority has resolved not to market the site for housing to enable the **Deri Regeneration Committee** to raise enough funds to pursue their own proposals. In the light of those circumstances, the Council now proposes to delete this housing allocation (PC065); however, because of the uncertainty about whether those local proposals will actually materialise and in the absence of any other compelling evidence of a need for such facilities, it is deemed inappropriate to allocate this land instead formally for community/leisure uses.

2.5.5 While elsewhere in this report [*see under Part 1 Policy IDS*] I have advocated that the Plan should take a pro-active approach in terms of positively identifying the development potential of land, particularly brownfield sites, I accept that there are justifiable local reasons for leaving this particular piece of land unallocated. The fact that it lies within the defined settlement boundary is on this occasion perhaps acknowledgement enough of its development potential. For these reasons I support the Council’s latest position regarding this site.

RECOMMENDATION

2.5.6 **That:**

- (i) **Policy H1 be modified by the deletion of Site 6 - Former Concrete Works, Deri in accordance with Proposed Change PC065 and that the Proposals Map and Appendix 3 be modified correspondingly;**
- (ii) **no other modification be made to the Plan in response to the objections made by Friends of the Earth (1887) and Deri Regeneration Committee (0939).**

POLICY H1.8

SITES FOR RESIDENTIAL DEVELOPMENT

LAND EAST OF HANDBALL COURT, NELSON

OBJECTIONS

DO/5131/0088 Mrs M A Lapsa
DO/5193/0087 Mrs S J Lewis
DO/5322/2079 Mr G Williams
DO/5322/0379 Mr G Williams
PCO/5131/3006 Mrs M A Lapsa
PCO/5206/3004 Mr D Lewis
PCO/5392/3271 Nelson Community Council
DO/5086/0199 Dealcompac Limited
(registered under Policy L6(2))
DO/5298/0331 B C Hunt
(registered under Policy L6(2))
PCO/5392/3272 Nelson Community Council
(registered under Policy L6(2))

Conditionally Withdrawn

DO/5300/0333 Mr P K Read
DO/5300/0334 Mr P K Read
(registered under Policy L6(2))

Proposed Changes PC066, PC220
Further Proposed Change FPC017

Primary Issues

- 2.6.1
- For drainage and other infrastructure reasons should the allocation of this site for housing purposes be deleted.
 - Are the access arrangements which the Plan’s proposals envisage for the housing and leisure allocation sites satisfactory.

Inspector’s Conclusions

2.6.2 Regarding the first issue, certain Objectors consider that drainage and flooding problems in this area are so serious that this land should not be allocated unless and until remedial and improvement works have been undertaken. The Council acknowledges that such works are necessary. However I have no compelling evidence that those problems cannot be overcome during the lifetime of this Plan and therefore have no reason, on these grounds, to conclude that the allocation of this site for development is inappropriate.

2.6.3 Nor has any convincing case been argued by those Objectors who assert that other infrastructure issues, such as road network inadequacies and the capacity of local schools, provide ample justification for the deletion of this allocation. Furthermore **Mrs Lapsa** maintains that the local area is deficient in leisure facilities. While in general terms

this is not disputed by the Council, I am mindful that a large area to the east is already allocated in the Plan for leisure (park development) purposes; this, the Council says, would meet the identified shortfall in such provision and there is no compelling evidence to the contrary.

2.6.4 Accordingly the foregoing objections fail. However given the acknowledged position regarding drainage in this locality, I consider that the Appendix 3 description of the allocation site should include a suitable reference to this matter; this I shall recommend.

2.6.5 As for the second issue, the housing allocation site is part of a larger area which, together with the leisure land to the east, is envisaged for mixed-use development. It is intended that a leisure corridor would be provided along a route running behind properties which front the northern side of Wern Crescent leading out on to the main road through the centre of Nelson. In the Deposit Draft Plan the land required for this route is shown to be part of the leisure allocation site; however in response to the objections raised under both the housing and leisure policies the Council decided to change the allocation of this land to housing (PC066 and PC220). At a later stage a further adjustment to the housing site boundary was made (FPC017) so as to include additional land directly behind the Wern Crescent properties.

2.6.6 The Council says that collectively these changes (which have led to the conditional withdrawal of **Mr Read’s** objections) provide a better opportunity to achieve the comprehensive development of this area including satisfactory access arrangements. The Counter-Objectors, on the other hand, claim that this represents the further reduction in an already unsatisfactory level of new leisure provision. As I understand it however, the original intention of establishing a leisure corridor along this route remains unchanged; only the means to secure this facility (ie through a comprehensive mixed-use development) has altered. Given those considerations, from all the evidence presented I find no reason to disagree with the Council and shall therefore endorse those changes. Since there is no proposed change formally giving effect to the consequential revisions to the site size and estimated housing capacity which appear in the text of Policy H1, I shall recommend this too.

RECOMMENDATION

2.6.7 **That:**

(i) **the Proposals Map be modified by (a) the deletion of land to the rear of Wern Crescent, Nelson from the Policy L6(2) allocation site, (b) the allocation of this land instead for housing purposes under Policy H1(8) and (c) the allocation of additional adjoining land for housing purposes under Policy H1(8), all in accordance with Proposed Changes PC220 and PC066 and Further Proposed Change FPC017;**

(ii) **Policy H1 be modified by the revision of the details of the site area and estimated capacity so as to reflect the modifications in recommendation (i) above;**

(iii) **Appendix 3 be modified by the inclusion within the description of the Policy H1(8) site of a reference to the drainage-related constraints on**

the development of the allocation site taking into account my conclusions in paragraphs 2.6.2 and 2.6.4 above;

(iv) **no other modification be made to the Plan in response to these objections.**

POLICY HL1.11

SITES FOR RESIDENTIAL DEVELOPMENT

PENTWYN FARM, CAERPHILLY

OBJECTIONS

DO/5166/0241	Mr G Broster
DO/5460/0810	Greendoorstep (Caerphilly)
DO/5021/0134	Petition~Pentwyn Farm Caerphilly
DO/5702/0837	A P & E A Thomas
DO/5095/0211	Mr R Watkins

Primary Issues

- 2.7.1
- Is the population and general housing situation in the Caerphilly Basin such that the allocation of this site for housing purposes should, in the interests of achieving a sustainable community, be deleted.
 - For drainage, highway safety and amenity reasons should the allocation of this site for housing purposes be deleted.

Inspector’s Conclusions

2.7.2 As to the first issue, the objection made by **Greendoorstep (Caerphilly)** to the allocation of this site is part of its more general argument against the scale of housing provision within the County Borough, and in the Caerphilly Basin especially. I have concluded elsewhere [*see under Part 1 Guiding Principles and Policies IDS and IH*] that the Plan’s basic approach to the matter of sustainability is acceptable, that its strategy regarding the Area of Consolidation and the Caerphilly area in particular broadly merits support and that, rather than reduce provision for housing, more land must be identified in the Plan for this purpose. Given those circumstances, and since **Greendoorstep** raises no site-specific arguments regarding the present allocation land, I judge this objection to be without foundation.

2.7.3 Turning to the second issue, certain Objectors express concern about the potential effect which the development of this site would have on the allegedly inadequate drainage system and on traffic conditions on neighbouring roads. However there is simply no compelling technical evidence to refute the Council’s arguments that in both respects there are no insurmountable problems and, in all the circumstances, I am satisfied that there are no justifiable reasons on this basis for deleting the present allocation.

2.7.4 **A P & E A Thomas** add that development here would destroy the rural nature of existing housing areas which adjoin this site. I disagree. Development in this vicinity at the edge of the settlement is part of an established urban environment; housing on the allocation site would simply continue this pattern and effectively round-off this corner of the built-up area without causing any noticeable environmental harm.

2.7.5 In reaching my conclusions on this case I have borne in mind that a sizeable section of this site already has the benefit of planning permission for housing. Given that factor, and all the foregoing considerations, the Plan merits support.

RECOMMENDATION

2.7.6 **That no modification be made to the Plan in response to these objections.**

POLICY H1.14

SITES FOR RESIDENTIAL DEVELOPMENT

NORTH OF PENDINAS AVENUE, CROESPENMAEN

OBJECTIONS

LDO/5711/0523 Residents of Croespenmaen
DO/5297/0330 G & L Williams
PCO/5751/3001 J W Palfrey
(registered under Policy L7(19))
PCO/5855/3168 D Jones
(registered under Policy L7(19))

Conditionally Withdrawn

DO/5102/0220 Mr J Bluck
DO/5317/0377 Mr N Hallett
DO/5051/0150 J Macey-Price
DO/5273/0311 Mr C E Robinson

Proposed Changes PC069, PC226, PC232
Further Proposed Change FPC098

Primary Issues

- 2.8.1
- For highway safety reasons should the allocation of this site for housing purposes be deleted.
 - For highway safety and residential amenity reasons should the changed allocation of this site for recreational purposes be not adopted.
-

Inspector’s Conclusions

2.8.2 The present site lies within the built-up settlement of Croespenmaen; it is adjoined by housing on 3 sides and there is a main road at a much lower level along the remaining boundary.

2.8.3 In terms of the first issue, the allocation of this site for housing in the Deposit Draft Plan attracted a number of objections. The Council, as part of its proposed changes, deleted this allocation on highway safety grounds (PC069). As a result of this change most objections were conditionally withdrawn. While 2 of the original objections remain outstanding, clearly PC069 represents a satisfactory response to the principal arguments raised in those cases. In these circumstances, and since there have been no counter-objections calling for the reinstatement of the housing allocation, I shall endorse this change.

2.8.4 As to the second issue, at the same stage the Council proposed the allocation of this site instead for informal recreational purposes under Policy L7 (PC226 and PC232). **Messrs Palfrey and Jones** have lodged counter-objections on traffic safety grounds and on the basis that neighbouring residents would suffer a loss of privacy and general amenity if this land were used for those purposes.

2.8.5 Regarding the first point, while the Council provides no information as to how this site would be accessed I assume this would be from the residential roads to the south rather than directly from the main road. These residential roads already serve a sizeable built-up area and are of such a standard that they appear to be capable of accommodating satisfactorily the fairly limited level of traffic which an informal recreational use would be likely to generate.

2.8.6 The concern about the impact on residents’ amenities is also misplaced. I recognise that a number of dwellings stand close to the site boundaries, and that those in Cemaes Road on the eastern side are at a noticeably lower level. However given the relatively low-key nature of the intended use of this site and the fact that measures (including landscaping if necessary) could be included in the design of the layout to avoid any unneighbourly impact, there is no reason why this changed allocation should not be pursued. However the Plan should give proper recognition to this point and I am therefore recommending a modification to the Appendix 8 site description which FPC098 introduces so as to ensure that the development and layout of this recreational area takes appropriate account of the amenities of surrounding residents.

RECOMMENDATION

2.8.7 **That:**

(i) **Policy H1 be modified by the deletion of Site 14 - North of Pendinas Avenue, Croespenmaen in accordance with Proposed Change PC069 and that the Proposals Map and Appendix 3 be modified correspondingly;**

(ii) **Policy L7 be modified by the inclusion of Site 19 - North of Pendinas Avenue, Croespenmaen in accordance with Proposed Change**

PC226 and that the Proposals Map be modified correspondingly in accordance with Proposed Change PC232;

(iii) Appendix 8 be modified by the inclusion of details of the Policy L7(19) allocation site in accordance Further Proposed Change FPC098 and further modified by the inclusion of a reference to the need for the design of the site layout to incorporate appropriate measures for the protection of neighbouring residents’ amenities taking into account my conclusions in paragraph 2.8.6 above.

POLICY H1.16

SITES FOR RESIDENTIAL DEVELOPMENT

SOUTH OF LLWYN-ON LANE, OAKDALE

OBJECTIONS

DO/5459/1441 P & E Horrigan
DO/5457/1437 Ms C Thomas
DO/5458/1440 Ms J Thomas
DO/5681/1111 Mrs E W Yemm

Conditionally Withdrawn

DO/5356/0991 Dwr Cymru - Welsh Water

Further Proposed Change FPC214

Primary Issue

- 2.9.1
- Should the allocation of this site for housing purposes be deleted on the grounds of safeguarding the countryside and nature conservation interests and for reasons of traffic safety, noise and pollution.

Inspector’s Conclusions

2.9.2 The allocation site lies on the south-eastern side of Llwyn-on Lane at the edge of the Oakdale settlement. Beyond this road is a fairly densely developed residential area, while on the eastern side of this site is a ribbon of dwellings. There are allotments to the west but elsewhere in this report I have concluded that this land is in principle suitable for development and am recommending its inclusion within the settlement boundary [*see under Policy DC2.99(18)*]. Thus the present site, despite being open in nature, is well related to the built-up area and its development for housing as intended by the Plan would round-off the settlement in a well-integrated and acceptable fashion without causing any significant environmental harm.

2.9.3 In reaching those conclusions I have taken into account the specific points raised by Objectors. While there is open countryside around this southern fringe of Oakdale, to my mind the allocation site, because of its relatively limited size and the influence and spread of the development hereabouts, is seen as part of an urban environment.

2.9.4 Nor is the fact that this is greenfield land an overwhelming reason for deleting this allocation. This is one of a number of instances where the Plan allocates such land for development because general need and/or site-specific circumstances make it appropriate to do so. In other words, it takes a balanced and realistic approach and that, to my mind, is an acceptable way to proceed given the County Borough’s circumstances. In the present case a significant “general need” consideration is my earlier conclusion [*see under Part 1 Policy IH*] that there is a serious shortfall in housing land provision which the Plan needs to rectify. It is also significant, in strategic policy terms, that the allocation land lies within the Area of Growth, the Plan’s preferred location for new development.

2.9.5 Regarding nature conservation considerations, there is no compelling evidence that the present site has any material value; and nor am I convinced that the development of this land would give rise to such a scale of traffic that highway safety standards on the surrounding network of residential roads would be compromised or nearby residents’ amenities would be worsened by noise and pollution.

2.9.6 Accordingly, there is nothing in these objections to warrant any modification to the Plan. However I shall endorse FPC214 which proposes additional text regarding drainage considerations in the Appendix 3 site description since this has led to the conditional withdrawal of the objection made by **Dwr Cymru - Welsh Water** and has not been challenged.

RECOMMENDATION

2.9.7 **That:**

- (i) **Appendix 3 be modified by the inclusion within the description of the Policy H1(16) site of a reference to the drainage-related constraints on the development of the allocation site in accordance with Further Proposed Change FPC214;**
- (ii) **no other modification be made to the Plan in response to these objections.**

POLICY H1.17

SITES FOR RESIDENTIAL DEVELOPMENT

LAND ADJACENT TO THE GROVE, TRETTHOMAS

OBJECTIONS

DO/5200/0105	Cllr Mrs E M Aldworth
DO/5749/2071	Petition~Residents of Tyn-y-Wern Terrace
DO/5385/0906	Bedwas Trethomas & Machen Community Council
DO/5168/0245	Mr W Stone

Primary Issue

- 2.10.1
- For nature conservation, highway safety and drainage reasons should the allocation of this site for housing purposes be deleted.

Inspector’s Conclusions

2.10.2 This is a small area of mature and quite dense woodland within the built-up settlement of Trethomas; it is entirely surrounded by housing development and, given those circumstances, clearly forms part of an urban environment. The Objectors claim that the tree cover and vegetation here provide a habitat for a range of wildlife which should be safeguarded. However according to the Council this site fails to meet the criteria for designation as a Site of Importance for Nature Conservation and from the anecdotal evidence presented by Objectors there seems to me to be nothing too special about the nature conservation value of this land in its present state; in my experience the creatures which are said to be found here are not particularly uncommon in an urban location.

2.10.3 As for the access situation, the lane which borders the northern boundary of the allocation site is narrow and poorly surfaced. The Council accepts that this would need to be brought up to standard before any development could take place. I note that this lane is privately owned by local residents, most if not all of whom are Objectors to this housing allocation; yet in my judgement this is not in itself a sound reason for deleting the allocation since there is no conclusive evidence that this land would not become “genuinely available” for development (in the sense described in national guidance) within the lifetime of this Plan. In this context I am aware that in association with a recent planning application an alternative means of access has been mooted.

2.10.4 Similarly in relation to the matter of drainage, the Council says that new facilities would be required to serve any new development on this site and from the evidence available I have no cause to doubt that any problems which there may be in this respect are technically capable of resolution.

2.10.5 Given those considerations, and bearing in mind the urban location of this site, I can find nothing inappropriate about the identification of the present land (which I note has had the benefit of planning permission for residential development in the recent past) under the provisions of Policy H1.

RECOMMENDATION

2.10.6 **That no modification be made to the Plan in response to these objections.**

POLICY H1.18

SITES FOR RESIDENTIAL DEVELOPMENT

LAND SOUTH OF ST DAVID’S ROAD, PENGAM

OBJECTIONS

List of objections at Appendix 1

Proposed Change

PC070

Primary Issue

- 2.11.1
- For traffic safety, residential amenity, ground stability and other environmental reasons should the allocation of this site for housing purposes be deleted and should this land instead be designated as a Green Wedge or for leisure purposes.

Inspector’s Conclusions

2.11.2 This site is shown on the Proposals Map as a Policy H1 housing allocation but, since the publication of the Deposit Draft Plan, planning permission has been granted for its development with 6 houses. Thus the submitted objections are effectively rendered academic and no practical purpose would be served by examining them now since this permission provides more definitive guidance about the future use of this site and is capable of implementation whatever the Plan might have to say.

2.11.3 Nevertheless there are certain appropriate modifications which arise directly from the grant of this permission. First, the Policy H1 allocation should be deleted because the suitability of this site for housing purposes is now established by the permission and it is no longer a Plan proposal as such; that apart, the capacity is now established as being for less than 10 dwellings which is the lower threshold for Policy H1 allocations. This modification is covered by PC070 and I shall endorse it. However, secondly, this site should now be identified on the Proposals Map as a housing commitment in common with other such land with planning permission and correspondingly it should be listed in Appendix 2 Section B; the Council confirmed at the Inquiry that it would, rightly in my opinion, be updating this list as part of its modifications to the Plan. I shall recommend accordingly.

RECOMMENDATION

2.11.4 That:

- (i) **Policy H1 be modified by the deletion of Site 18 - South of St David’s Road, Pengam in accordance with Proposed Change PC070 and that the Proposals Map and Appendix 3 be modified correspondingly;**
 - (ii) **the Proposals Map be modified by the designation of this site as a Housing Commitment (HC) and that Appendix 2 Section B be modified correspondingly;**
 - (iii) **no other modification be made to the Plan in response to these objections.**
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POLICY H1.19

SITES FOR RESIDENTIAL DEVELOPMENT

TYN-Y-WAUN FARM, MACHEN

OBJECTIONS

List of objections attached at Appendix 1

Primary Issue

- 2.12.1 • For traffic safety, residential amenity, nature conservation, flooding, ground contamination and general environmental reasons should the allocation of this site for housing purposes be deleted.

Inspector’s Conclusions

2.12.2 This site, which is wooded and overgrown, lies at the southern edge of the built-up settlement of Machen. It is situated between 2 areas of housing and stands alongside the River Rhymney beyond which is the quite densely developed village centre. In my judgement the Plan is right to identify this land as suitable for housing purposes. Given the extent of development hereabouts, it clearly lies within an urban environment and in general terms housing here would round-off the settlement in a well-integrated and acceptable fashion.

2.12.3 It is expected that access would be secured from Chestnut Close to the east; this is part of the road network within a modern residential estate. While the concern expressed by residents of that estate about additional traffic activity is perhaps understandable, there is no technical evidence to suggest that the levels likely to arise from the development of the allocation site could not be satisfactorily accommodated on the present road system. In this regard the Council specifies that the highway network has sufficient capacity and is otherwise adequate; I have no reason to question that evidence.

2.12.4 Nor would any such new development be likely to harm the amenities and residential environment enjoyed by those residents and others who live nearby. Any housing scheme on the allocation land would in effect simply be a further element of the existing estate and could, in my view, be quite easily assimilated into this residential area. Some Objectors claim that this site provides a valuable play area which should not be lost. However, as I understand it there is no formal authorisation for any such activities; and in any event the adjoining housing estate includes the provision of a small play space, while within easy walking distance there is an extensive public recreational area. And the existing riverside walk, to which several objections refer, would be retained as part of any future development; the site description in Appendix 3 makes this clear.

2.12.5 As for the matter of nature conservation, there is no compelling evidence of there being any significant value in this site other than in the sense that a number of trees are protected by a TPO. These, the Council confirms, would be retained as a requirement of the site development brief which would be prepared so as to guide any future scheme. In my experience this can be done successfully.

2.12.6 Regarding certain Objectors’ fears about the risk of flooding of nearby properties occurring if development went ahead on the allocation land, again there is no convincing technical evidence to substantiate such assertions. I am advised that the Environment Agency Wales, which contradicts **Mr Dowall’s** claim that ground levels of this site would need to be raised, is satisfied that the remedial works undertaken on the River Rhymney prior to the development of the neighbouring housing estate are sufficient to resolve any possible flooding problems. For the purpose of this Plan that is enough, although I would expect that this matter would be re-assessed at a later, more detailed stage of the planning process.

2.12.7 Other objections raise the issue of ground contamination and potential pollution problems. I note that the allocation land was once used as a tip for ash, rubbish and other material but the Council states, and there is no persuasive counter-evidence, that there are no contaminants present which would prevent the development of this site.

2.12.8 In summary therefore, these objections disclose nothing which leads me to conclude that the Plan is wrong in its allocation of this land for housing. Indeed there are several important factors in its favour. This can be regarded as brownfield land; it lies within the Machen settlement; and there is, as I have concluded elsewhere in this report [*see under Part 1 Policy 1H*], a significant shortfall in housing provision Borough-wide which the Plan needs to redress. For all these reasons there is no justification for any modification to the Plan.

RECOMMENDATION

2.12.9 **That no modification be made to the Plan in response to these objections.**

POLICY H1.20

SITES FOR RESIDENTIAL DEVELOPMENT

LAND AT BRYN ROAD, BLACKWOOD

OBJECTIONS

List of objections attached at Appendix 1

Primary Issue

- 2.13.1
- Should the allocation of this site for housing purposes be deleted on the grounds that this general area is already overdeveloped and that it would be more appropriate to designate this land for school or recreational use.

Inspector’s Conclusions

2.13.2 This site is shown on the Proposals Map as a Policy H1 housing allocation but, since the publication of the Deposit Draft Plan, planning permission has been granted for its residential development. Thus the submitted objections are effectively rendered academic and no practical purpose would be served by examining them now since this permission provides more definitive guidance about the future use of this site and is capable of implementation whatever the Plan might have to say.

2.13.3 Nevertheless there are certain appropriate modifications which arise directly from the grant of this permission. First, the Policy H1 allocation should be deleted because the suitability of this site for housing purposes is now established by the permission and it is no longer a Plan proposal as such. Secondly, this site should now be identified on the Proposals Map as a housing commitment in common with other such land with planning permission and correspondingly it should be listed in Appendix 2 Section B; the Council confirmed at the Inquiry that it would, rightly in my opinion, be updating this list as part of its modifications to the Plan. I shall recommend accordingly.

RECOMMENDATION

2.13.4

That:

- (i) **Policy H1 be modified by the deletion of Site 20 - Bryn Road, Blackwood and that the Proposals Map and Appendix 3 be modified correspondingly;**
- (ii) **the Proposals Map be modified by the designation of this site as a Housing Commitment (HC) and that Appendix 2 Section B be modified correspondingly;**
- (iii) **no other modification be made to the Plan in response to these objections.**

POLICY H1.21

SITES FOR RESIDENTIAL DEVELOPMENT

TIR Y BERTH, HENGOED

OBJECTION

DO/5574/1232 Mrs M Jenkins

Primary Issue

- 2.14.1
- Is the allocation of this site for housing purposes unduly restrictive and should the Plan take into account other possible uses.

Inspector’s Conclusions

2.14.2 The allocation site comprises mainly open land situated behind employment premises which front on to the western side of Cardiff Road. To the south is an area of housing, while directly north of this site is a parcel of open ground in respect of which planning permission has been granted for residential development. In the wider surroundings the built-up settlement consists of a mix of land uses but mostly housing and employment development.

2.14.3 Although the Objector criticises the Plan for allocating this site for housing purposes, she does not specify what alternative uses should be considered. Given the character of the surrounding area, I recognise that in general environmental terms employment development, for example, might be acceptable here. However, there is no compelling evidence to suggest that the present housing allocation is wrong; on the contrary there are several factors strongly in its favour. A housing scheme would complement and consolidate the established and planned pattern of residential development along this side of the road and make good use of an essentially vacant urban site; it would make a helpful contribution towards reducing the scale of the shortfall in housing provision which I have found exists in the County Borough [*see under Part 1 Policy 1H*]; also this land lies within the Area of Growth which is the Plan’s preferred location for additional necessary development.

2.14.4 Given those considerations, there is no reason why the Plan should be modified.

RECOMMENDATION

- 2.14.5 **That no modification be made to the Plan in response to this objection.**

POLICY H1.23

SITES FOR RESIDENTIAL DEVELOPMENT

PENALLTA COLLIERY, YSTRAD MYNACH

OBJECTION

DO/5519/1183 T Jones

Primary Issue

- 2.15.1
- Is the estimated housing capacity of this site based on too high a density figure.

Inspector’s Conclusions

2.15.2 In respect of each of the allocation sites listed under Policy H1 the Plan specifies an estimated capacity. I am told that the Council’s approach has been to adopt a ratio of 25 dwellings per hectare (dph) in each case unless a more detailed assessment of any particular site has disclosed an alternative, more appropriate figure. I have no quarrel with that basic approach.

2.15.3 In the present case the specified capacity relates to a much higher density figure, something close to 40 dph. The Objector argues that this is unacceptable since it would lead to a cramped form of development which would provide poor residential and general amenities and result in the loss of important landscape features. However there is no convincing evidence to substantiate those arguments; in my experience this sort of density is not uncommon in many urban locations and there is no reason to believe that, in principle, it could not provide an environmentally acceptable residential development on this occasion.

2.15.4 While the Council has not explained why the specified capacity figure was selected at the Deposit Draft stage, it has indicated that since then more detailed consideration has been given to the potential development of the allocation site. In this respect I note that the housing allocation is just one element of a planned comprehensive mixed-use development. The position now is that more land for housing is likely to be provided here than was first anticipated and consequently the estimated capacity has increased although a firm figure will not be known until a design brief has been prepared.

2.15.5 In my opinion the Policy H1 site details, even though they are intended for broad guidance only, should be modified to reflect the best evidence available; it would be unwise and inappropriate, especially in the light of the need to increase significantly the Plan’s housing provision figure in order to address the shortfall which I have found exists [*see under Part 1 Policy 1H*], to continue to specify a capacity which is known to be an appreciable under-estimate of this site’s true potential. I anticipate that by the time of the modifications stage the Council will have established a more realistic estimate which would be suitable for inclusion in the Plan; in all the circumstances I am recommending that this should replace the existing capacity figure along with the revised land area details.

RECOMMENDATION

- 2.15.6 **That Policy H1 be modified by the replacement of the Site 23 land area and housing capacity figures by alternative figures based on the results of the Council’s intended further consideration of the development potential of the allocation site and preparation of a development brief.**
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POLICY H1.24

SITES FOR RESIDENTIAL DEVELOPMENT

PENALLTA COLLIERY (LISTED BUILDINGS), YSTRAD MYNACH

OBJECTION

DO/5519/1186 T Jones

Primary Issue

- 2.16.1
 - Is the estimated housing capacity of this site based on too high a density figure.

Inspector’s Conclusions

2.16.2 This site is part of the same overall development area as the allocation site (H1.23) examined in the preceding case. The Objector’s arguments are the same [*see paragraph 2.15.3*]. However the Plan is treating this particular site separately because the identified development potential arises from the refurbishment of a listed building complex. Moreover the specified housing capacity (80 units) equates to a density of only 12.5 dph, just half of the figure which has been generally adopted for Policy H1 purposes.

2.16.3 The Objector’s case seems to be wholly without foundation; he does not attempt to address the refurbishment potential of these existing buildings and there is simply no evidence to suggest that the Plan is wrong in this matter. Unlike the preceding case the Council does not indicate that further consideration is being given to the capacity estimate and for all these reasons I conclude that no modification to the Plan should be made.

RECOMMENDATION

- 2.16.4 **That no modification be made to the Plan in response to this objection.**
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POLICY H1.31

SITES FOR RESIDENTIAL DEVELOPMENT

WEST OF SNOWDON CLOSE, RISCA

OBJECTIONS

DO/5344/0583 Mrs J M Francis
DO/5397/0491 Mr B D Osment
DO/5397/1874 Mr B D Osment
(registered under Policy C10(155))

Primary Issue

- 2.17.1
- For traffic safety, general amenity and nature conservation reasons should the allocation of this site for housing purposes be deleted and should this land instead be designated as a Site of Importance for Nature Conservation (SINC).

Inspector’s Conclusions

2.17.2 This site comprises an area of overgrown land with a noticeable amount of tree and shrub cover; it is in a prominent hillside location at the edge of the built-up settlement of Risca. There is housing adjoining to the west, while beyond the road which marks the southern site boundary there is further residential development surrounding a small recreational area; directly to the east is a managed grassed space with housing further on and to the north is open countryside.

2.17.3 As for the points raised by the Objectors, there is no reason to expect that traffic generated by the development of this site would cause safety problems. The road fronting the allocation land is a principal estate road which already serves a substantial amount of housing; there is no technical evidence to suggest that it does not have the capacity to accommodate the increase in traffic which might arise or that it is noticeably substandard in any other respects.

2.17.4 Furthermore, given the extent of the built-up area hereabouts, this site is clearly part of an urban environment and housing here would simply continue the general pattern of development on the northern side of this road without giving the impression of encroaching into the open countryside to the north.

2.17.5 Regarding any nature conservation value which the allocation land might have, the Council says that it does not meet the criteria for designation as a SINC; nor do the Objectors identify any particular flora or fauna which is present here. In short, there is nothing to indicate that this site has any significant value in this respect.

2.17.6 Given the foregoing considerations, this site appears to me to be suitable in principle for housing and there is no justification for any modification to the Plan.

RECOMMENDATION

2.17.7 **That no modification be made to the Plan in response to these objections.**

POLICY H1.32

SITES FOR RESIDENTIAL DEVELOPMENT

EPPYNT CLOSE, RISCA

OBJECTIONS

DO/5411/0539 Mr W E Farley
DO/5462/1498 H Lyndon
LDO/5732/1705 Mrs Penny

Primary Issue

- 2.18.1
- For nature conservation, traffic safety, residential amenity and general environmental reasons should the allocation of this site for housing purposes be deleted.

Inspector’s Conclusions

2.18.2 This is a large, generally overgrown and tree covered site in a prominent hillside location at the edge of the built-up settlement. Housing adjoins this land on the southern and western sides, while to the north is open countryside; there is a field immediately to the east and then a site allocated in the Plan for school purposes.

2.18.3 Regarding the question of nature conservation interest, most of this site is also allocated by the Plan as a Site of Importance (SINC) in that respect. This and the housing allocation are not necessarily incompatible. The SINC policy (C10) does not prescribe a total bar on development within such areas; it seeks simply to protect the features which provide the nature conservation interest from unacceptable harm and additionally acknowledges that the need for development might outweigh even those considerations.

2.18.4 In the present case the Council has prepared a development brief which is designed to ensure that, as a part of any housing scheme, sufficient species rich semi-improved neutral grassland (the primary nature conservation feature of this site) would be retained in order to support a viable habitat; also, the wooded stream corridor would be retained as a link between hedgerow habitats on other land.

2.18.5 A further important consideration in the context of Policy C10 is that the present site makes a major contribution to the Plan’s housing provision and its loss would obviously worsen still more the already significant shortfall which I have found exists [*see under Part 1 Policy 1H*]. The need to reduce this shortfall is considerable.

2.18.6 As for matters of traffic safety, I note that the development brief addresses this in detail. Eppynt Close has been constructed to a standard which the Council considers is

sufficient to accommodate the scale of traffic likely to arise from the development of this site; while there is a limitation in visibility at the main road junction, it is intended that this would be overcome by the provision of traffic-calming measures along that road. There is nothing in the objections before me to suggest that the Council’s technical evidence is questionable.

2.18.7 Finally I consider that the relationship of the allocation land with the existing built-up area is such that development here would be capable of being well integrated with the established pattern of housing and, although representing a large-scale urban extension, it would cause no serious environmental harm either to the amenities of neighbouring residents or the surrounding area in general. In this connection I observe that the development brief provides for the retention and enhancement of tree belts around most of the site boundaries thus helping to safeguard the interests of adjoining residents and creating a significant measure of containment so as to minimise any sense of encroachment into the open countryside.

2.18.8 For all these reasons I regard this site as being suitable for housing development and accordingly no modification should be made to the Plan.

RECOMMENDATION

2.18.9 **That no modification be made to the Plan in response to these objections.**

POLICY H1.33

SITES FOR RESIDENTIAL DEVELOPMENT

JEREMY OILS, LLANBRADACH

OBJECTION DO/5107/0233 Health & Safety Executive

Proposed Change PC353

Primary Issue

2.19.1 • Should the Plan expressly refer to the need for future development proposals for the allocation site to take into account the presence nearby of Notifiable Installations.

Inspector’s Conclusions

2.19.2 The **Health & Safety Executive (HSE)** is anxious to ensure that the Plan gives proper recognition to the fact that the allocation site lies within the consultation distance of the Notified Installation of Jeremy Oils, Llanbradach.

2.19.3 The Council’s response has been to propose, under PC353, an addition to the Appendix 3 site description drawing attention to this factor and to the need for consultation between any developer and the **HSE**. Although this objection has not been formally conditionally withdrawn as a result, to my mind this change adequately meets the point which has been raised; the Plan cannot reasonably go any further in this regard.

RECOMMENDATION

2.19.4 **That Appendix 3 be modified by the inclusion within the description of the Policy H1(33) site of additional text regarding the need for consultation under the Notifiable Installations procedures in accordance with Proposed Change PC353.**

POLICY H1.34

SITES FOR RESIDENTIAL DEVELOPMENT

NORTH OF LLYS CAMBRIA, LLANBRADACH

OBJECTIONS

DO/5648/1650 Mrs E Carter
DO/5040/0126 Mr R A Dancock
DO/5091/0202 Mrs J Jones
LDO/5737/1861 Petition~Land @ Llys Cambria

Conditionally Withdrawn

DO/5356/1003 Dwr Cymru - Welsh Water

Further Proposed Change FPC228

Primary Issue

2.20.1

- For flooding, drainage, traffic safety and residential amenity reasons should the allocation of this site for housing purposes be deleted.

Inspector’s Conclusions

2.20.2 This site comprises an area of raised ground at the edge of the built-up settlement of Llanbradach. The River Rhymney borders the eastern side of this site. The Objectors maintain that development here would worsen the problems of flooding and drainage which are already experienced in this neighbourhood. On the first of those points, the Environment Agency Wales acknowledges that this land may be at risk of flooding but raises no objection to this allocation provided suitable measures are taken to ensure that floor levels of any development are constructed above locally determined flood levels; no concern has been expressed about the possible effect of flooding elsewhere in this area. As for the

drainage situation, the Council acknowledges that the existing trunk sewer is presently overloaded but expects improvements to the system to be undertaken which would enable this site to be developed during the lifetime of this Plan. To this effect a change to the Appendix 3 site description has been proposed (FPC228) which draws attention to this particular constraint.

2.20.3 Given the absence of any technical evidence to substantiate the concerns raised by the Objectors, I see no reason on flooding/drainage grounds why this allocation should be deleted. Nor are their fears of traffic safety problems persuasive. Access to this site is available from a residential cul-de-sac which appears to me to be of a standard capable of accommodating the level of traffic likely to arise from the development of the allocation land. The rest of the local road network, which already serves a sizeable housing area, seems similarly suitable for this purpose. While I recognise, as certain Objectors point out, that the scale of on-street parking hereabouts does cause difficulties, the limited proportionate increase in traffic due to this site’s development would be unlikely to worsen seriously the present highway conditions.

2.20.4 Regarding the possible effect on the residential environment generally, this site relates well to the surrounding built-up area and housing here would fit in with the established pattern of development. In basic land-use terms there is no reason to conclude that this would cause any material harm to the amenities of neighbouring residents or to the character and appearance of these surroundings. Matters concerning the detailed design and nature of any housing scheme and the relationship of new dwellings with those which adjoin this site would be for consideration at a later stage of the planning process.

2.20.5 Given the foregoing circumstances, there is nothing to warrant the deletion of this allocation. However I shall endorse FPC228 which has led to the conditional withdrawal of the objection made by **Dwr Cymru - Welsh Water** and is uncontested.

RECOMMENDATION

2.20.6 **That:**

- (i) **Appendix 3 be modified by the inclusion within the description of the Policy H1(34) site of a reference to the drainage-related constraints on the development of the allocation site in accordance with Further Proposed Change FPC228;**
- (ii) **no other modification be made to the Plan in response to these objections.**

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.2

LAND AT COED Y FEDW, MACHEN

OBJECTION

DO/5024/0319 Mrs E Thomas
(reported under Policy DC2.99.13)

Inspector’s Comment

2.21.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.13.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.3

LAND AT COMMERCIAL STREET, GELLIGAER

OBJECTION

DO/5674/1209 Mr W M James
(reported under Policy DC2.99.39)

Inspector’s Comment

2.22.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.39.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.4

LAND SOUTH OF THE PROPOSED NORTHERN LINK ROAD, BLACKWOOD

OBJECTION

DO/5346/0658 Chelverton West Plc
(reported under Policy DC2.99.61)

Inspector’s Comment

2.23.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.61.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.9

LAND AT TY SIGN, RISCA

OBJECTIONS

DO/5351/0683 Welsh Development Agency
DO/5351/0685 Welsh Development Agency
(registered under Policy C13(28))

Primary Issue

- 2.24.1
- Should the Green Wedge designation which covers this site be deleted and instead should the adjoining settlement boundary be realigned and the land be allocated for housing purposes.

Inspector’s Conclusions

2.24.2 This objection concerns an area of farmland at the edge of the built-up settlement of Risca. There is housing on the opposite side of Pontymason Lane which marks the northern boundary of this site, while to the west is a narrow stretch of mainly open land, which includes a farmhouse and associated buildings, with residential properties beyond; there is farmland to the south and east.

2.24.3 The Plan’s defined settlement boundary follows the line of the recognisable edge of the established built-up area; in relation to the objection land this coincides with Pontymason Lane. To my mind this is entirely appropriate and defensible since it reflects the evident division on the ground between areas of totally contrasting character; the present site and adjoining farmland is open in appearance and semi-rural in nature, whereas the housing areas to the north and west have urban characteristics.

2.24.4 The prospect of housing development on this site strengthens my conclusions on this matter. This would amount to a significant spread of the urban area into this fairly exposed stretch of the countryside fringe around this settlement thereby causing noticeable harm to the character and appearance of these surroundings; furthermore this would reduce the open gap which presently exists between Risca and the nearby built-up area of Rogerstone and undermine the worthy aims of the Plan’s Green Wedge policy to prevent the coalescence of these 2 settlements.

2.24.5 In reaching those conclusions I have taken into account the Objector’s arguments about the housing land supply position. The suggested situation in the Risca/Cross Keys area is not something to which I give great weight. It is appropriate that the Plan should address the need for housing on a Borough-wide basis and adopt the most suitable strategy and policy regime under which necessary provision can be made. The UDP’s approach of defining development strategy areas and specifying only a “global” housing provision requirement is one I support [see under Part 1 Policy1DS]. However I readily acknowledge that a site of this size would be capable of making a very useful contribution towards helping reduce the scale of the Borough-wide housing provision shortfall which presently exists [see under Part 1 Policy1H]. Nonetheless, in my judgement

the environmental arguments against the release of this large greenfield site for development are overwhelming.

RECOMMENDATION

2.24.6 **That no modification be made to the Plan in response to these objections.**

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.11

LAND OFF OAKS END CLOSE, GLYNGAER

OBJECTIONS

DO/5220/0064 Mrs Rees
DO/5220/0061 Mrs Rees
(registered under Policy C13(16))

Primary Issue

- 2.25.1 • Should the Green Wedge designation which covers this site be deleted and instead should the adjoining settlement boundary be realigned and the land be allocated for housing purposes.

Inspector’s Conclusions

2.25.2 This site is a long, relatively narrow stretch of grazing land situated between residential properties and employment premises on one side and the Nant Cylla on the other. There is more housing just a short way beyond this stream and also bordering the northern site boundary, while to the south is a much broader area of open ground comprising mainly pasture, marsh and woodland.

2.25.3 The Plan designates the objection site and adjoining open land as a Green Wedge. In relation to this site the Council says that this designation is necessary so as to maintain a buffer zone between residential properties and the premises on the Penallta Industrial Estate. The defined settlement boundary hereabouts follows the edge of the built-up area.

2.25.4 To my mind the present site falls into 2 distinct parts and it is appropriate to consider them separately. The northern section lies directly behind terraced housing which fronts Glyngaer Road; the effect of the close presence of those properties coupled with the development adjoining to the north and just a little distance to the east is to create a distinct sense of enclosure around this site. The clear impression which I gained during my inspection was that this part of the objection site stands within an urban environment and is noticeably different in character from the rest; the hedgerow and trees along the southern boundary of this northern section reinforce this sense of containment and association with the built-up surroundings.

2.25.5 Given those circumstances and bearing in mind the express purposes of the Plan’s Green Wedge policy, in my judgement the designation of this section of the site is quite inappropriate. It does not have the characteristic of openness, does not perform the function of separating 2 settlements, does not assist in maintaining the integrity of any settlement and cannot conceivably be described as countryside; nor even does it create a buffer zone between housing and employment development, not that this (according to the Plan) should be a reason for designating a Green Wedge in any event.

2.25.6 In my judgement it is entirely suitable for housing purposes. Development here would integrate well with adjoining housing and effectively round-off the built-up area in an acceptable fashion without giving rise to any noticeable damage to the character and appearance of the immediate surroundings. While the Council expresses concern about the likely harm which housing development on the whole objection site would cause to the adjoining Site of Importance for Nature Conservation (SINC), I observe that only the south-easternmost tip of the northern section touches that designated site. The Council’s fear is that the activities of residents, rather than the development itself, would damage the SINC; yet there is already a considerable amount of housing in close proximity to various parts of this designated area but the nature conservation interest survives. To my mind there should be no difficulty in designing a scheme which pays due regard to the nature conservation features within the SINC; the Appendix 3 site description should refer to this.

2.25.7 Accordingly I intend recommending appropriate modifications to the Plan in relation to the northern section of this site. In reaching this conclusion I have taken into account another of the Council’s arguments that this is greenfield land; yet elsewhere the Plan allocates such land for development where general need or site-specific circumstances make it appropriate to do so. In other words, it takes a balanced and realistic approach and that, to my mind, is an acceptable way to proceed given the County Borough’s circumstances. In the present case a significant “general need” consideration is my earlier conclusion [*see under Part 1 Policy 1H*] that there is a serious shortfall in housing land provision which the Plan needs to rectify. A site even of this relatively limited size would make a useful contribution in this respect. It is also significant, in strategic policy terms, that the objection land lies within the Area of Growth, the Plan’s preferred location for necessary new development.

2.25.8 As for the remainder of the objection site, I reach a wholly different conclusion. This section has a much more open appearance. It has a frontage to the narrow lane which leads on from Glyngaer Road and this is marked by trees and hedging; although there are large industrial buildings on the other side of this lane, due to the extent of the roadside vegetation along both frontages they have only a limited impact on the character of the open land close by. The more significant consideration though is that the southern section of the objection site leads seamlessly into the extensive area of open land which stretches well to the south and east and which, as a whole, is semi-rural in character; also, significantly, this area separates the built-up area of Glyngaer/Penpedairheol from the northern reaches of Hengoed as well as performing the same function in relation to the settlements to the east and west. Thus its designation as a Green Wedge is entirely merited.

2.25.9 For those reasons, and since development on this section of the site would result in the spread of the urban settlement into this sensitive open area thereby harming its character and appearance and diminishing the Green Wedge, the Plan should remain untouched.

2.25.10 My recommendation in favour of allocating the northern section of this site for housing purposes gives rise to the need to specify in Policy H1 an estimated capacity; since I have no information about the measured size of this section I must leave the Council to include the appropriate details which, presumably, would be based on the adopted density ratio. Other appropriate factual details for inclusion in the Appendix 3 site description (apart from the nature conservation issue referred to above [*see paragraph 2.25.6*]) I must similarly leave for the Council to determine.

RECOMMENDATION

2.25.11 **That:**

- (i) **Policy H1 be modified by the inclusion of the northern section of the objection site as a housing allocation (including a capacity figure to be assessed by the Council);**
- (ii) **the Proposals Map be modified (a) by the realignment of the settlement boundary so as to include the northern section of the objection site within the settlement area and (b) by the deletion of the northern section of the objection site from the designated Green Wedge and by its designation instead as a Policy H1 housing allocation;**
- (iii) **Appendix 3 be modified by the inclusion of details of the northern section of the objection site taking into account my conclusions in paragraphs 2.25.6 and 2.25.10 above;**
- (iv) **no other modification be made to the Plan in response to these objections insofar as they relate to the southern section of the objection site.**

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.12

BLACKWOOD GOLF COURSE, BLACKWOOD

OBJECTION

DO/5507/1360 Blackwood Golf Club
(reported under Policy DC2.99.49)

Inspector’s Comment

2.26.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.49.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.14

**LAND TO THE REAR OF PENNAR LANE,
NEWBRIDGE**

OBJECTION DO/5354/0713 Trustees of the George & Molly Stewart
Settlements (*reported under Policy DC2.99.65*)

Inspector’s Comment

2.27.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.65.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.16

LAND AT WAUN RYDD, GELLIGAER

OBJECTION DO/5662/1056 Messrs A & P Price
(*reported under Policy DC2.99.34*)

Inspector’s Comment

2.28.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.34.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.17

LAND AT MILL FARM, MACHEN

OBJECTION DO/5650/1101 Mrs F Pembridge
(*reported under Policy DC2.99.57*)

Inspector’s Comment

2.29.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.57.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.19

LAND AT GWERN-Y-DOMEN, CAERPHILLY

OBJECTIONS

DO/5421/0644 Alfred McAlpine Developments Ltd
DO/5421/0642 Alfred McAlpine Developments Ltd
(registered under Policy C11(16))

Primary Issue

- 2.30.1
- Should the Special Landscape Area (SLA) designation which covers this site be deleted and instead should the adjoining settlement boundary be realigned and part of the land be allocated for housing purposes.

Inspector’s Conclusions

2.30.2 This objection concerns an extensive area of mainly open farmland situated to the south-east of the urban settlement of Caerphilly. Along a stretch of the north-western site boundary is a modern distributor road which skirts a substantial housing area that lies within the Plan’s defined settlement boundary. There is generally open land in all other directions; of particular significance are the partly wooded hillsides further to the south including Rudry Ridge and Caerphilly Mountain which are prominent features of the wider landscape on this side of the town. The objection site itself rises noticeably from all boundaries to create a central ridge.

2.30.3 This site forms part of an extensive SLA which stretches around the southern and eastern sides of the settlement and spreads further eastwards virtually covering the whole of this southernmost sector of the County Borough. The Objector seeks the deletion of this designation so far as it relates the present site, the effect of this being to revert back to the extent of the SLA designation as shown in the Rhymney Valley District Local Plan (RVDLP) and in the Rhymney Valley Landscape Strategy (RVLS) which informed that Plan. In addition an allocation for housing purposes is sought in respect of the westernmost segment of this site - broadly the lower reaches of the area between the central ridge and the distributor road - together with a stretch of land further to the north which adjoins open meadows.

2.30.4 National guidance confirms the importance of maintaining or extending local countryside designations only where there is good reason to believe that normal planning policies cannot provide the necessary protection; and it says that any such designations should be soundly based on a formal assessment of the qualities of the countryside. However, notwithstanding this guidance, there is no reason in principle why the UDP should not depart from the conclusions of the RVLS; the crucial consideration in the present case is (given that there is no dispute about the RVLS findings and, by association, the SLA designation in the RVDLP) whether there is compelling evidence to justify any such departure.

2.30.5 The Council, I am told, reassessed this SLA using the same criteria as before. It took the view that the original SLA boundaries had been drawn too tightly in certain areas and did not include the full extent of the predominant landscape types. However it is relevant to note that the area known as “The Van”, within which objection site largely lies, is described (and emphasis is given to this in the Council’s evidence) as having nature conservation value and historical quality; yet in both those respects other provisions of the Plan, namely Policies C10 and HE8, provide appropriate and relevant protection to the extent that it is necessary. Consequently these are not considerations to which I attach too much weight when examining the overall landscape value of the present site.

2.30.6 As for the matter of visual quality, the Council acknowledges that the central ridge marks a distinct change in the character of this site with the northern section relating to the settlement and the valley floor, while the southern section more closely corresponds with the open hillside and the higher ground to the south and south-east. In broad terms I agree with this assessment. Indeed the Objector also identifies the significance of the ridge and, in terms of the site’s development potential, seeks to distinguish one side from the other.

2.30.7 However as to whether this site should be designated as part of the SLA, to my mind neither party strikes the right balance. Given the intimate relationship which there is between the southern section and the immediately adjacent hillside (within the original SLA) in terms of their essential character and appearance, and bearing in mind the criteria and principles on which the RVLS was based, I consider that this part of the site has a landscape quality which deserves formal recognition and a level of protection beyond that which the Plan’s general countryside policies can provide; thus it should be designated as part of the SLA.

2.30.8 But the Plan should go a little further than that. Land forming the upper reaches of the slopes on the northern side of the ridge is comparable in nature to the site’s south-eastern facing slopes. While it faces the urban settlement, this part of the site is physically divorced from the built-up area by a broad belt of lower-lying woodland and open ground; this degree of separation helps maintain the landscape qualities of these upper slopes and in my judgement they form an integral part of the attractive rural backdrop to the town. Accordingly this part of the site too should be included within the SLA.

2.30.9 Yet, contrary to the Council’s belief, the remainder of the objection site does not merit this level of protection. There is a distinct contrast between the lower-lying section along the north-western side, which comprises woodland, rough ground and open fields, and the rest. To my mind this area, in landscape quality terms, is relatively undistinguished and it certainly does not have any significant visual prominence within these general surroundings. While it deserves to be protected from development for its own sake (I shall explain this point in more detail shortly), it does not merit SLA designation.

2.30.10 The line of division between these contrasting areas coincides roughly with the 100m contour which, in turn, broadly follows the south-eastern edge of the Coed-y-Maerdy woodland (C10.174), the row of trees and vegetation to the west and, to the east, the route of the conspicuous farm track leading towards and through the Gwern-y-Domen farmstead. The Plan should adopt these physical features for the purposes of the SLA boundary.

2.30.11 Also, in the light of my conclusions about the lower-lying north-western sector I would urge the Council to consider whether the continued SLA designation of the strip of

land abutting this part of the site to the north is merited, given the apparent similarity in circumstances.

2.30.12 Regarding the Objector’s proposal that certain land should be allocated for housing purposes, I can find no justification for this. Development within the sectors identified by the Objector would represent the spread of the urban area beyond the well-defined physical edge of the established built-up settlement and into open countryside to the serious detriment of the character and appearance of these rural surroundings. Although only in one sector (no 3 on the western side of the objection site) would development encroach on to land which I say should be included in the SLA, it is nevertheless important to protect the openness of the whole of this rural fringe which is an integral part of Caerphilly’s setting.

2.30.13 The settlement boundary as defined in the Plan is clear, logical and defensible and I can find no reason for changing it to the much more arbitrary alignment which the Objector’s housing proposals would demand. In reaching this conclusion I have taken into account the contribution which potentially the development of this site would make towards reducing the scale of the housing land supply shortfall which presently exists [*see under Part 1 Policy 1H*]; and, being located so relatively close to the town centre, public transport facilities and established housing and employment areas, other merits of the site are evident especially in the context of the principles of sustainability. To that extent therefore, a number of national guidance objectives would be met.

2.30.14 Yet in my judgement the environmental case against the release of such a sizeable amount of greenfield land as now proposed is overwhelming. And it is worth noting in this context that this site lies within the Area Of Consolidation; while I have concluded earlier [*see under Part 1 Policy 1DS*] that the Plan should be less inflexible about making provision for development in this strategy area, a single proposal of the scale contemplated in the present case would be significantly at odds with the Plan’s fundamental strategy for this part of the County Borough.

2.30.15 Given the foregoing considerations, I intend recommending a modification to the Plan in regard to the definition of the SLA boundary but none concerning the housing-related objection.

RECOMMENDATION

2.30.16 **That:**

- (i) **the Proposals Map be modified by the realignment of the Special Landscape Area boundary so as to exclude from the designated area the north-western section of the objection site in accordance with my conclusions in paragraphs 2.30.9 and 2.30.10 above;**
- (ii) **no other modification be made to the Plan in response to these objections;**
- (iii) **the Council gives serious consideration to the merits of excluding from the designated Special Landscape Area the land abutting the western section of the northern boundary of the objection site taking into account my conclusions in paragraphs 2.30.9 - 2.30.11 above.**

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.28

LAND AT THE RISE, LLANBRADACH

OBJECTION

DO/5658/1141 Mrs S Suter & Mrs S Jones
(reported under Policy DC2.99.41)

Inspector’s Comment

2.31.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.41.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.30

GWAUN FRO, PENPEDAIRHEOL

OBJECTION

DO/5663/1045 Messrs Powell & Price
(reported under Policy DC2.99.64)

Inspector’s Comment

2.32.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.64.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.41

LAND TO THE REAR OF OAK TERRACE, FLEUR-DE-LYS

OBJECTIONS

DO/5175/0262 Mr B Dimambro
DO/5176/0266 Mrs S Dimambro
DO/5174/0258 Mr H Howells
DO/5171/0256 J P Tams
DO/5170/2011 Mr M D Tams
DO/5170/0253 Mr M D Tams
PCO/5877/3245 Mr K Smith
PCO/5882/3261 Mr T C Williams

DO/5171/0254 J P Tams
(registered under Policy C13(17))
DO/5170/2012 Mr M D Tams
(registered under Policy C13(17))
DO/5170/0252 Mr M D Tams
(registered under Policy C13(17))
DO/5175/0260 Mr B Dimambro
(registered under Policy C13(17))
DO/5176/0264 Mrs S Dimambro
(registered under Policy C13(17))
DO/5198/0100 D Sheehan
(registered under Policy C13(17))
DO/5197/0097 A Sheehan
(registered under Policy C13(17))
DO/5174/0257 Mr H Howells
(registered under Policy C13(17))

Proposed Changes PC073, PC186

Primary Issue

- 2.33.1
- Should the Green Wedge designation which covers this site be deleted and instead should the adjoining settlement boundary be realigned and the land be allocated for housing purposes.

Inspector’s Conclusions

2.33.2 This objection site (as delineated in the Council’s representations) is an area of grass and scrubland which is bordered by residential properties to the south and west with further housing beyond a narrow strip of ground to the north; open land adjoins the eastern site boundary. The Proposals Map shows all the open areas in this vicinity to be part of a Green Wedge; also the present site is crossed by the safeguarded route of the Oak Terrace Relief Road. In part response to these objections the Council has proposed the deletion of the land which lies south of the safeguarded route from the Green Wedge designation and its allocation instead for housing purposes (PC073 and PC186); I am aware that planning permission has since been granted for residential development on this section. Those changes have given rise to counter-objections.

2.33.3 Bearing in mind the express purposes of the Plan’s Green Wedge policy there is, in my judgement, no justification for any such designation in respect of any part of the objection site. It cannot be described as countryside and does not possess the true characteristics of openness. It is a relatively small patch of ground located within an urban environment and is dominated by the presence of housing development effectively on 3 sides. It does not perform the function of separating 2 or more settlements given that the built-up area which largely surrounds it is continuous, nor does it assist in maintaining the integrity of any settlement.

2.33.4 The Plan should acknowledge those factors by deleting the Green Wedge designation and instead including this site within the defined settlement area. It necessarily

follows that the strip of land to the north and north-west up to the main road should be treated in the same way. For the sake of completeness I should point out that elsewhere in this report I reach a similar conclusion regarding the parcel of land on the opposite side of this road [*see under Policy C13.99*].

2.33.5 As for the matter of allocating this site for housing, while I support the Council’s revised thinking, the formal changes do not go far enough. Again, the whole site should be treated by the Plan in the same way. The presence of the safeguarded route of the relief road is not significant in this respect; the characteristics of the land on each side would remain, as now, indistinguishable and it is neither logical nor appropriate that the Plan should encourage the development of one part of this site and not the other.

2.33.6 Housing here would round-off this edge of the established built-up settlement in a well-integrated fashion without causing any noticeable harm to the character and appearance of these urban surroundings. Also, it would make a very useful contribution towards reducing the scale of the housing provision shortfall which I have found presently exists [*see under Part 1 Policy 1H*]; and being situated in the Area of Growth, the Plan’s preferred location for necessary new development, is an additional point in its favour. Furthermore, since the planning land-use considerations relating to the adjoining land to the north and north-west are so similar, I would urge the Council to examine the merits of allocating that area too.

2.33.7 The allocation of the objection land for housing purposes gives rise to the need for a capacity figure to be included in Policy H1; I note the Council’s estimate of 33 dwellings, based on its adopted density ratio, and find no reason to disagree with this. Also, site details will have to be inserted in Appendix 3. Since this is largely factual information the Council is in the best position to determine what is required, although from the evidence available I anticipate that there would be a requirement that development could take place only after the completion of the relief road. Needless to say, I am not formally endorsing PC073 and PC186 since these changes are effectively subsumed within my recommendation to modify the Plan in relation to the whole site.

RECOMMENDATION

2.33.8 **That:**

- (i) **Policy H1 be modified by the inclusion of the objection site as a housing allocation with a capacity estimate of 33 dwellings;**
- (ii) **the Proposals Map be modified (a) by the realignment of the settlement boundary along the eastern site boundary so as to include the objection site and the adjoining land to the north and north-west within the settlement area, (b) by the deletion of the objection site and the adjoining land to the north and north-west from the designated Green Wedge and (c) by the designation of the objection site instead as a Policy H1 housing allocation;**
- (iii) **Appendix 3 be modified by the inclusion of details of the objection site taking into account my conclusions in paragraph 2.33.7 above;**

(iv) **the Council gives serious consideration to the merits of allocating the adjoining land to the north and north-west for housing purposes in accordance with my conclusions in paragraph 2.33.6 above.**

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.46

LAND AT HENDREDDENNY, CAERPHILLY

OBJECTION

DO/5355/0728 K S Jenner
(reported under Policy DC2.99.62)

Inspector’s Comment

2.34.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.62.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.49

LAND NORTH OF TAI’R HEOL, PENPEDAIRHEOL

OBJECTION

DO/5379/0566 Mr J Powell

Primary Issue

2.35.1

- Should this site be allocated for housing purposes.

Inspector’s Conclusions

2.35.2 This objection concerns an area of open fields at the northern tip of the settlement of Penpedairheol. To the south there is housing but in all other directions is mainly open countryside. The Plan’s defined settlement boundary follows the recognisable edge of the existing built-up area and it provides a clear, logical and defensible boundary with which I have no quarrel.

2.35.3 The land which lies outside this boundary is, due to its open nature, wholly different in character and appearance and the objection site can properly be regarded as part of Penpedairheol’s rural surroundings; this, notwithstanding the presence just to the north

and north-east of this site of the Rhos-yr-arfa Farm complex and a large animal feeds premises.

2.35.4 The prospect of development here strengthens my opinion regarding this case. Housing on this site would represent a noticeable expansion of the urban area into this pleasant countryside fringe and cause serious harm to the character and appearance of these surroundings. In addition it would be likely to impact adversely on the Special Historic Landscape of Gelligaer Common which PC262 introduces under Policy HE8; the objection land falls within the boundaries of this designation which is aimed at protecting the appearance, setting, character and quality of this landscape. I have already endorsed this change [*see under Policy DC2.99.64*].

2.35.5 For the above reasons there is nothing to justify any modification to the Plan.

RECOMMENDATION

2.35.6 **That no modification be made to the Plan in response to this objection.**

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.50

LAND AT CWMBRYNNAR COTTAGE, PONTLLANFRAITH

OBJECTION

DO/5432/0433 Cwmbrynnar Estate
(reported under Policy DC2.99.12)

Inspector’s Comment

2.36.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.12.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.51

LAND AT PENALLTA ISAF FARM, YSTRAD MYNACH

OBJECTION

DO/5436/0458 Mr H W Thomas
(reported under Policy DC2.99.2)

Inspector’s Comment

2.37.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.2.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.52

**ALLOTMENT GARDENS, LLWYN-ON LANE,
OAKDALE**

OBJECTION

DO/5435/1925 The Penmaen Undivided Estate
(reported under Policy DC2.99.18)

Inspector’s Comment

2.38.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.18.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.55

**LAND BETWEEN VAN ROAD AND THE RAILWAY,
CAERPHILLY**

OBJECTION

DO/5509/1353 Westbury Homes (Holdings) Ltd

Primary Issue

2.39.1

- Should this site be allocated for housing purposes.

Inspector’s Conclusions

2.39.2 This site lies within the Caerphilly urban area and comprises a mixture of industrial and storage premises together with 2 residential properties. It is adjoined by a similar mixture of developments as well as by allotment gardens, while along one boundary is the line of a former railway. Given those circumstances, I conclude that in principle the objection site is entirely suitable for housing purposes. So too does the Council. However it resists the allocation of this land for such purposes on 2 grounds, namely the absence of any suitable access and the belief that it is not genuinely available for development.

2.39.3 I recognise that neither of the 2 existing accesses which serve different parts of this site are of a satisfactory standard for the purposes of residential redevelopment. Yet the Objector proposes an alternative solution. The Plan makes provision for a park-and-ride facility at the nearby Caerphilly station, the new road link to which would follow the former railway line beside the present site; the Council accepts the Objector’s proposition that this new road could provide a suitable means of access to the redeveloped objection site. Even so the Council claims that “the Objector has not demonstrated that constraints to this link can be overcome.”

2.39.4 I fail to understand this point. The road link is a specific provision of Policy T7 and the Council confirms that it can be expected to be completed within the lifetime of the Plan. There is no dispute that in principle this link could serve the objection site if it were to be redeveloped for housing purposes. Of course a detailed access arrangement would need to be agreed but that is a matter for a later stage of the planning process. For the present, there clearly is an identified solution to the perceived access problem and to my mind that, for the purposes of progressing the UDP, is enough.

2.39.5 On the question of the site’s genuine availability, the only argument offered by the Council is that the existing premises are currently in beneficial use. However there is no evidence whatsoever to suggest that this land would not come forward for redevelopment before the end of the Plan period. It is an essential part of the Plan’s function to encourage and facilitate development by adopting a pro-active role and positively allocating land where it is necessary and desirable to do so. Selectively abandoning that role simply because a site is currently in use seems short-sighted and inappropriate. In my experience it is very often the case that currently occupied sites are allocated in development plans for alternative purposes; it is the encouragement and impetus that such an allocation provides which is the vital first step towards achieving environmental improvement, the more efficient use of urban land and/or the provision of necessary development.

2.39.6 Given those circumstances and the fact that the Plan must allocate substantially more land for housing purposes if it is to redress the serious shortfall in provision which I have found exists [*see under Part 1 Policy IH*], this in my opinion is a case where positive action is required. The objection land should be allocated for housing. This would be entirely consistent with the tenor of national guidance regarding previously developed land and with the Plan’s declared objective of promoting the maximum re-use of such land.

2.39.7 Regarding this site’s potential capacity, the Council estimates a figure of 20 dwellings based on its adopted density ratio; I have no reason to dispute this. The details to be included in the Appendix 3 site description are largely factual and the Council is in the best position to decide on what would be appropriate. However it is important that reference should be made to the current access difficulties and the need for any development of this site to await the completion of the park-and-ride link road.

RECOMMENDATION

2.39.8 **That:**

- (i) **Policy H1 be modified by the inclusion of the objection site as a housing allocation with a capacity estimate of 20 dwellings;**

(ii) **the Proposals Map be modified by the designation of the objection site as a Policy H1 housing allocation;**

(iii) **Appendix 3 be modified by the inclusion of details of the objection site taking into account my conclusions in paragraph 2.39.7 above.**

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.57

**LAND NORTH OF THE FORMER SAWMILL,
DRAETHEN**

OBJECTION

DO/5509/1952 Westbury Homes (Holdings) Ltd
(reported under Policy DC2.99.40)

Inspector’s Comment

2.40.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.40.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.58

**LAND SOUTH OF THE FORMER SAWMILL,
DRAETHEN**

OBJECTION

DO/5509/1953 Westbury Homes (Holdings) Ltd
(reported under Policy DC2.99.60)

Inspector’s Comment

2.41.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.60.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.59

**LAND TO THE EAST OF BEDWAS COLLIERY,
BEDWAS**

OBJECTION

DO/5654/1239 Messrs Greenhaf
(reported under Policy DC2.99.47)

Inspector’s Comment

2.42.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.47.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.60

LAND AT TY MAWR FARM, GELLIGROES

OBJECTION

DO/5659/1102 Mr R Gillings
(reported under Policy DC2.99.16)

Inspector’s Comment

2.43.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.16.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.61

LAND AT FIELDS PARK, NEWBRIDGE

OBJECTIONS

DO/5337/0401 Mrs J Bevan
DO/5353/0710 Mr & Mrs A Hawkesford
DO/5334/0406 Mrs G Jones
DO/5335/0404 G I Jones
DO/5336/0398 Miss M Jones
DO/5569/1296 Robert Rogers Architects
(all reported under Policy DC2.99.11)

Inspector’s Comment

2.44.1 These objections are fully considered, and are the subject of an appropriate recommendation, under Policy DC2.99.11.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.63

**LAND SOUTH EAST OF PLYNLIMON AVENUE,
CROESPENMAEN**

OBJECTION

DO/5339/0446 R E Phillips & Partners
(reported under Policy DC2.99.77)

Inspector’s Comment

2.45.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.77.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.64

**LAND TO THE SOUTH OF THE ELMS,
CROESPENMAEN**

OBJECTIONS

List of objections attached at Appendix 1

Proposed Changes

PC053, PC074

Primary Issue

2.46.1

- Should this site be included within the settlement boundary and be allocated for housing purposes.

Inspector’s Conclusions

2.46.2 This objection concerns an area of mainly grassland at the edge of the built-up settlement of Croespenmaen. There are open fields to the south but otherwise this site is encircled by housing. At the Deposit Draft stage this site was shown without notation on the

Proposals Map and stood outside the defined settlement boundary. In response to objections made by **R E Phillips & Partners** the Council proposed a change whereby this land was to be included within a realigned settlement boundary and allocated for housing (PC053 and PC074). These changes has attracted numerous counter-objections.

2.46.3 Having studied those counter-objections I conclude that the Council’s latest position merits support. The objection site is closely related to the established built-up area and its appearance is heavily influenced by the extent of the surrounding housing which creates a strong sense of enclosure; effectively it lies within an urban environment. Development here would round-off this edge of the settlement in an acceptable fashion in keeping with the broad pattern of nearby housing and without causing any noticeable harm to the character and appearance of these surroundings which, given the extent of new development hereabouts, I conclude must already have experienced considerable change in recent times.

2.46.4 Of the other main points raised by the Counter-Objectors, from all the evidence submitted there is nothing to suggest that traffic arising from the potential development of this site would be of such a scale as to give rise to highway safety problems. Access would be from the road to the east which already serves the nearby industrial estate and a number of other dwellings; the wider road network, which I recognise is at present quite heavily trafficked, will fairly soon benefit from the construction of the Sirhowy Enterprise Way, a major road project which among other things will direct traffic away from Croespenmaen. There is simply no compelling technical evidence that the objection site traffic could not be satisfactorily accommodated.

2.46.5 Similarly, although concern has been expressed about the inadequacy of certain local community facilities this is not borne out by any firm evidence. The development of the objection site would represent only a relatively small addition to the housing stock of this settlement and the Council assures me that local educational and medical facilities have the capacity to cope with this. There is an acknowledged constraint in relation to the drainage system but improvement works are programmed to be completed well within the lifetime of this Plan.

2.46.6 As for nature conservation considerations, the Council accepts that there is some such interest associated with the objection site but says that this is of insufficient quality to qualify as a Site of Importance for Nature Conservation (SINC). This contrasts with the value of the adjoining fields which are collectively designated as a SINC. The information provided by Counter-Objectors is to a large extent anecdotal and gives me no reason to question the Council’s expert evidence; consequently I am satisfied that there are no species here which are so special or endangered as to give cause for serious concern and accordingly there is no basis on these grounds for rejecting the modifications introduced by PC053 and PC074. However at the Inquiry the Council agreed that the westernmost section of this site should, as part of any development scheme, be retained as a wetland habitat and proposed that this would best be covered by the provisions of a future development brief. In the circumstances, I accept this proposition.

2.46.7 Overall therefore, it is right that this site should be allocated for housing. Not only would such development here be appropriate in environmental terms but it would also make a useful contribution towards reducing the scale of the housing provision shortfall in the County Borough [*see under Part I Policy 1H*]; and in this respect it is significant that this

land lies within the Area of Growth which is the Plan’s preferred location for necessary new development.

2.46.8 As for the housing capacity estimate which would need to be included in Policy H1, PC074 refers to a figure of 35 dwellings. However this was established prior to the concession being made about retaining part of the site for nature conservation reasons; while the Council does not say that the capacity estimate would be correspondingly reduced, I am reluctant to endorse a figure which on the face of it is at odds with what the strict application of the adopted density ratio would produce. I shall leave it for the Council to recalculate the figure as necessary. In these circumstances there seems to be nothing to substantiate **Phillips & Partners’** call for an even higher capacity figure.

2.46.9 Regarding the Appendix 3 site description, from the evidence available I conclude that it would be appropriate to refer to the road network situation and the impending provision of the Sirhowy Enterprise Way. Also, I note that **Dwr Cymru - Welsh Water** has conditionally withdrawn its objection on the understanding that information about the drainage constraints [*see paragraph 2.46.5 above*] would be included in the Plan but, unlike all other cases where this point has arisen, there is no proposed change to this effect; a suitable reference to this matter must be added to Appendix 3. And, of course, the requirement to protect the wetland area from development should also be identified. Other details of a factual nature I shall leave for the Council to determine.

RECOMMENDATION

2.46.10 **That:**

- (i) **Policy H1 be modified by the inclusion of the objection site as a housing allocation in accordance with Proposed Change PC074 but further modified by the inclusion of a capacity figure to be assessed by the Council in accordance with my conclusions in paragraph 2.46.8 above;**
- (ii) **the Proposals Map be modified by the realignment of the settlement boundary so as to include the objection site within the settlement area in accordance with Proposed Change PC053;**
- (iii) **Appendix 3 be modified by the inclusion of details of the objection site taking into account my conclusions in paragraph 2.46.9 above.**
- (iv) **no other modification be made to the Plan in response to these objections.**

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.65

**LAND AT GWAUN AR LWYDDES FARM,
PENPEDAIRHEOL**

OBJECTION

DO/5387/0627 Mr M Thomas

Primary Issue

- 2.47.1
- Should this site be allocated for housing purposes.

Inspector’s Conclusions

2.47.2 This objection concerns an open field and woodland area at the northern tip of the settlement of Penpedairheol. To the south there is housing but in all other directions is mainly open countryside. The Plan’s defined settlement boundary follows the recognisable edge of the existing built-up area and it provides a clear, logical and defensible boundary with which I have no quarrel.

2.47.3 The land which lies outside this boundary is, due to its open nature, wholly different in character and appearance and the objection site can properly be regarded as part of Penpedairheol’s rural surroundings; this, notwithstanding the presence directly to the north of this site of a large animal feeds premises.

2.47.4 The prospect of development here strengthens my opinion regarding this case. Housing on this site would represent a noticeable expansion of the urban area into this pleasant countryside fringe and cause serious harm to the character and appearance of these surroundings. Contrary to the Objector’s belief, it would certainly not represent infill development given the widely recognised interpretation of that term.

2.47.5 For the above reasons there is nothing to justify any modification to the Plan.

RECOMMENDATION

2.47.6 **That no modification be made to the Plan in response to this objection.**

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.66

LAND AT CWM GELLI, BLACKWOOD

OBJECTION

DO/5630/1947 Persimmon Homes (Wales) Ltd

Primary Issue

- 2.48.1 • Should this site be allocated for housing purposes.

Inspector’s Conclusions

2.48.2 This site comprises a sizeable area of farmland, including the farmhouse and buildings complex, fronting the A4048 just north of the urban settlement of Blackwood. There is an area of housing directly to the south-west of this site but in all other directions is mainly open countryside; this includes, on the north-western side, the extensive grounds of the Maes Manor Hotel.

2.48.3 Due to its scale and open nature, the objection land forms an integral part of the countryside fringe around this part of Blackwood; there is, in terms of their character and appearance, a clear contrast between this and the adjoining segment of the established built-up settlement and the division on the ground is accurately reflected in the Plan’s delineation of the settlement boundary in the immediate vicinity. For the avoidance of any doubt I would confirm that my conclusions about the settlement boundary in relation to the nearby Blackwood Golf Course and land south of the proposed Northern Link Road (Sirhowy Enterprise Way) [*see under Policies DC2.99.49 and DC2.99.61*] have no bearing on the considerations in the present case; the circumstances are completely different.

2.48.4 Taking those matters into account, it is my opinion that the allocation of this site for housing would be wholly inappropriate. Such development would amount to a significant spread of the urban settlement into a particularly conspicuous stretch of countryside alongside a main approach into Blackwood and this would cause appreciable harm to the character and appearance of these immediate surroundings. It would also be likely to damage the setting of the farmhouse and associated barns which are Grade II Listed Buildings and could adversely effect the grounds of the Maes Manor Hotel which are included in the Register of Historic Parks and Gardens.

2.48.5 In reaching those conclusions I have borne in mind the Objector’s arguments on the housing land supply position. Of course a site of this size could make a valuable contribution towards helping reduce the scale of the shortfall which I have found currently exists [*see under Part 1 Policy 1H*]; and it lies within the Area of Growth, the Plan’s preferred location for necessary new development. In my judgement however the environmental case against the release of this greenfield land is overwhelming.

2.48.6 Nor is it a significant factor that this site appeared as a housing allocation in the Pre-Deposit UDP. It is often the case that during the evolution of a development plan its proposals will change, sometimes radically, as different considerations assume greater or lesser importance; this is the nature of the adoption process. To my mind this demonstrates the strength of the eventual plan, rather than a weakness.

RECOMMENDATION

2.48.7 **That no modification be made to the Plan in response to this objection.**

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.67

LAND AT VALLEY VIEW, HENGOED

OBJECTIONS

DO/5513/1397 The Compton Group
DO/5513/1383 The Compton Group
(registered under Policy C10(52))
DO/5513/1394 The Compton Group
(registered under Policy C13(16))

Primary Issue

- 2.49.1
- Should the Green Wedge designation which covers part of this site be deleted and this part instead be include within the Cefn Hengoed settlement boundary, and should the whole site be allocated for housing purposes.

Inspector’s Conclusions

2.49.2 This is a large open site situated on the upper reaches of the valley which lies between the built-up settlements of Cefn Hengoed and Fleur-de-Lys. To the west is an area of housing with a community building near the south-western corner of this site but the open slopes of the valley extend in all other directions.

2.49.3 For Plan purposes this land effectively falls into 2 parts. The smaller northern section lies within the defined settlement boundary and has the benefit of planning permission for residential development. The remainder lies outside the settlement boundary and is part of a Green Wedge which covers the open valley area and certain land beyond. The whole objection site is designated as a Site of Importance for Nature Conservation (SINC).

2.49.4 Regarding the northern section the only issue to be considered is whether this part of the site should be allocated for housing. This is unnecessary because the existence of the planning permission provides definitive guidance on the development potential of this

piece of land and this is capable of implementation. However this does give rise to the need for a modification to the Plan inasmuch as this part of the site should be formally identified on the Proposals Map and in Appendix 2 Section B as a housing commitment in common with other such sites with planning permission.

2.49.5 As for the larger southern section, I can find no justification for any modification. This land, in its present open state, clearly forms an integral part of the valley slopes and is wholly different in character and appearance from the built-up areas to the east and west. Development here in such a relatively exposed location would represent a noticeable expansion of the urban settlement into this sensitive open valley area thereby causing significant environmental harm to these surroundings; furthermore it would be a most unwelcome step towards the erosion of the gap which separates Cefn Hengoed and Fleur-de-Lys and which the Plan, rightly in my view, seeks to protect. Also it is possible that there would be some damage to the features which establish this site’s nature conservation value.

RECOMMENDATION

2.49.6 **That:**

- (i) **the Proposals Map be modified by the designation of the northern section of this site as a Housing Commitment (HC) and that Appendix 2 Section B be modified correspondingly;**
- (ii) **no other modification be made to the Plan in response to these objections.**

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.68

LAND AT PENYCOED FAWR FARM, BLACKWOOD

OBJECTION

DO/5518/1372 Beazer Homes
(reported under Policy DC2.99.48)

Inspector’s Comment

2.50.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.48.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.70

**LAND TO THE REAR OF BRYN DERI TERRACE AND
EDIDYR ROAD, TREOWEN**

OBJECTION

DO/5321/0395 Mr G Clifford-Smith
(reported under Policy DC2.99.63)

Inspector’s Comment

2.51.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.63.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.71

LAND AT THE ROCK, BLACKWOOD

OBJECTIONS

DO/5501/1378 Mr & Mrs D Bawn
DO/5501/1381 Mr & Mrs D Bawn
(registered under Policy C13(9))

Primary Issue

- 2.52.1
- Should the Green Wedge designation which covers this site be deleted and should the land instead be allocated for housing purposes.

Inspector’s Conclusions

2.52.2 This site consists of pasture land behind a well-treed frontage on the western side of the A4048 which leads into Blackwood, some distance to the south. There is a ribbon of houses directly to the north of the objection land, while commercial premises and a public house stand to the south; there are also a few other scattered dwellings in the immediate vicinity but generally within this area farmland and woodland predominates and for a noticeable stretch this road has a sylvan, semi-rural appearance. The objection site, with its long road frontage and open nature, plays an important part in creating this characteristic.

2.52.3 Housing on this land, which is not remotely related to any established built-up settlement, would appreciably extend and consolidate development in a ribbon form along this side of the road and cause serious harm to the character and appearance of these surroundings. Additionally, it would lead to the erosion of the open gap which separates

Blackwood and Argoed and which the Plan seeks to protect. For these reasons, no modification to the Plan should be made.

RECOMMENDATION

2.52.4 **That no modification be made to the Plan in response to these objections.**

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.72

LAND TO THE SOUTH OF MERTHYR ROAD, PRINCETOWN

OBJECTIONS

DO/5347/0669 Mrs Jones
DO/5347/0672 Mrs Jones
(registered under Policy C10(44))

Primary Issue

2.53.1 • Should this site be allocated for housing purposes.

Inspector’s Conclusions

2.53.2 This site comprises a sizeable area of grazing land at the edge of the settlement of Princetown. It is bounded by Merthyr Road to the north and west and the A465 trunk road on the southern side, while to the east is an area of housing. There is also a short ribbon of dwellings fronting this side of Merthyr Road which is effectively surrounded by the objection land. Facing the easternmost section of this site on the opposite side of Merthyr Road is part of an extensive industrial estate, while just to the south-west is the small hamlet of Llechryd; otherwise, beyond both adjoining roads there is generally open countryside.

2.53.3 The Plan includes the easternmost section of this site, together with all the nearby housing and the industrial estate, within the defined settlement boundary. I observe however that the County Borough administrative boundary severs this end of the physical settlement from the rest. The remainder of the objection site is designated as a Site of Importance for Nature Conservation (SINC).

2.53.4 Regarding the easternmost section of this site, since it lies within the settlement boundary there is an express policy presumption that it is suitable for development. In addition, while the Council still maintains that this land should not be allocated for housing purposes, it provides no evidence to explain why such development would be unacceptable on this part of the site. Given those circumstances, and since development here would be well related to the established pattern of housing hereabouts, this land should be so allocated.

2.53.5 As for the rest of this site, the only reason the Council gives for its exclusion from the settlement area is concern about its nature conservation interest. Yet elsewhere in the Plan land designated as a SINC has been included within defined settlement areas and, furthermore, has been allocated for housing purposes; also, the policy for such sites (Policy C10) provides all the necessary safeguards and does not seek to preclude development altogether.

2.53.6 Moreover this part of the objection site is physically and visually divorced from the neighbouring countryside by the surrounding roads and the northern ribbon of dwellings; also it is, in terms of general appearance and character, indistinguishable from the eastern section and there is no noticeable boundary feature between them.

2.53.7 Accordingly there is no compelling reason why the Plan should treat these 2 parts of the objection site in completely different ways. The whole site is well contained by substantial physical boundary features, is well related to the established built-up settlement and is, in my judgement, suitable for housing development in an environmentally acceptable fashion without causing any material harm to the character and appearance of the surrounding countryside nor, necessarily, to the nature conservation value of the SINC.

2.53.8 Aside from those considerations there are other powerful arguments in favour of allocating this site for housing purposes. As I have already concluded [*see under Part 1 Policy 1H*], there is a serious shortfall in housing land provision which the Plan needs to rectify. A site of this size would make a significant contribution in this respect. It is also notable, in strategic policy terms, that Princetown lies within a Community Regeneration Area where the Plan says there is great potential to create primarily residential village communities with a wide choice of housing within easy reach of employment opportunities and urban services and where the lack of such choice is a major factor in the continued out-migration of young families. Reversing the out-migration trend is a cornerstone of the Plan’s strategy and to my mind the allocation of the present site for housing purposes would be a positive step in the right direction.

2.53.9 In reaching those conclusions I have taken into account the Council’s point that this is greenfield land. Yet elsewhere the Plan allocates such land for development where general need or site-specific circumstances make it appropriate to do so; indeed a large section of this very site is identified as being suitable for development in principle. In other words, the Plan takes a balanced and realistic approach and that, to my mind, is an acceptable way to proceed given the County Borough’s circumstances. On this occasion there are, as described above, both general and site-specific circumstances which are compelling.

2.53.10 As for the matter of housing capacity, I note that the Council estimates a figure of 127 dwellings on the basis of its adopted density ratio. While I recognise that the need for any scheme to pay due regard to nature conservation features on this land may lead to that potential not being realised in full, the individual Policy H1 estimates are for broad guidance only; in the absence of a more definitive capacity figure for the objection land, and given that there doubtless other Policy H1 sites which when developed will accommodate more dwellings than the Plan identifies, I see no reason not to endorse the Council’s estimate.

2.53.11 Furthermore, although technically there is no objection formally registered in relation to the settlement boundary, the allocation of this land for housing purposes necessarily leads to a requirement to realign that boundary in relation to the western section.

I shall recommend this too. The allocation also gives rise to the need to include a site description in Appendix 3. Apart from the essentially factual matters which the Council is best able to determine, reference should be made to the need for any scheme to pay due regard to the nature conservation features which have led to the SINC designation.

RECOMMENDATION

2.53.12 **That:**

- (i) **Policy H1 be modified by the inclusion of the objection site as a housing allocation with a capacity estimate of 127 dwellings;**
- (ii) **the Proposals Map be modified by the realignment of the settlement boundary so as to include the whole of the objection site within the settlement area and by the designation of the objection site as a Policy H1 housing allocation;**
- (iii) **Appendix 3 be modified by the inclusion of details of the objection site taking into account my conclusions in paragraph 2.53.11 above.**

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.73

LAND AT CAERPHILLY GOLF COURSE, CAERPHILLY

OBJECTION

DO/5630/1034 Persimmon Homes (Wales) Ltd
(reported under Policy DC2.99.67)

Inspector’s Comment

2.54.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.67.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

POLICY H1.99.74

**FORMER NESS TAR PLANT AND ADJOINING LAND,
CAERPHILLY**

OBJECTION

DO/5509/1253 Westbury Homes (Holdings) Ltd
(reported under Policy DC2.99.37)

Inspector’s Comment

2.55.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.37.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.75

LAND AT PENRHOS, CAERPHILLY

OBJECTIONS

LDO/5729/1795 Duffryn Ffrwdd (Newtown) Estate Ltd
LDO/5729/1796 Duffryn Ffrwdd (Newtown) Estate Ltd
LDO/5729/1797 Duffryn Ffrwdd (Newtown) Estate Ltd
(registered under Policy E1)
LDO/5729/1799 Duffryn Ffrwdd (Newtown) Estate Ltd
(registered under Policy R3)
LDO/5729/1800 Duffryn Ffrwdd (Newtown) Estate Ltd
(registered under Policy R4)
LDO/5729/1804 Duffryn Ffrwdd (Newtown) Estate Ltd
(registered under Policy L4)
LDO/5729/1806 Duffryn Ffrwdd (Newtown) Estate Ltd
(registered under Policy CF3)

Primary Issue

2.56.1 • Should this site be allocated for housing purposes or for mixed-use development.

Inspector’s Conclusions

2.56.2 These objections concern a large open site at the western edge of the urban area of Caerphilly. It is effectively surrounded by housing on 3 sides, while its long western boundary is marked by the Caerphilly By-Pass. This site lies within the Plan’s defined settlement boundary. Essentially the Objector submits 2 alternative proposals; namely that the present land should be allocated either for housing purposes (this involves a slightly

smaller area of the site) or for comprehensive mixed-use development comprising housing, employment, retailing, leisure, tourism and community facilities.

2.56.3 There is no dispute that this is previously developed land which the Plan acknowledges, by reason of the settlement boundary alignment, is suitable in principle for development. The Council confirms that, with the exception of any large-scale retail development, the land uses identified by the Objector would be acceptable here although, for reasons which I shall explain shortly, reservations are expressed about the extent and location of any future housing on this land.

2.56.4 Given the brownfield status of this land, its location and relationship to the transportation network and the nature and scale of surrounding development, I agree that in principle a comprehensive scheme comprising a range of uses could be accommodated here in a satisfactory manner without causing demonstrable environmental harm. I also acknowledge that it is an essential part of the Plan’s function to encourage and facilitate development by adopting a pro-active role and positively allocating land where it is necessary and desirable to do so. And in this context it is clear that a site of this size, whether developed wholly or simply partially for residential purposes, would potentially make a significant beneficial difference to the housing land provision situation which, as I have previously found [*see under Part 1 Policy 1H*], the Plan needs urgently to address.

2.56.5 However, on this occasion the Council’s arguments against the allocation of this land for any particular purpose are persuasive. There is no dispute between the parties that there are contamination issues arising from former extensive tipping activities on this site which would need to be assessed and resolved before development could take place. There is a history of analyses of the ground condition having been undertaken in the past and of consideration being given to the development potential of this site and certain adjoining land. Indeed, planning permissions have been granted for various forms of leisure development (including a golf course) on the present site, while housing has been permitted on some of the adjoining land. Yet there is no compelling evidence before me to confirm the suitability or otherwise of the objection site for the range of uses directly identified by the Objector and less still is there anything to indicate that this land would be genuinely available for any such purposes within the lifetime of the UDP; this is especially the case regarding possible housing development, about which, given its sensitivity in these respects, the Council expresses specific concern.

2.56.6 The Council says that there are many sites in the Caerphilly area which are in a similar situation; even though they are suitable for development in principle, the approach generally has been to leave them unallocated in the Plan because of the uncertainty about both their prospective land use and their genuine availability. As I understand it, only where agreement about a site’s true development potential has been reached with other relevant bodies and interested private developers has a formal allocation been made.

2.56.7 This without doubt is a major site and in my experience it is most unlikely that any necessary survey and analysis of the ground contamination, assessment of development options, completion of remediation works and all the other essential steps which would need to be taken prior to the start of development could be achieved within a particularly short period. Apparently strenuous efforts have been made in the past to encourage and enable the development of the objection land but without much tangible evidence of success. I am not convinced that the immediate prospects of development are any greater now and to my mind

it would be irresponsible of the Plan to mislead by attempting to create a level of certainty where there is none.

2.56.8 Thus, given all the foregoing circumstances, on balance I consider that no modification should be made to the Plan. In reaching this conclusion I have borne in mind that the Plan does not leave the question of this site’s development potential in a total vacuum; there are numerous policies which provide guidance regarding the range of land uses which the Objector has identified and, on the face of it, these would not appear to preclude a mixed-use scheme. And it remains open to the parties to pursue other opportunities, both through formal planning processes and informally, to reduce if not eliminate the present areas of uncertainty regarding the future of this site.

2.56.9 In the light of those conclusions, I do not consider it necessary or appropriate to comment on the acceptability or otherwise of any of the individual land uses which the Objector proposes as part of the suggested comprehensive development. However I confirm that elsewhere in this report [*see under Policy L4*] I deal with objections relating to 2 exclusive leisure proposals regarding this site.

RECOMMENDATION

2.56.10 **That no modification be made to the Plan in response to these objections.**

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.77

LAND AT GILWERN HOUSE, NEWBRIDGE ROAD, PONTLLANFRAITH

OBJECTION

DO/5251/0235 Mr N James
(reported under Policy DC2.99.12)

Inspector’s Comment

2.57.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.12.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.82

LAND AT GLENDALE, VAN ROAD, CAERPHILLY

OBJECTION

DO/5509/1354 Westbury Homes (Holdings) Ltd
(reported under Policy DC2.99.50)

Inspector’s Comment

2.58.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.50.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.83

**LAND BETWEEN MAES GLAS AND THE RAILWAY,
CAERPHILLY**

OBJECTION

DO/5509/1351 Westbury Homes (Holdings) Ltd

Primary Issue

2.59.1 • Should this site be allocated for housing purposes.

Inspector’s Conclusions

2.59.2 This site lies within the Caerphilly urban area. It consists of a small group of industrial premises and is adjoined by housing to the east and north with further industrial buildings on the western side; there is another sizeable area of housing beyond the railway line which marks the southern site boundary. Given those circumstances, I conclude that in principle the objection site is entirely suitable for housing purposes. So too does the Council. However it resists the allocation of this land for such purposes on 2 grounds, namely the absence of any suitable access and the belief that it is not genuinely available for development.

2.59.3 The fundamental considerations which arise in this case are directly comparable to those in respect of another of this Objector’s proposals that an adjoining site be allocated for housing purposes [*see under Policy H1.99.55*]. I do not intend repeating in full my conclusions on that case but confirm that they apply equally here.

2.59.4 I recognise that the existing access which serves the present site is not of a satisfactory standard for the purposes of residential redevelopment. The Objector proposes

the same alternative solution as before, namely by taking access from the new road link to the proposed park-and-ride facility at the nearby Caerphilly station. This, in principle, is an acceptable solution to the perceived access problem and in these circumstances there is no reason on these grounds why this site should not be allocated in the manner sought.

2.59.5 On the question of the site’s genuine availability, the only argument offered by the Council is that the existing premises are currently in beneficial use. However there is no evidence whatsoever to suggest that this land would not come forward for redevelopment before the end of the Plan period. Given that it is an essential part of the Plan’s function to encourage and facilitate development by adopting a pro-active role and positively allocating land where it is necessary and desirable to do so, and the fact that the Plan must allocate substantially more land for housing purposes if it is to redress the serious shortfall in provision which I have found exists [*see under Part 1 Policy 1H*], this in my opinion is a case where positive action is required and an allocation for housing is justified.

2.59.6 Regarding this site’s potential capacity, the Council estimates a figure of 14 dwellings based on its adopted density ratio; I have no reason to dispute this. The details to be included in the Appendix 3 site description are largely factual and the Council is in the best position to decide on what would be appropriate. However it is important that reference should be made to the current access difficulties and the need for any development of this site to await the completion of the park-and-ride link road.

RECOMMENDATION

2.59.7 **That:**

- (i) **Policy H1 be modified by the inclusion of the objection site as a housing allocation with a capacity estimate of 14 dwellings;**
- (ii) **the Proposals Map be modified by the designation of the objection site as a Policy H1 housing allocation;**
- (iii) **Appendix 3 be modified by the inclusion of details of the objection site taking into account my conclusions in paragraph 2.59.6 above.**

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.84

LAND AT HAWTIN PARK

OBJECTIONS

DO/5596/0485 Hawtin Plc & Norfleet Properties Ltd
DO/5596/0487 Hawtin Plc & Norfleet Properties Ltd
(*registered under Policy C10(82)*)
DO/5596/0492 Hawtin Plc & Norfleet Properties Ltd
(*registered under Policy L8(9)*)

Primary Issue

- 2.60.1
- Should the Open Space designation which covers this site be deleted and instead should the land, despite its designation as part of a Site of Importance for Nature Conservation (SINC), be allocated for housing purposes.

Inspector’s Conclusions

2.60.2 This site comprises an area of rough grassland bounded by trees and other vegetation which is adjoined by housing to the east and south and by employment land and premises to the west and north. Although this site is situated within a defined settlement area, and is thus to that extent regarded by the Plan as being suitable for development in principle, the Council resists the Objectors’ call for its allocation for housing purposes on 2 main grounds; first, this land is a valuable open space and, secondly, development here would damage important nature conservation features.

2.60.3 As to the open space consideration, Policy L8 (under which this site is listed) aims to protect from development key areas of open space which are intrinsically important elements in the townscape of a settlement. However the objection land does not, in my judgement, make an especially significant contribution to the townscape of this area. It is, in this context, relatively modest in scale and it is effectively surrounded by dense housing and substantial employment premises. This has a noticeable influence on the character and appearance of this site and any sense of openness is therefore very limited; with yet more employment development planned alongside, this situation is unlikely to improve. Nor is the objection land particularly visible, given the extent and density of natural screening which surrounds it; and there is no formal public right of access on to this site, although I observe that some informal pathways have been worn into the ground.

2.60.4 The Council’s primary concern in this regard is that this site provides a noise buffer zone between the nearby housing and the employment premises. However that argument is flawed. The provisions of Policy L8 are not directed at the protection of residential amenities but are expressly designed to preserve or enhance important townscape features. The Plan contains other policies which could be used either to prevent residential development taking place on land deemed to be susceptible to noise and similar environmental problems or to resist potentially harmful new development on sites close to existing housing; those policies should be sufficient to enable the Council to safeguard residents’ amenities.

2.60.5 To my mind it would entirely wrong to use a Plan designation for a purpose for which it is patently not intended. There is no compelling evidence that this site is of notable importance to the quality of the general townscape hereabouts and for all the foregoing reasons I shall not endorse the open space designation.

2.60.6 Nor is the Council’s case for resisting the housing allocation of the objection land on nature conservation grounds entirely persuasive. I have no cause to question the justification for the SINC designation as such; the Objector offers no technical argument to challenge the Council’s expert evidence on this subject. However this designation and a housing allocation are not incompatible. The policy for such sites (Policy C10) provides all the necessary safeguards and does not seek to preclude development altogether; furthermore,

there are already instances in other parts of the County Borough where land designated as a SINC is allocated for housing purposes. Indeed it is not insignificant that a large area of this SINC is already allocated by the Plan for employment purposes. Thus the presence of this designation is not in itself a reason for resisting the allocation of this site for housing purposes. In the final analysis it will be for the Council, at the development control stage, to use its judgement to determine the scale of housing which would be appropriate for this land, balancing the need for new dwellings against nature conservation interests. The Objector concedes that only a limited proportion of the whole objection site would in reality be suitable for development.

2.60.7 In forming those views I have taken into account the Council’s argument that this is greenfield land; yet elsewhere the Plan allocates such land for development where general need or site-specific circumstances make it appropriate to do so. In other words, it takes a balanced and realistic approach and that, to my mind, is an acceptable way to proceed given the County Borough’s circumstances. In the present case a significant “general need” consideration is my earlier conclusion [*see under Part 1 Policy 1H*] that there is a serious shortfall in housing land provision which the Plan needs to rectify. A site of this size could make a useful contribution in this respect provided the Council takes a responsible view about the balance between housing need and nature conservation interests. It is also significant, in strategic policy terms, that the objection land lies within the Area of Growth, the Plan’s preferred location for necessary new development.

2.60.8 The only other point on which the Council relies concerns the access arrangements. There is a lane which borders the southern site boundary but this, I recognise, is grossly substandard and completely unsuitable as a means of serving any development on the objection land. An alternative means of access is however available from Crown Lane to the south-east. This is part of a system of residential estate roads which serve a fairly substantial area of housing. The Council confirms that Crown Lane is of adequate width to accommodate the amount of additional traffic which the objection site development might be expected to generate but contends that its junctions with certain other roads are substandard in this respect.

2.60.9 I am convinced that the Council has over-estimated the potential scale of any likely highway problem and that this is not a matter which necessarily should preclude development of the present site altogether. Initially the Council assessed the traffic position on the basis that the whole site would be developed at the density ratio which has been adopted for Policy H1 purposes. Yet this is a ratio which is applied across the Plan area and is for guidance only; by definition, it ignores site-specific circumstances. I have already confirmed that for nature conservation reasons it will be for the Council, at a later stage, to use its judgement to determine the scale of housing which would be appropriate for this land. It is likely that this would lead to an appreciable reduction in this site’s potential capacity; also, if the Council’s concern about the effect of adjoining employment uses on residents’ amenities proves to be justified, there could be further constraints on how much of this land would be genuinely developable. Furthermore, it was agreed at the Inquiry that a proportion of the traffic generated by any housing on this site would have a local origin or destination (shops and school) thus limiting the increase in use of the main road (Bryn Road) still more. And there are several options available for gaining access to and from Bryn Road thereby potentially reducing the amount of additional traffic which any one junction would have to accommodate.

2.60.10 Although at the Inquiry the Council maintained that even a much reduced housing development would cause serious highway problems, it is the case that such a scheme would represent only a modest increase in the overall number of dwellings served by these estate roads. Moreover, no proper consideration appears to have been given to the fact that a future development scheme for this site might conceivably include measures to improve certain junctions if necessary.

2.60.11 Given all the foregoing circumstances, I see no reason why a positive allocation for housing purposes should not be made. In my experience such perceived technical problems at the Plan preparation stage are very often overcome as part of the more comprehensive and focused analysis undertaken, with the benefit of the encouragement and impetus which a Plan allocation provides, during the development control process.

2.60.12 I am satisfied that such development here would be capable of being well integrated with the established pattern of nearby housing and would, provided there were suitable design safeguards which could be stipulated in a development brief and controlled by the Council at the planning permission stage, cause no material harm in environmental, nature conservation or traffic safety terms.

2.60.13 In the light of my comments about the factors which are likely to make the Council’s estimate of housing capacity unrealistic, on this occasion I intend leaving it to the Council to reconsider this site’s potential and to include a more appropriate figure in Policy H1. Similarly, the Council is in the best position to determine the information, which is largely factual, that should be included in Appendix 3; however I would expect to see references to the possible constraints on development which are due to the relationship with the adjoining employment area, nature conservation interests and traffic/access considerations.

RECOMMENDATION

2.60.14 **That:**

- (i) **Policy H1 be modified by the inclusion of the objection site as a housing allocation (including a capacity figure to be assessed by the Council);**
- (ii) **Policy L8 be modified by the deletion of Site 9 - Crown Estate, Pontllanfraith;**
- (iii) **the Proposals Map be modified by the deletion of the Open Space (Policy L8) designation from the objection site and by its designation instead as a Policy H1 housing allocation;**
- (iv) **Appendix 3 be modified by the inclusion of details of the objection site taking into account my conclusions in paragraph 2.60.13 above.**

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.86

LAND AT TY-PWLL FARM, PANTSIDE

OBJECTIONS

PCO/5850/3159 Mrs M D Griffiths
PCO/5863/3204 Mr D Hodges
PCO/5817/3086 Mr A T J James
PCO/5848/3157 Mr M S Stevens
PCO/5849/3158 S I Thomas
PCO/5846/3155 D J Tucker
PCO/5847/3156 R Tucker

Conditionally Withdrawn

DO/5064/0164 Mr R Haines
PCO/5064/3000 Mr R Haines
DO/5064/0163 Mr R Haines
(registered under Policy L5(15))

Proposed Changes PC075, PC214
Further Proposed Change FPC018

Primary Issue

- 2.61.1
- Should the allocation of this site for leisure purposes be deleted and should this and adjoining land instead be allocated for housing purposes.

Inspector’s Conclusions

2.61.2 These objections concern an area of mainly open grassland on the upper slopes of a valley at the eastern edge of the built-up settlement of Panside. In the Deposit Draft Plan this site is allocated, together with an extensive area of adjoining land, for the development of playing pitches; however the present site, unlike the rest of the allocation area, is included within the defined settlement boundary.

2.61.3 Following the submission of objections from **Mr Haines** the Council proposed changes to the Plan, deleting the leisure allocation and substituting a housing allocation (PC075 and PC214). Subsequently, in response to a counter-objection from **Mr Haines**, the Council introduced a further change (FPC018) extending the area of the housing allocation so as to include the curtilages of 3 residential properties which stand to the south-west of the original site. Those objections have been conditionally withdrawn as a result.

2.61.4 The remaining Counter-Objectors raise issues about the loss of an area of green space and the wildlife which inhabits it, the reduction in residential amenity which neighbours would suffer and the likelihood of drainage problems arising. However none of these arguments is well founded.

2.61.5 This site, although open in nature, does not possess any notable character. There is housing on 2 sides and the appearance of this entire valley area is dominated by the dense woodland which lies generally to the south and east beyond the boundaries of the allocated leisure site. The present site is a very small element of this valley area and, given its close relationship with the established settlement, I do not consider that its loss would have any noticeable adverse effect on the appearance and openness of Panside’s surroundings. And in terms of recreational provision, the Plan’s proposals for the adjoining land would seem to be more than sufficient to serve the needs of this settlement along with other existing local facilities. Nor is there evidence to suggest that this site has any nature conservation value which is worthy of special protection.

2.61.6 Additionally, while housing on this land would clearly be visible from nearby dwellings, there is no reason why this should prove to be unneighbourly and damaging to existing residents’ interests. Development here would round-off this corner of the built-up settlement in an acceptable fashion.

2.61.7 As for the matter of drainage, there is no technical evidence identifying any such problems which are so serious as to prevent the development of this land for housing within the lifetime of this Plan. The Council confirms however that development would need to be contingent on improvements to the trunk sewer.

2.61.8 Given all those circumstances, I see no reason to reject the Council’s revised proposals for this site and shall endorse the proposed and further proposed changes. I note that there is no such change relating to the inclusion of site details in Appendix 3. Since this should automatically follow the Policy H1 allocation, I shall recommend an appropriate modification. In this respect I assume that, as in many other such cases which have come before me, a suitable reference about the drainage constraints needs to be included; other relevant details are largely factual and the Council is in the best position to determine what is necessary.

RECOMMENDATION

2.61.9 **That:**

- (i) **Policy H1 be modified by the inclusion of the objection site as a housing allocation with a capacity estimate of 11 dwellings in accordance with Proposed Change PC075 and Further Proposed Change FPC018;**
- (ii) **the Proposals Map be modified by the deletion of the Leisure (Policy L5) designation from the objection site and by its designation instead as a Policy H1 housing allocation in accordance with Proposed Changes PC075 and PC214 and Further Proposed Change FPC018;**
- (iii) **Appendix 3 be modified by the inclusion of details of the objection site taking into account my conclusions in paragraph 2.61.8 above.**

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.87

LAND TO THE REAR OF BAILEY STREET, DERI

OBJECTION

DO/5316/0943 Deri Regeneration Committee
(reported under Policy DC2.99.27)

Inspector’s Comment

2.62.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.27.

POLICY H1

NEW SITE FOR RESIDENTIAL DEVELOPMENT

H1.99.88

**LAND AT BARGOED RECLAMATION SITE,
ABERBARGOED**

OBJECTIONS

PCO/5541/3122 Campaign for the Protection of Rural Wales
PCO/5886/3324 Petition~Bargoed Reclamation Site

Conditionally Withdrawn

DO/5351/2015 Welsh Development Agency

Proposed Changes

PC072, PC072A, PC072B

Primary Issue

2.63.1

- Should the Green Wedge designation which covers this site be deleted and should this land instead be included within the settlement boundary and be allocated for housing purposes.

Inspector’s Conclusions

2.63.2 The objection site is part of an extensive area of reclaimed colliery land which lies between the settlements of Aberbargoed and Bargoed. The site itself is raised ground which has been partly planted and landscaped; the rest has the characteristics of an open valley.

2.63.3 In the Deposit Draft Plan this entire area is designated as a Green Wedge. In response to the **Welsh Development Agency’s** objection the Council, at the proposed

changes stage, deleted this designation from the present site and replaced it with a housing allocation (PC072, PC072A and PC072B). While the foregoing objection has since been conditionally withdrawn, these changes have attracted counter-objections.

2.63.4 In my judgement the specified changes merit support. Although this site is open in nature and is part of the wider gap which separates the 2 nearby settlements, it is noticeably different in appearance and character from the rest of the reclaimed valley area. The objection land has been remodelled as a plateau and stands noticeably higher than the floor of the valley; as such is it at much the same level as the built-up area of Aberbargoed which it directly abuts. Apart from the long stretch of development fronting the main road on its eastern boundary, there is further housing in depth to its north and the land just to its south is also quite built-up.

2.63.5 Given the spread and configuration of this settlement area, I agree with the Council’s assessment that the development of the present site would not reduce the gap between Aberbargoed and Bargoed to a critical degree; for example, it would still not be as narrow as most of this stretch of the Green Wedge. Accordingly the specified functions of this designated space would not be prejudiced.

2.63.6 Moreover, a housing scheme here (incorporating open space and leisure facilities as the Council envisages) would relate well to the existing pattern of development and have the potential of creating an attractive edge, visible from across the valley, to Aberbargoed’s built-up area. Also, given its size, this site would make an important contribution to remedying the housing provision shortfall which, as I have already concluded [*see under Part 1 Policy 1H*], the Plan must address. And in strategic policy terms it is significant that this is brownfield land which lies within the Area of Growth, the Plan’s preferred location for necessary new development.

2.63.7 For these reasons I intend endorsing the proposed changes. In addition I note that there is no proposed change relating to the inclusion of site details in Appendix 3. Since this should automatically follow the Policy H1 allocation, I shall recommend an appropriate modification. In this respect it is clear from the evidence that the Council already has certain design/layout considerations in mind, while other relevant details are largely factual; thus I shall leave it to the Council to determine what is necessary.

RECOMMENDATION

2.63.8 **That:**

(i) **Policy H1 be modified by the inclusion of the objection site a housing allocation with a capacity estimate of 175 dwellings in accordance with Proposed Change PC072;**

(ii) **the Proposals Map be modified (a) by the realignment of the settlement boundary so as to include the objection site within the settlement area and (b) by the deletion of the objection site from the designated Green Wedge and by its designation instead as a Policy H1 housing allocation in accordance with Proposed Changes PC072, PC072A and PC072B;**

(iii) **Appendix 3 be modified by the inclusion of details of the objection site taking into account my conclusions in paragraph 2.63.7 above.**

POLICY H1

SITES FOR RESIDENTIAL DEVELOPMENT

APPENDIX 2

**SITES WITH PLANNING PERMISSION
OUTSTANDING**

**HC17 : LAND NORTH OF ST DAVID’S ROAD,
PENGAM**

OBJECTIONS

DO/5082/1913 Mr & Mrs L Jones
DO/5367/0516 Mr R Parfitt

Primary Issue

- 2.64.1
- Should the identification of this site as a housing commitment both on the Proposals Map and in Appendix 2 be deleted.

Inspector’s Conclusions

2.64.2 Appendix 2 Section B simply provides a list of sites which had the benefit of planning permission for housing at 1st July 1998. It represents part of the factual basis from which the County Borough’s housing land supply is calculated and from which the Policy 1H requirement derives; thus the appearance of this particular site in Appendix 2 (and its corresponding identification as a commitment on the Proposals Map) is not an allocation or proposal of the Plan as such. Accordingly the merits of whether this site is suitable for housing development is already established by reason of the permission which has been granted and this is not a matter which is open for consideration as part of the present Plan process.

2.64.3 In these circumstances, it is neither necessary nor appropriate to examine the Objectors’ argument that for access and drainage reasons this site should not be developed. Therefore, no modification to the Plan should be made.

RECOMMENDATION

- 2.64.4 **That no modification be made to the Plan in response to these objections.**

POLICY H1

SITES FOR RESIDENTIAL DEVELOPMENT

APPENDIX 2

**SITES WITH PLANNING PERMISSION
OUTSTANDING**

**HC20 : LAND AT THORNCOMBE ROAD,
BLACKWOOD**

OBJECTION

LDO/5717/2007 Landsker Developments Ltd
(reported under Policy R4.1)

Inspector’s Comment

2.65.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy R4.1.

POLICY H1

SITES FOR RESIDENTIAL DEVELOPMENT

APPENDIX 2

**SITES WITH PLANNING PERMISSION
OUTSTANDING**

**HC39 : LAND AT ARKANA DESIGN, BRYNHYFRYD,
CAERPHILLY**

OBJECTION

DO/5460/0817 Greendoorstep (Caerphilly)

Primary Issue

2.66.1 • Should this site be allocated for mixed-use development.

Inspector’s Conclusions

2.66.2 Appendix 2 Section B simply provides a list of sites which had the benefit of planning permission for housing at 1st July 1998. It represents part of the factual basis from which the County Borough’s housing land supply is calculated and from which the Policy 1H requirement derives; thus the appearance of this particular site in Appendix 2 (and its corresponding identification as a commitment on the Proposals Map) is not an allocation or proposal of the Plan as such.

2.66.3 Despite those circumstances, **Greendoorstep (Caerphilly)** maintains that the Plan should allocate this site for mixed-use purposes comprising high-density employment and leisure development on the grounds that this would be more consistent with the principles of sustainability. This objection is one of several which stem from

Greendoorstep’s more broadly-based argument about the Plan’s approach to sustainability, particularly in relation to the Caerphilly Basin. I have earlier concluded [*see under Part 1 Guiding Principles and Policy 1DS*] that the Plan adopts a sensible approach to the matter of sustainability generally and that its strategy for the Area of Consolidation, which includes the Caerphilly Basin, does not require the sort of radical modification which **Greendoorstep** suggests. For those reasons I see no justification for deleting the present site from the Plan’s pool of identified housing land on the basis of the sustainability argument expounded by this Objector.

2.66.4 Nor are there site-specific grounds for so doing. This site is located within a predominantly residential area. Housing here would fit in well with the established pattern of development, would be reasonably close to local facilities and Caerphilly town centre itself, would not be too remote from public transport services and would be unlikely to cause any noticeable environmental harm.

2.66.5 Given those considerations, and bearing in mind that to reject an entirely acceptable, identified housing opportunity would be inconsistent with my conclusion that the Plan needs to redress the serious housing shortfall which presently exists [*see under Part 1 Policy 1H*], there is nothing to warrant allocating this site for mixed-use purposes.

RECOMMENDATION

2.66.6 **That no modification be made to the Plan in response to this objection.**

POLICY H1

SITES FOR RESIDENTIAL DEVELOPMENT

APPENDIX 2

SITES WITH PLANNING PERMISSION OUTSTANDING

HC41 : GAS WORKS SITE, MILL ROAD, CAERPHILLY

OBJECTION

DO/5460/0819 Greendoorstep (Caerphilly)

Primary Issue

2.67.1 • Should this site be allocated for mixed-use development.

Inspector’s Conclusions

2.67.2 This objection raises the same issue as in the preceding case concerning land at Arkana Design, Brynhyfryd, Caerphilly [*see under Policy H1 Appendix 2 Site HC39*]. Exactly the same general considerations arise as in that case and the relevant site-specific

circumstances are directly comparable too. Naturally my conclusions in relation to the present site are the same as before and I do not intend repeating them.

RECOMMENDATION

2.67.3 **That no modification be made to the Plan in response to this objection.**

POLICY H1

SITES FOR RESIDENTIAL DEVELOPMENT

APPENDIX 2

SITES WITH PLANNING PERMISSION OUTSTANDING

HC42 : LAND AT THE BRITISH GAS SITE, MILL ROAD, CAERPHILLY

OBJECTIONS

DO/5646/1741 Cllr P Bevan
(reported under Policy D1.26)
DO/5460/0820 Greendoorstep (Caerphilly)
PCO/5698/3295 Environment Agency Wales

Conditionally Withdrawn

LDO/5716/0552 BG Plc
(registered under Policy H1.99.76)

Proposed Change

PC352

Primary Issues

- 2.68.1
- Should this site be allocated for mixed-use development.
 - Should additional land be included within the identified commitment site so as to reflect properly the extant planning permission.
 - Should the Plan include a reference to the fact that this additional land may, due to its previous use, be contaminated.

Inspector’s Conclusions

2.68.2 As to the first issue, the objection made by **Greendoorstep (Caerphilly)** raises the same point as in an earlier case concerning land at Arkana Design, Brynhyfryd, Caerphilly [*see under Policy H1 Appendix 2 Site HC39*]. Exactly the same general considerations arise as in that case and the relevant site-specific circumstances are directly

comparable too. Naturally my conclusions in relation to the present site are the same as before and I do not intend repeating them.

2.68.3 Regarding the second issue, the Council agrees that additional land should be included within the identified commitment site (I understand that it had been erroneously excluded from the Deposit Draft Plan) in order to reflect the true extent of the permitted housing site; PC352 covers this matter. This has led to the conditional withdrawal of the objection made by **BG Plc**.

2.68.4 In terms of the third issue, the **Environment Agency Wales (EAW)** points out that the land which the Council now proposes to add to the original site may, by reason of its previous use be contaminated; it asks that reference be made to this situation in the Plan. The Council rejects this proposition on the grounds that Appendix 2 makes no provision for site descriptions and that there is therefore no mechanism to enable the suggested reference to be included in the Plan.

2.68.5 I acknowledge that Appendix 2 comprises simply a list of sites with planning permission and that it would be inappropriate and confusing to embellish these provisions selectively by referring to particular considerations or constraints. However the Council seems to have overlooked the fact that this site also appears in Appendix 9 (under reference D1.26) which lists sites identified in Policy D1. This Appendix includes site descriptions which refer to relevant development considerations; indeed I have been asked by the Council, and intend agreeing, to recommend the modification of the Site D1.26 description so as to include a reference to an additional development constraint relevant to any housing scheme which might be pursued here. Since the Council raises only an administrative, rather than a technical, argument against the **EAW’s** objection, in my opinion there is no good reason why a suitable reference to the potential contamination issue should not be included in Appendix 9; I shall recommend accordingly. I shall also endorse PC352 since there have been no counter-objections to the principle of enlarging the original site.

RECOMMENDATION

2.68.6 **That:**

- (i) **the Proposals Map be modified by the inclusion of additional land within the identified housing commitment site in accordance with Proposed Change PC352;**
- (ii) **Appendix 9 be modified by the inclusion under Policy Ref: D1.26 of a suitable reference to the potential contamination consideration taking into account my conclusions in paragraph 2.68.5 above;**
- (iii) **no modification be made to the Plan in response to the objection made by Greendoorstep (Caerphilly) (0820).**

POLICY H1

SITES FOR RESIDENTIAL DEVELOPMENT

APPENDIX 3

HOUSING SITE DETAILS

H1.23/H1.24 : PENALLTA COLLIERY SITE

OBJECTION

DO/5405/0520 Whitchurch Holdings Ltd

Primary Issue

- 2.69.1
- Should the reference to the need for a new road prior to development taking place be deleted in order to ensure that this site does not remain derelict and unused.

Inspector’s Conclusions

2.69.2 Appendix 3 sets out brief details relating to the various sites allocated for housing purposes under Policy H1. Regarding the 2 adjoining allocated sites at Penallta Colliery, the description of the major area (H1.23) specifies that a new road will be required to serve the site and no development will be allowed to proceed in advance of this.

2.69.3 The Objector claims that this requirement is unreasonable in that it would prevent development occurring and lead to this land remaining derelict. However no technical evidence is advanced to support this argument. It is clear to me that this is a major site in a prime position within the Area of Growth, the Plan’s preferred location for necessary new development. It is estimated to be capable of accommodating some 400 dwellings as part of a mixed-use development. The Plan (Policy T6) safeguards the route of the Penallta Link Road expressly to facilitate new development in this area and to reduce traffic along existing roads; I am told that this road has been identified in development plans since 1993.

2.69.4 The Council says that it has long been recognised that no new development should be allowed to proceed in this area prior to the provision of the link road and that, accordingly, the reference to this constraint must be retained within the Appendix 3 site description. In all the circumstances, I have no reason to question this.

RECOMMENDATION

- 2.69.5 **That no modification be made to the Plan in response to this objection.**

POLICY H2

DEVELOPMENT ON UNALLOCATED SITES

OBJECTIONS

DO/5703/0903 Country Landowners Association
DO/5630/1037 Persimmon Homes (Wales) Ltd
DO/5541/1720 Campaign for the Protection of Rural Wales
PCO/5541/3124 Campaign for the Protection of Rural Wales

Conditionally Withdrawn

DO/5698/1597 Environment Agency Wales

Proposed Change

PC079

Primary Issues

- 2.70.1
- Whether this policy should include provisions regarding windfall, small and infill sites outside settlement boundaries and minor extensions to settlements.
 - Is the word “including” in the supporting text inappropriate and is the reference to windfall sites in this context unnecessary.
 - Should the supporting text include reference to flooding and other specified considerations.

Inspector’s Conclusions

2.70.2 Regarding the first issue, **Persimmon Homes (Wales) Ltd** calls for Policy H2 to be modified essentially to allow favourable consideration to be given to the development of windfall sites of unspecified size and small sites which lie outside the defined settlement boundaries. This objection is directly associated with **Persimmon’s** case, which I deal with elsewhere [*see under Policy DC2.99.67*], seeking the allocation of Caerphilly Golf Course for housing purposes. It is argued that if I were not to recommend such an allocation, and I am not doing so, then the suggested widening of the scope of the present policy would be appropriate.

2.70.3 I can see no justification for any such modification. The thrust of Policy H2 is to reflect the Plan’s twin objectives of encouraging the re-use of appropriate vacant urban land for housing in order to relieve the pressure on greenfield sites and to contribute towards a more sustainable pattern of development; it achieves this by expressly favouring development on windfall and small sites within settlement boundaries. **Persimmon’s** suggested modification would negate the aim of this policy by, in effect, giving equally favourable consideration to such sites which lie outside defined settlements. This would be contrary to the principles of sustainable development and conflict with current planning guidance at all levels which seeks, in essence, to concentrate development in urban areas and safeguard the character and appearance of the countryside. I have previously concluded that for very sound environmental reasons the inclusion of Caerphilly Golf Course within the settlement boundary and its allocation for housing purposes are both unacceptable; trying, as

appears now to be the case, to facilitate its development by other means deserves no better fortune.

2.70.4 For the sake of completeness I would confirm that I have not considered **Persimmon’s** alternative proposal to modify simply the terms of Criterion B since this was expressly suggested as being applicable only in the event that the golf course were included within the settlement boundary.

2.70.5 The **Country Landowners Association** too seeks a relaxation of the present provisions of this policy, but in relation to infill sites beyond the settlement boundaries and minor extensions to settlements. Infill development outside settlement boundaries is already permissible under the terms of Policy C2 although I recognise that this is limited to locations within villages in the countryside. This is as far as the Plan reasonably needs to go if it is to achieve its declared objective of protecting the countryside from inappropriate development.

2.70.6 As for minor extensions to settlements, I am conscious that the settlement boundaries have been defined so as to encompass fringe sites which might be regarded as suitable for development; my examination of numerous objections relating to land on the periphery of settlements has been conducted with this in mind. If subsequently it were found that certain other land could be developed satisfactorily as a minor extension to a settlement then there is, in principle, no reason why an exception could not be made in individual circumstances. However I agree with the Council that the policy should not expressly make provision for this sort of development because to do so would put at risk the Plan’s objectives to which I have referred above [*see paragraph 2.70.3*].

2.70.7 Regarding the second issue, the **Campaign for the Protection of Rural Wales (CPRW)** claims that the appearance of the word “including” in the supporting text is inappropriate because it implies additional, but unmentioned, categories of sites which may be suitable for housing development. But, as I see it, that is exactly the case; the list of categories is not intended to be exhaustive and nor, in my judgement, should it be. The Plan in this context needs to be flexible. No modification is necessary.

2.70.8 The **CPRW** also questions the relevance and necessity of the reference to windfall sites in sub-clause (i) of Paragraph 2.33. The Council has failed to submit evidence in response to this part of the objection. However I have discovered that a proposed change (PC078) provides for the deletion of the disputed reference and assume that this stems from the present objection. While this change has not been formally recommended to me by the Council, I anticipate that this too is an omission on the Council’s part. In these circumstances, and given that the **CPRW’s** argument is well-founded, I intend endorsing PC078.

2.70.9 In respect of the third issue, Paragraph 2.34 of the supporting text specifies certain considerations which might lead to the refusal of planning permission. The **Environment Agency Wales (EAW)** originally sought the inclusion here of a reference to flooding, site constraints and services. In response the Council introduced a proposed change (PC079), inserting the words “for example” to clarify that the specified considerations are not intended to be exhaustive. As a result the **EAW** conditionally withdrew its objection. However the **CPRW** takes issue with this change; it argues that the additional text confuses rather than clarifies these provisions. I disagree. In circumstances like this it would be unwise of the Plan to attempt to be too prescriptive; as in regard to the preceding point, there needs to be a measure of flexibility. I shall endorse this change.

RECOMMENDATION

2.70.10 **That:**

(i) **the supporting text to Policy H2 be modified (a) by the deletion from Paragraph 2.33 of the reference to “(WINDFALL SITES)” in accordance with Proposed Change PC078 and (b) by the inclusion in Paragraph 2.34 of the words “FOR EXAMPLE” before the word “amenity” in accordance with Proposed Change PC079;**

(ii) **no other modification be made to the Plan in response to the objections made by Persimmon Homes (Wales) Ltd (1037), the Country Landowners Association (0903) and the Campaign for the Protection of Rural Wales (1720).**

POLICY H3

AFFORDABLE HOUSING

OBJECTIONS

DO/5703/0902	Country Landowners Association
DO/5638/1561	House Builders Federation
DO/5405/0477	Whitchurch Holdings Ltd
DO/5541/1718	Campaign for the Protection of Rural Wales

Proposed Changes

PC080, PC081, PC082

Primary Issues

- 2.71.1
- Is the phrase “affordable housing will be negotiated” too prescriptive and inconsistent with national guidance.
 - Should the threshold which the policy specifies be raised from 35 dwellings to 50 dwellings.
 - Does the policy require clarification in terms of how the need for affordable housing would be identified and how its provision would be enabled.
 - Are there sufficient safeguards against affordable housing being sold subsequently at open market prices.
 - Is there a need for a new policy regarding affordable housing in rural areas.

Inspector’s Conclusions

2.71.2 In respect of the first issue, the **House Builders Federation (HBF)** claims that the reference in the policy to the intention to negotiate an element of affordable housing

in residential schemes is in conflict with national guidance in that it implies that such housing would be a requirement rather than a matter for genuine negotiation on a site-by-site basis. The **HBF** says that the phrase “affordable housing will be sought” should be substituted.

2.71.3 The Council maintains that the provisions of Policy H3 would not be interpreted as a requirement and that they fully accord with national guidance. To clarify this point a change to the supporting text is proposed (PC082) which introduces the qualification that negotiations would be pursued “where appropriate”.

2.71.4 In my judgement the **HBF** is right to be concerned. Whatever the Council intended, the language of the policy as drafted plainly suggests that an element of affordable housing in residential schemes over a specified size will be *required* to be provided. This is inconsistent with the tenor of the guidance in PG(Wales) 1999 which says only that authorities should *seek* to negotiate with developers; and TAN (Wales) 2 confirms that certain factors may make it inappropriate to seek any affordable housing on some sites.

2.71.5 While PC082 (which I shall endorse) helps clarify the position, the Plan needs to go further in order to avoid any confusion over the proper interpretation of Policy H3. The policy itself should be modified slightly to bring it more into line with national guidance and I intend recommending suitable additional text.

2.71.6 As for the second issue, Policy H3 specifies a threshold of 35 dwellings before a development scheme would be considered as appropriate for the provision of an element of affordable housing. The **HBF** claims that this should be raised to 50 dwellings in recognition of the fact that the economics of housing provision in many parts of the County Borough, especially on brownfield land, limits the feasibility of securing affordable housing on smaller sites.

2.71.7 To my mind, one of the primary reasons for ensuring that there is a measure of flexibility in the application of this policy, highlighted in my examination of the first issue, is that in circumstances of the sort now identified by the **HBF** it might well be unrealistic to expect a development to include an element of affordable housing. But the elimination of such a site from consideration under the terms of Policy H3 should be a matter of judgement based on site-specific circumstances; this, conceivably, would be part of the negotiation process. I see no reason why the Plan should adopt a blanket approach, as this objection seeks, to so-called smaller (ie 35-50 dwellings) sites; and there is certainly no compelling evidence before me to suggest that while the figure of 50 dwellings is appropriate, 35 is not. Accordingly the policy threshold should remain untouched.

2.71.8 Regarding the third issue, I have some sympathy for the objection made by **Whitchurch Holdings Ltd** on the grounds that the Plan is insufficiently clear about how, in the context of this policy, housing need will be assessed. The supporting text does not go to the lengths which TAN (Wales) 2 suggests is necessary in order to justify and explain an affordable housing policy. However the Council’s evidence provides much of this additional necessary material; I also note that a comprehensive housing needs survey has been commissioned and that the findings, when available will be used to inform the Plan still further.

2.71.9 Given those considerations, I am satisfied that the present limitations of the supporting text would be remedied by the incorporation of the sort of additional information which the Council’s evidence provides (in paragraphs 3.2-3.5 of WR323) and, in anticipation

that the above-mentioned housing needs study will have been completed before modifications to this Plan are published, any further relevant information which reflects the findings of the study which is now in progress. Modifications of this nature would also respond adequately to the second limb of **Whitchurch’s** objection about the way in which development schemes would assist in the provision of affordable housing.

2.71.10 As to the fourth issue, I accept the Council’s point that the alternative wording of the supporting text which the **Campaign for the Protection of Rural Wales** recommends would not improve the clarity of the provisions relating to securing affordable housing for its intended purpose in perpetuity. Even so, to my mind there is a need to make a subtle modification to this text because although reference is made to the guidance which TAN (Wales) 2 provides on this matter, the Plan itself is not too explicit about how it would achieve the security of such provision for the future. A simple change in the final paragraph of the supporting text, substituting the words “provide and maintain” for the word “achieve”, would resolve this problem.

2.71.11 Turning to the fifth issue, the **Country Landowners Association (CLA)** calls for the inclusion in the Plan of either additional Policy H3 provisions or a new policy relating to affordable housing in rural areas. It suggests the following new policy:

“As an extension to other planning policies where a proven need exists planning permission shall be granted for affordable housing, outside a defined settlement, where the Council is satisfied that the need cannot be met in any other way. Subject to normal planning criteria of design, access, etc.”

2.71.12 The Council maintains that such a policy is unnecessary because within existing settlement boundaries there is considerable scope for the development of affordable housing and this would be sufficient to meet the needs of local people both urban and rural. It also points out that the Plan’s countryside policies already allow for certain forms of development in the rural areas.

2.71.13 However a large part of the Plan area lies outside of the defined settlement boundaries and is rural in nature; this includes a number of villages and hamlets and even among those settlements which are defined there are several which are relatively small and are unlikely to provide too many opportunities for larger-scale development schemes which would trigger the application of Policy H3. In my opinion these are just the sort of circumstances which national guidance on rural exceptions policies has in mind. Given those considerations, I am not convinced that such a policy in this Plan would be superfluous.

2.71.14 As for the **CLA’s** suggested policy, I shall not recommend it; its content is inadequate and its phraseology is inconsistent with other policies of this Plan. At my request, and without prejudice to its declared position, the Council has offered an alternative version in its further representations. However in my judgement this too is not entirely suitable and I shall revise it so as better to reflect national guidance and to fit local circumstances.

2.71.15 The necessary text in support of this policy should draw from the guidance in PG(Wales) 1999 (paragraph 9.2.3) and my conclusions in paragraph 2.71.13 above; in addition there should be appropriate cross-references to those provisions of the text

supporting Policy H3 (as modified in accordance with my recommendations) which have direct relevance to this new policy.

2.71.16 Lastly I intend endorsing PC080 and PC081 which involve revisions to the supporting text of Policy H3 clarifying that affordable housing in a specified context may include low-cost market housing and deleting the provision about people in shared or tied accommodation; these have led the **HBF** to conditionally withdraw part of its original objection and have not been contested.

RECOMMENDATION

2.71.17 **That:**

(i) **Policy H3 be modified by the deletion of the words “AN ELEMENT OF AFFORDABLE HOUSING WILL BE NEGOTIATED” and the substitution therefor of the following words “THE COUNCIL WILL SEEK TO NEGOTIATE WITH DEVELOPERS FOR THE PROVISION OF AN ELEMENT OF AFFORDABLE HOUSING”;**

(ii) **the supporting text to Policy H3 be modified (a) by the inclusion in Paragraph 2.35 of additional text in sub-clause (i) and the deletion of sub-clause (ii) in accordance with Proposed Changes PC080 and PC081, (b) by the inclusion in Paragraph 2.37 of additional text in accordance with Proposed Change PC082, (c) by the inclusion of additional text regarding the assessment of affordable housing need taking into account my conclusions in paragraph 2.71.9 above and (d) by the deletion from Paragraph 2.40 of the word “ACHIEVE” and the substitution therefor of the words “PROVIDE AND MAINTAIN;**

(iii) **the Plan be modified by the inclusion of the following policy:-**

“ON SMALL SITES WITHIN OR ADJOINING VILLAGES IN THE COUNTRYSIDE WHICH ARE NOT DEFINED BY A SETTLEMENT BOUNDARY AND ALSO OUTSIDE BUT ADJOINING DEFINED SETTLEMENT BOUNDARIES WHERE DEVELOPMENT WOULD NOT OTHERWISE BE CONSIDERED FAVOURABLY, EXCEPTIONALLY AFFORDABLE HOUSING WILL BE PERMITTED PROVIDED:

A THE COUNCIL’S HOUSING NEEDS SURVEY HAS IDENTIFIED A GENUINE LOCAL NEED FOR AFFORDABLE HOUSING IN THE VILLAGE OR SETTLEMENT;

B IT CAN BE DEMONSTRATED THAT THE NEED FOR AFFORDABLE HOUSING IN THE VILLAGE OR SETTLEMENT CANNOT BE SATISFACTORILY MET WITHIN THE SETTLEMENT OR WITHIN SOME NEIGHBOURING SETTLEMENT; AND

C THERE ARE SUITABLE ARRANGEMENTS TO ENSURE THAT THE BENEFITS OF THE AFFORDABLE HOUSING WILL BE SECURED FOR THE INITIAL AND SUBSEQUENT OCCUPANTS.”;

(iv) the Plan be modified by inclusion of text supporting the new policy recommended in (iii) above taking into account my conclusions in paragraphs 2.71.13 and 2.71.15 above;

(v) no other modification be made to the Plan in response to the objection made by the House Builders Federation (1561).

POLICY H4

SPECIAL NEEDS HOUSING

OBJECTION

DO/5656/1436 Harmer Partnership

Conditionally Withdrawn

PCO/5541/3125 Campaign for the Protection of Rural Wales

DO/5541/1717 Campaign for the Protection of Rural Wales

DO/5541/1716 Campaign for the Protection of Rural Wales

DO/5541/1715 Campaign for the Protection of Rural Wales

Proposed Changes

PC083, PC084, PC085, PC086

Further Proposed Change

FPC021

Primary Issue

2.72.1 • Is this policy unduly restrictive and inconsistent with national guidance.

Inspector’s Conclusions

2.72.2 This policy limits the provision of special needs housing to locations within settlement boundaries including housing allocation sites. The **Harmer Partnership** contends that this is unduly restrictive and that provisions should be included in this policy to facilitate the development of sites adjoining settlement boundaries for such housing.

2.72.3 The Council resists this argument on much the same grounds as it raises in relation to an objection calling for a rural exceptions policy on affordable housing [*see under Policy H3*]. While, in the light of national guidance which identifies the appropriateness of such a policy, I have concluded that the UDP should include provisions of this nature, there is no comparable justification for a separate rural exceptions policy on special needs housing.

2.72.4 The supporting text to Policy H4 identifies that “in some instances the provision of special needs housing will also provide new homes for residents who require affordable housing”. I anticipate that if those circumstances were to arise in relation to a

rural exceptions site then the provisions of both Policy H3 and Policy H4 would apply. That is as far as the Plan need reasonably go in order to accommodate special needs housing. For these reasons there is no justification for modifying the Plan in response to **Harmer’s** objection.

2.72.5 However I shall endorse PC083 and FPC021 which introduce modest alterations to Criterion A of the policy and PC084, PC085 and PC086 which involve limited revisions to the supporting text. These changes have led to the conditional withdrawal of objections made by the **Campaign for the Protection of Rural Wales** and have not been challenged.

RECOMMENDATION

2.72.6 **That:**

- (i) **Policy H4 be modified by the inclusion in Criterion A of (a) the word “UNREASONABLY” before the word “constrain” and (b) the word “EITHER” after the word “constrain” in accordance with Proposed Change PC083 and Further Proposed Change FPC021;**
- (ii) **the supporting text to Policy H4 be modified (a) by the deletion from Paragraph 2.41 of the words “WHERE APPROPRIATE”, (b) by the inclusion in Paragraph 2.41 of the word “DISABILITY” before the word “group” in the final sentence and (c) the deletion from Paragraph 2.43 of the word “ETC” all in accordance with Proposed Changes PC084, PC085 and PC086;**
- (iii) **no other modification be made to the Plan in response to the objection made by the Harmer Partnership (1436).**

POLICY H5

CONVERSION OF PROPERTIES INTO FLATS

OBJECTION

DO/5656/1443 Harmer Partnership

Conditionally Withdrawn

DO/5541/1502 Campaign for the Protection of Rural Wales

DO/5541/1714 Campaign for the Protection of Rural Wales

Proposed Changes

PC087, PC088, PC089, PC090, PC091

Primary Issue

- 2.73.1
- Is the requirement for a primary means of pedestrian access from dwellings to a main or principal road too restrictive.

Inspector’s Conclusions

2.73.2 Policy H5 specifies essentially that within settlement boundaries the conversion of properties into flats will be permitted subject to a number of requirements including the provision of the primary means of pedestrian access to a main or principal road. The **Harmer Partnership** says that it would be more reasonable and appropriate if this policy were simply to require the provision of a satisfactory means of access. The Council acknowledges that the Deposit Draft policy criterion would prevent the conversion of properties which rely on access to minor roads and courtyards and accordingly it has introduced a suitable change to remedy this (PC088).

2.73.3 **Harmer** has not conditionally withdrawn its objection; it maintains that in certain circumstances access should be allowed from rear lanes. However in my view the Plan, as now changed, takes a responsible approach to the matter of protecting residents’ amenities and ensuring their safety by limiting pedestrian access options to the extent specified. I shall therefore endorse PC088 along with PC090 which makes corresponding changes to the supporting text. I am also recommending the adoption of PC087, PC089 and PC091 which propose various minor changes to the policy and the supporting text. These have led to the conditional withdrawal of objections made by the **Campaign for the Protection of Rural Wales** and have not been contested.

RECOMMENDATION

2.73.4 **That:**

(i) **Policy H5 be modified by the revision of the preamble and Criterion A so as to read:**

“WITHIN THE SETTLEMENT BOUNDARY THE CONVERSION OF SUITABLE PROPERTIES INTO FLATS WILL BE PERMITTED WHERE:

A THE PRIMARY MEANS OF PEDESTRIAN ACCESS FROM ALL DWELLINGS CAN BE PROVIDED TO A PRINCIPAL ROAD, A MAIN OR MINOR ROAD OR FROM A SATISFACTORY COURTYARD ARRANGEMENT;”

in accordance with Proposed Changes PC087 and PC088;

(ii) **the supporting text to Policy H5 be modified (a) by the inclusion beside Criterion E of a marginal reference to DDG13, (b) by the insertion of an additional paragraph after Paragraph 2.47 and (c) by the substitution in Paragraph 2.48 of the word “EFFECTS” for the word “AFFECTS” all in accordance with Proposed Changes PC089, PC090 and PC091.**

(iii) **no other modification be made to the Plan in response to the objection made by the Harmer Partnership.**

**GYPSIES AND
TRAVELLERS**

PARAGRAPHS 2.49 - 2.53

OBJECTIONS

DO/5398/0592 Cardiff County Council
LDO/5738/1882 Friends of the Earth

Proposed Changes

PC092, PC093

Primary Issues

- 2.74.1
- Should the Plan include a criteria-based policy regarding gypsy and traveller site provision.
 - Should the Plan include a policy regarding the provision of permanent housing for gypsies and travellers.

Inspector’s Conclusions

2.74.2 Regarding the first issue, a short section at the end of the Housing Chapter provides information regarding the Council’s position on the matter of accommodation for gypsies and travellers. This explains that there are no authorised sites in the County Borough and that none are allocated in the UDP. It is stated that any applications for such accommodation would be considered in accordance with the Plan’s policies, some of which are highlighted. I note that there is no specific policy regarding the provision of such accommodation.

2.74.3 **Cardiff County Council** criticises the Borough Council’s assessment of the current situation regarding the need for gypsy/traveller sites in Caerphilly and calls for the inclusion in the Plan of a criteria-based policy on this matter. I observe that the Borough Council’s decision not to include any specific provisions in the Plan essentially stems from the findings of the 6 monthly counts of gypsies which disclose that for several years those for Caerphilly County Borough have produced a nil return. However, while I am prepared to accept the point that the Plan need not expressly identify a site or sites for gypsies and travellers, I am not convinced that this historical evidence justifies the absence of a subject-specific policy altogether.

2.74.4 PG(Wales) 1999 confirms the importance of making provision for gypsy sites in development plans and it invites authorities to consider having a criteria-based policy against which to assess proposals which may come forward; this guidance is pursued in DPP(Wales) 2001. The special needs of gypsies have long been recognised in national guidance; Circular 2/94 refers to the need for authorities to be aware of their accommodation and occupational needs and says that development plans should set out clear, realistic criteria as a basis for site provision policies. Given those considerations, to my mind it is not sufficient simply to rely, as the Borough Council intends, on judging future proposals in the light of the general policies of the Plan. Considerations peculiar to this form of land-use would be bound to arise and in order to address them properly there must be appropriate guidance in the UDP.

2.74.5 Accordingly I shall recommend a suitable policy. The supporting text should draw from the information already in the Plan (Paragraphs 2.49-2.53) but highlight further the advice in PG(Wales) 1999 and other relevant national guidance, especially those provisions in Circular 2/94 regarding the location and characteristics of sites; reference should also be made to the additional special considerations which would apply to sites in Special Landscape Areas, Green Wedges and Sites of Importance for Nature Conservation. In respect of those specified paragraphs however, I share some of the concerns expressed by the **County Council** about their content.

2.74.6 In particular, there is no compelling evidence before me to support the statement in the Plan that the most appropriate location for gypsy/traveller site provision is close to the national transportation network; this, in Caerphilly’s case, would mean confining such sites to the vicinity of the short section of the A465 trunk road in the far north of the County Borough, some distance from the main centres of population, employment and other services. This, on the face of it, conflicts with the general principles of sustainable development which the Plan aims to espouse. While *reasonable* proximity to the major transportation network is likely to be one of a number of important considerations in the site-selection process, in my view it is not necessarily the most important; and in this respect there are parts of the County Borough which are reasonably close to the M4 to the south and the A470 trunk road to the west.

2.74.7 Nor do I see the relevance of the identification in the Plan of the amount of gypsy site provision in neighbouring authority areas unless, that is, it is to imply that other County Boroughs are doing more than enough thereby relieving Caerphilly of the need to contemplate making any such provision either directly by allocating land or indirectly through a criteria-based policy. Given my earlier conclusions, this information is not relevant to the new policy which I am recommending.

2.74.8 Since I shall recommend the deletion of Paragraphs 2.49 to 2.53 as a stand-alone section it follows that I am not formally endorsing PC092 and PC093.

2.74.9 In terms of the second issue, **Friends of the Earth** says that the Plan should include a policy for the provision of permanent housing for gypsies, given that some will wish to relinquish a nomadic lifestyle. I disagree. There is no national guidance support for such a proposition. The Plan (assuming it is modified in accordance with my recommendations) makes adequate provision for the general housing needs of the population and, where appropriate, for dwellings in other specified circumstances. That is as far as the Plan can reasonably be expected to go. It would be open to anyone seeking permanent accommodation to pursue those opportunities. There is, accordingly, no justification for any modification to the Plan in response to this objection.

RECOMMENDATION

2.74.10 **That:**

- (i) **the Plan be modified by the deletion of Paragraphs 2.49 to 2.53 and by the inclusion of the following policy:-**

“PROPOSALS FOR GYPSY CARAVAN SITES, INCLUDING ON LAND OUTSIDE SETTLEMENT BOUNDARIES, WILL BE PERMITTED PROVIDED THAT:-

A THE SITE IS NOT IN AN ISOLATED OR PROMINENT COUNTRYSIDE LOCATION;

B THERE WOULD BE NO HARMFUL IMPACT ON THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA;

C THERE WOULD BE NO HARMFUL IMPACT BY REASON OF NOISE, DISTURBANCE, TRAFFIC ACTIVITY AND GENERAL OUTLOOK ON THE AMENITIES OF ANY NEARBY RESIDENTIAL OCCUPIERS;

D THE MEANS OF ACCESS TO THE SITE IS SAFE AND CONVENIENT FOR ROAD USERS AND PEDESTRIANS;

E THE SITE IS REASONABLY CLOSE TO PUBLIC TRANSPORT SERVICES AND OTHER ESSENTIAL LOCAL SERVICES AND FACILITIES INCLUDING SHOPS, SCHOOLS AND MEDICAL FACILITIES;

F THE SITE IS CAPABLE OF BEING PROVIDED WITH NECESSARY SERVICES AND INFRASTRUCTURE;

G THE SITE IS, OR IS CAPABLE OF BEING, PHYSICALLY CONTAINED BY TREES, HEDGES, EMBANKMENTS OR OTHER NATURAL FEATURES SO AS TO PREVENT ANY UNAUTHORISED EXTENSION OF THE USE; AND

H THE PROPOSAL WOULD NOT RESULT IN THE LOSS OF THE BEST AND MOST VERSTATILE AGRICULTURAL LAND.”;

(ii) the Plan be modified by inclusion of text supporting the new policy recommended in (i) above taking into account my conclusions in paragraphs 2.74.5 to 2.74.7 above;

(iii) no other modification be made to the Plan in response to the objection made by Friends of the Earth (1882).

POLICY OMISSION **NEW SETTLEMENTS**

OBJECTION DO/5651/1178 Forest Enterprise (Wales)

Primary Issue

2.75.1 • Should the Plan include a policy on new settlements.

Inspector’s Conclusions

2.75.2 This objection calls for the inclusion of a policy in the following terms:-

“Proposals for comprehensively planned new settlements will be considered against the following criteria:-

The need for housing land in the area;

The ability of the proposal to reduce pressure for development in neighbouring or adjacent settlements;

The impact on areas which are environmentally sensitive;

The impact on better quality agricultural land;

The impact on Green Wedges as defined under Policy C13;

The provision of satisfactory access to the strategic and county road network;

The relationship to public transport services;

The balance between houses, jobs and community facilities;

The distance to other centres to which it will be related for the provision of facilities and services;

The possible use of derelict, under-used or vacant land.

Where new settlements are acceptable, appropriate benefits to the community will be required.”

2.75.3 **Forest Enterprise (Wales)** points out that the Gwent Structure Plan (1996-2006) includes a policy of this nature and it is argued that the UDP should have provisions against which any proposals for development of this scale could be considered.

2.75.4 The Council says that the aforementioned Structure Plan policy is directed at a perceived need in what is now Monmouthshire. It goes on to state that a policy like this is

neither necessary nor appropriate for Caerphilly County Borough. From the evidence available I share that view.

2.75.5 The Plan’s fundamental strategy is one which I have already concluded is worthy of support [*see under Part 1 Policy IDS*]; furthermore I am satisfied that the housing needs of the County Borough can be met, without prejudicing that strategy, through incremental additions to the currently identified provision [*see under Part 1 Policy IH*]. Without doubt a development of the type and scale contemplated by the suggested policy would completely undermine the Plan’s strategy and for this reason it would be wrong in principle to include such provisions. If a proposal of this nature were to be submitted then I, like the Council, am satisfied that the present Plan policies are sufficient to enable appropriate consideration to be given to any such scheme.

2.75.6 **Forest Enterprise** also draws my attention to the guidance in PG(Wales) 1999 and contends that this does not rule out development of this sort. That, in literal terms, may be correct but this guidance does expressly confirm that new settlements on greenfield sites are unlikely to be appropriate in Wales. Given that statement and Caerphilly’s circumstances, I can find no encouragement here for the adoption of such a policy in the present Plan.

RECOMMENDATION

2.75.7 **That no modification be made to the Plan in response to this objection.**

POLICY OMISSION

HOUSING ON LAND AT CAERPHILLY GOLF COURSE, CAERPHILLY

OBJECTION

DO/5630/0960 Persimmon Homes (Wales) Ltd

Primary Issue

- 2.76.1
- Should the Plan include a policy promoting the development for housing or mixed-use purposes of land at Caerphilly Golf Course.

Inspector’s Conclusions

2.76.2 This objection is directly associated with the case made by **Persimmon Homes (Wales) Ltd**, which I have already dealt with elsewhere [*see under Policy DC2.99.67*], seeking the allocation of Caerphilly Golf Course for housing purposes. It is argued that if I were not to recommend such an allocation, and I am not doing so, then the following new policy would be appropriate:-

“In the event of Caerphilly Golf Course becoming available for redevelopment during the Plan period, there will be a

presumption in favour of its development for housing and/or mixed uses subject to the following considerations:-

- 1 A satisfactory solution to highway network requirements;*
- 2 The preparation of a master planning and phasing strategy;*
- 3 The provision of a replacement course;*
- 4 The satisfaction of Policy DC1.”*

2.76.3 In my report on that earlier case I conclude that for very sound environmental reasons the inclusion of Caerphilly Golf Course within the settlement boundary and its allocation for housing purposes are both unacceptable; I have also determined that another of **Persimmon’s** objections calling for the modification of Policy H2 in such a manner as to facilitate the development of this site deserves no better fortune [see under Policy H2].

2.76.4 No matter how many alternative propositions **Persimmon** puts forward in its attempt to secure the Plan’s express or tacit support for the development of the golf course site, I shall not change my mind!

RECOMMENDATION

2.76.5 **That no modification be made to the Plan in response to this objection.**

OBJECTIONS RELATING TO OTHER POPULATION & HOUSING POLICIES

OBJECTIONS

Conditionally Withdrawn

DO/5541/1710 Campaign for the Protection of Rural Wales
DO/5541/1709 Campaign for the Protection of Rural Wales
DO/5356/0978 Dwr Cymru - Welsh Water
DO/5269/0305 Miss R E Baghurst
DO/5271/0309 Mrs S E Baghurst
DO/5270/0307 Mr S P Baghurst
DO/5184/0275 B Garfield-Smith
DO/5122/0221 G Griffiths
DO/5356/0994 Dwr Cymru – Welsh Water
DO/5339/0447 R E Phillips & Partners
DO/5413/1921 Trustees of Mr J Thomas Davies (Deceased)
LDO/5716/0552 BG Plc
(reported under Policy H1 Appendix 2 Site HC42)
DO/5727/2082 Islwyn Indoor Bowls Association
DO/5727/2083 Islwyn Indoor Bowls Association

RECOMMENDATION

2.77.1 That the Plan be modified in accordance with Proposed Changes PC063, PC064, PC067, PC076, PC201, PC203, PC231 and Further Proposed Changes FPC019, FPC076 and FPC077.

TOPIC 3

EMPLOYMENT

INTRODUCTION

OBJECTION

PCO/5460/3172 Greendoorstep (Caerphilly)

Conditionally Withdrawn

DO/5541/1712 Campaign for the Protection of Rural Wales

Proposed Change

PC095

Primary Issue

- 3.1.1
- Should the Plan refer to the need for new jobs to be accessible by public transport.

Inspector’s Conclusions

3.1.2 The **Campaign for the Protection of Rural Wales (CPRW)** says that the Plan does not make clear the position regarding access to new jobs by means other than the private car. It seeks the inclusion here of an indication that such jobs can be reached by public transport and that cycle tracks would be provided. In response the Council proposes a change (PC095) specifying that it will seek to ensure that new employment development can be accessed by public transport. As a result of this change the **CPRW** has conditionally withdrawn its objection.

3.1.3 However **Greendoorstep (Caerphilly)** maintains that the additional statement does not go far enough; it says that instead the Plan should confirm that new employment sites should not be developed unless they have at least a realistic prospect of being accessed by public transport.

3.1.4 To my mind the Plan already demonstrates its commitment to achieving sustainable forms of employment development, not least in terms of the location of its allocated sites and the basic provisions of Policies 1T(B), T12 and T13. While the underlying aims of **Greendoorstep’s** suggested modification are worthy and consistent with the principles of sustainable development, a blanket approach of this sort would be too prescriptive. I consider it important that the Plan allows for a balanced view to be taken where appropriate regarding future employment development proposals, given the variety in scale, locality, local need and other site-specific circumstances which are likely to arise.

3.1.5 In the light of those considerations, I conclude that PC095 is acceptable as it stands and that no further modification beyond those additional provisions need be made to the Plan.

RECOMMENDATION

3.1.6 **That:**

- (i) **the Plan be modified in accordance with Proposed Change PC095;**
 - (ii) **no other modification be made to the Plan in response to the objection made by Greendoorstep (Caerphilly) (3172).**
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POLICY E1.1

SITES FOR NEW INDUSTRIAL AND BUSINESS DEVELOPMENT

TAFARNAUBACH, RHYMNEY

OBJECTIONS

LDO/5720/0587 Cllr P Bailie
DO/5027/0101 Mrs M Evans
DO/5202/0107 Mr G R Howells
DO/5748/2068 Mrs J Howells
DO/5467/1279 Mr P G Jones
DO/5025/0098 Mrs J Moon
DO/5039/0135 Mr M G Moon
DO/5077/0192 B D Williams
DO/5564/1138 Mrs H Williams
DO/5306/0343 Mrs J Williams
DO/5476/0733 Mr R Williams

Primary Issue

- 3.2.1
- For residential amenity reasons should the allocation of this site for industrial and business development be deleted.

Inspector’s Conclusions

3.2.2 The land allocated under this policy provision comprises 2 sites which lie within an extensive industrial estate which straddles the administrative boundary between the County Boroughs of Caerphilly and Bleanau Gwent. Both sites are vacant and both are adjoined by existing industrial premises.

3.2.3 The Objectors express concern about the likely noise, dust, pollution and other harmful effects which development on these sites would have on the amenities of those living nearby. There is housing to the south of the industrial estate but, with the exception of just one dwelling, these stand on the other side of the main road which passes through this settlement. There is a broad landscaped verge and bank along the southern boundary at this end of the estate which provides a measure of separation between the industrial buildings

here and the nearby housing. One of the allocated sites is quite remote from this housing, being situated on the far side of the industrial estate. While the other is much nearer, its relationship with those properties is not materially different from that which already exists along this stretch of road on both sides of the administrative boundary. In addition I understand that these sites already have the benefit of planning permission for a factory extension and car park respectively.

3.2.4 Given all those circumstances and the fact that these allocation sites represent only a small part of the whole industrial estate, there is no reason to conclude that the development of this land would in principle significantly worsen the amenities of nearby residents. To my mind these allocations are entirely justified.

RECOMMENDATION

3.2.5 **That no modification be made to the Plan in response to these objections.**

POLICY E1.4

SITES FOR NEW INDUSTRIAL AND BUSINESS DEVELOPMENT

TY DU, NELSON

OBJECTIONS

DO/5050/0148 Ms E Jones
DO/5052/0151 Mr L M Jones
DO/5392/0760 Nelson Community Council

Primary Issue

3.3.1

- Should the allocation of this site for industrial and business development be deleted and should the land instead be designated as an open space or recreational area.

Inspector’s Conclusions

3.3.2 The Objectors claim that there is already sufficient land available for employment purposes in this locality and that the Nelson community would be better served if this site were protected as an open space or as a recreational amenity area.

3.3.3 However I am aware that this site has long been identified for industrial purposes. It was allocated as employment land in the Rhymney Valley District Local Plan. Moreover planning permission has been granted and renewed for industrial development and the site has been purchased, in part compulsorily following a public inquiry, by the Council for this purpose. I observe that the Inspector who recommended the confirmation of the Compulsory Purchase Order in 1998 remarked on the evidence of a shortage of suitable sites

for prestigious inward investment projects; there is no compelling evidence before me to suggest that circumstances have changed materially since then.

3.3.4 As for the Objectors’ argument that the allocation site should be retained as an amenity or recreational space, this land appears to me to have no special landscape value - it is certainly not within nor even close to any such designated area. And the Plan already allocates land within the heart of this settlement for informal recreation purposes and for a leisure park.

3.3.5 Given the foregoing considerations, I can see no reason for recommending any modification to the Plan.

RECOMMENDATION

3.3.6 **That no modification be made to the Plan in response to these objections.**

POLICY E1.6

SITES FOR NEW INDUSTRIAL AND BUSINESS DEVELOPMENT

OAKDALE

OBJECTION

LDO/5722/0892 Gwent Wildlife Trust

Proposed Change

PC098

Further Proposed Change

FPC230

Primary Issue

3.4.1

- Should those areas designated as Sites of Importance for Nature Conservation (SINC) be deleted from the industrial and business allocation.

Inspector’s Conclusions

3.4.2 Oakdale is by far the largest of the Plan’s employment allocations. Within the overall site there are 2 small areas designated as a SINC. The Objector is concerned that in order to provide proper protection for these designated areas they should be excluded from the industrial and business allocation.

3.4.3 The Council explains that it is not the intention to allow development over the entire allocation site. This land has been reclaimed and reformed and there are four plateaux where it is planned that development would take place; while on the Proposals Map the

whole site is colour-washed purple to identify the employment allocation, these plateaux areas are each depicted by a thin black line.

3.4.4 I observe that within the overall allocation site there is a considerable amount of peripheral land and a sizeable central section which lie outside the defined plateaux areas. One of the SINC’s lies wholly within the “non-development” area. A small part of a defined plateau extends into the other SINC but the Council says that this has been shown incorrectly on the Proposals Map and it has therefore put forward a change (PC098) reducing the area of the development plateau so as to exclude the SINC altogether; correspondingly a further change (FPC230) introduces into the Appendix 4 site description additional text which confirms the intention to develop the four plateaux.

3.4.5 Subject to the change to exclude the whole of the northerly SINC I have no quarrel with the Plan proposals in principle. However there are 2 additional modifications which should be made which would help clarify still further the Plan’s intentions regarding the extent of development at Oakdale. The Proposals Map key should include a symbol depicting the “thin black line” notation together with an appropriate reference as to its function, while the Appendix 4 site description should expressly state that *only* the land within the four defined plateaux areas will be developed. All these modifications (as proposed by the Council and those additionally recommended by me) would, in my view, be sufficient to satisfy the justifiable concerns of the Objector.

RECOMMENDATION

3.4.6 **That:**

(i) **the Proposals Map be modified by the realignment of the northern boundary of development plateau 1 in accordance with Proposed Change PC098 and by the inclusion in the key of a symbol depicting the thin black line notation together with an appropriate reference as to its function;**

(ii) **Appendix 4 be modified by the inclusion within the description of the Policy E1(6) site of additional text so that the first 4 sentences read as follows:-**

“A LAND RECLAMATION SCHEME IS CURRENTLY UNDERWAY ON THE FORMER COLLIERY SITE. ONLY THE FOUR PLATEAUX AREAS WILL BE DEVELOPED AND THESE WILL BECOME AVAILABLE FOR DEVELOPMENT AT DIFFERING TIMES. THE FOUR DEVELOPMENT PLATEAUX ARE SHOWN ON THE UDP PROPOSALS MAP AS A THIN BLACK LINE WITHIN THE EMPLOYMENT ALLOCATION. THE PLATEAUX ARE NUMBERED SEQUENTIALLY 1-4; PLATEAU 1 BEING THE MOST NORTHERN AREA AND PLATEAU 4 BEING THE MOST WESTERN PLATEAU.”

all in accordance with Further Proposed Change FPC230 and my conclusions in paragraph 3.4.5 above.

POLICY E1.8

SITES FOR NEW INDUSTRIAL AND BUSINESS DEVELOPMENT

LAND AT CROESPENMAEN

OBJECTION

LDO/5711/0524 Residents of Croespenmaen
DO/5185/0278 Mrs E Savory

Primary Issue

- 3.5.1
- For residential amenity and highway safety reasons should the allocation of this land for industrial and business development be deleted.

Inspector’s Conclusions

3.5.2 The Proposals Map allocates four sites within the Croespenmaen Industrial Estate for industrial and business development; these represent the remaining vacant plots within this estate which lies at the southern edge of the settlement. All are adjoined or face existing employment premises on at least two sides. While there is an area of housing just to the north, only one of the subject sites directly adjoins residential properties.

3.5.3 Given those circumstances and the relatively limited size of these individual plots in comparison with the rest of this well-established industrial estate, in residential environmental terms I can find no reason to conclude that their present allocation is inappropriate. Three of the sites are separated from the nearby housing area by existing employment premises or open space, while as for the fourth site, the provisions of Policy E6 are expressly directed at preventing harm being caused to people or the environment as a result of industrial development which would give rise to pollution and nuisance. Those locational considerations and policy safeguards are, to my mind, sufficient to ensure that the future development of the allocation sites would not materially worsen existing residents’ amenities.

3.5.4 Nor are there compelling highway safety grounds for rejecting the present allocations. The Objectors offer no technical evidence to challenge the Council’s statement about the acceptability of the access arrangements in relation to these sites. Each would be served by a route which is already used by premises on this estate and in no case does it appear to me that they are seriously substandard or otherwise incapable of accommodating the relatively limited additional traffic which these sites, when developed, would be likely to generate.

3.5.5 Accordingly there is nothing to justify any modification to the Plan.

RECOMMENDATION

3.5.6 **That no modification be made to the Plan in response to these objections.**

POLICY E1.12

SITES FOR NEW INDUSTRIAL AND BUSINESS DEVELOPMENT

LAND AT HAWTIN PARK, GELLIHAF

OBJECTIONS

DO/5078/0193 Mr W H Chubb
DO/5719/0577 Gelli Haf Residents Association
DO/5205/0111 Mrs E D Miles

Primary Issues

- 3.6.1
- For nature conservation reasons should the allocation of this land for industrial and business development be deleted.
 - Given the proximity of the Gelli Haf Conservation Area, should the allocation of this land for industrial and business development be deleted or modified.
 - Should the allocation of this land be limited to Class B1 uses only.

Inspector’s Conclusions

3.6.2 As to the first issue, this Plan provision relates to 2 areas of land to the north and south respectively of the established Hawtin Park Industrial Estate. The northern parcel is open land but has roads and other infrastructure in place; the initial stages of some development were being undertaken at the time of my inspection. The other parcel comprises mainly open grassland with some tree/vegetation cover and is designated by the Plan as a Site of Importance for Nature Conservation (SINC). Although **Mrs Miles** makes no distinction between these 2 parcels, I assume (as does the Council) that given the foregoing circumstances her concern about nature conservation interests is directed at the SINC.

3.6.3 The allocation of this land for industrial and business purposes and the SINC designation are not incompatible; this situation arises elsewhere in the Plan. The policy for SINC’s (Policy C10) provides all the necessary safeguards and does not seek to preclude development altogether. In the final analysis it will be for the Council to use its judgement to determine the scale of development which would be appropriate for this site, balancing the need for new employment provision against nature conservation interests. There is no justification for attempting to pre-judge this matter, as **Mrs Miles** effectively seeks to do, by deleting the development allocation.

3.6.4 Regarding the second issue, the Gelli Haf Conservation Area lies close to the northern parcel of land; for a very short stretch their boundaries coincide. The **Residents Association** expresses concern about the possible consequences of this relationship. However a significantly greater length of the Conservation Area boundary already abuts the existing industrial estate and there is no suggestion from the **Residents Association** that the

character and appearance of the Conservation Area has been demonstrably harmed as a result.

3.6.5 In any event the Council has a statutory duty (including as part of its development control function) to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and PG(Wales) 1999 confirms that this in practice should extend to the consideration of proposals for development which are outside the designated area but would affect its setting. My recommendation elsewhere in this report [*see under Policy HE4.2*] for an additional policy provision is designed to reflect this guidance. I conclude that there would be adequate policy safeguards available to ensure that the character and appearance of the Gelli Haf Conservation Area would not be harmed as a consequence of the allocation of the site now in question.

3.6.6 As to the third issue, the Plan indicates that development in Classes B1, B2 and B8 would be acceptable on the allocation land. **Mr Chubb** maintains that only Class B1 uses should be allowed although he provides no explanation of why such a limitation is necessary. The existing industrial estate is said by the Council to accommodate quality manufacturing companies which specialise in the aircraft/automotive sectors and it sees the present sites as extensions to this estate thus justifying the specified range of employment uses. On the understanding that this range of Use Classes is already accommodated or allowed here, and given that under the terms of Policy E6 the Council would have the opportunity at a later stage of the planning process of resisting any specific industrial development proposal which might cause harm to people or the environment as a result of pollution or nuisance, there appears to be no compelling reason for imposing on the allocation land the limitation which this objection seeks.

3.6.7 Given all the foregoing considerations, in response to these objections I conclude that the Plan should remain unchanged.

RECOMMENDATION

3.6.8 **That no modification be made to the Plan in response to these objections.**

POLICY E1.13

SITES FOR NEW INDUSTRIAL AND BUSINESS DEVELOPMENT

LAND NORTH OF NEWBRIDGE ROAD, PONTLLANFRAITH

OBJECTIONS

DO/5604/1362	Miss P Chubb
DO/5616/0630	Miss A Daniels
DO/5280/1824	Mrs C Furmage
DO/5525/1199	Ms D Furmage
DO/5524/1192	Ms S Furmage
DO/5514/1163	W Hayes
DO/5517/1170	Mrs D J Jones

DO/5532/1207 Mrs B Seaton
DO/5535/1916 Ms S Thomas
DO/5517/1845 Mrs D J Jones
(registered under Policy L7.99.26)
DO/5604/1844 Miss P Chubb
(registered under Policy L7.99.26)

Conditionally Withdrawn

DO/5096/0212 Mr & Mrs S Life
DO/5345/0591 Mr G R Thurlow

Further Proposed Change FPC084

Primary Issue

- 3.7.1
- For recreational and amenity reasons should the allocation of this site for industrial and business development be deleted and should it instead be allocated for leisure purposes.

Inspector’s Conclusions

3.7.2 The present site comprises an extensive stretch of open land lying directly north of the Newbridge Road Industrial Estate. To the west, south and east are the urban settlements of Pontllanfraith and Newbridge. A significant feature of the allocation land is that the safeguarded route of the Sirhowy Enterprise Way, a major road for which planning permission has now been granted, runs through this site for most of its length.

3.7.3 The Objectors claim that this land should be protected because of its nature conservation interest and for its amenity value. However there is no conclusive evidence that this site has any nature conservation features of such significance that they deserve protection in their own right. And as for general amenity considerations, it seems inevitable that the road once built, will alter radically the character and appearance of this site.

3.7.4 Moreover the allocation land is entirely suitable for employment development; it is adjoined by industrial land and premises on its southern and western sides and relates well to the Newbridge Road Estate in particular; and it could hardly be better situated in local transportation terms given the planned route of the Sirhowy Enterprise Way (on the construction of which the development of this site would be dependent) and the close proximity of the A472 dual carriageway.

3.7.5 Also, it has long been identified for employment purposes having been similarly allocated in the Islwyn Local Plan. A further attribute is that this land is part of the Area of Growth which is the Plan’s preferred location for necessary new development, this strategy being centred on improvements to the A472 and, importantly in the present context, the provision of major industrial sites.

3.7.6 To my mind the nature of and reasoning behind this strategy is more than sufficient evidence to counter the unsubstantiated assertions made by some Objectors that there is no need for the present site to be allocated for employment development.

3.7.7 As for the proposition that this land should instead be designated for open space and/or recreational purposes, there is simply no evidence before me of a need for such provision which outweighs the considerations that have led to the Plan’s allocation for industrial and business development.

3.7.8 While I therefore do not intend recommending any modification to the Plan in response to those objections, I shall endorse a change which the Council proposes regarding the text of the site description in Appendix 4 (FPC084); this has resulted in the conditional withdrawal of objections made by **Mr & Mrs Life** and **Mr Thurlow** and has not been contested.

RECOMMENDATION

3.7.9 **That:**

(i) **Appendix 4 be modified by the inclusion within the description of the Policy E1(13) site of additional text in accordance with Further Proposed Change FPC084;**

(ii) **no other modification be made to the Plan in response to the objections made by Miss Chubb (1362 and 1844), Miss Daniels (0630), Mrs Furmage (1824), Ms D Furmage (1199), Ms S Furmage (1192), Mr Hayes (1163), Mrs Jones (1170 and 1845), Mrs Seaton (1207) and Ms Thomas (1916).**

POLICY E1.14

SITES FOR NEW INDUSTRIAL AND BUSINESS DEVELOPMENT

LAND AT NEWBRIDGE ROAD, PONTLLANFRAITH

OBJECTIONS

DO/5604/0650	Miss P Chubb
DO/5616/0629	Miss A Daniels
DO/5425/0421	Frontier Plastics Ltd
DO/5280/0979	Mrs C Furmage
DO/5525/1196	Ms D Furmage
DO/5528/1202	Mr J Furmage
DO/5514/1161	W Hayes
DO/5517/1169	Mrs D J Jones
DO/5532/1219	Mrs B Seaton
DO/5535/1917	Ms S Thomas

Proposed Changes PC099, PC100
Further Proposed Change FPC234

Primary Issues

- 3.8.1
- On the grounds that there is no need for further employment land should the allocation of this site for industrial and business development be deleted and should it instead be allocated for leisure/amenity purposes or alternatively left unallocated as a potential windfall site.
 - Whether the Plan should identify this site as greenfield land.

Inspector’s Conclusions

3.8.2 These objections concern a small area of managed open space at the entrance to the Newbridge Road Industrial Estate. Many of the considerations relating to the preceding case regarding land on the northern side of this industrial estate [*see under Policy E1.13*] apply similarly here.

3.8.3 While the present allocation site is considerably smaller, it does have the merit of contributing to the range and variety of sites which national guidance calls for and which the Plan seeks to provide. Its suitability for employment development is reinforced by the presence of industrial premises on its northern side and its prominent location clearly identifies this land as an integral component of the estate. Indeed its suitability has been long established given that it formed part of the original industrial estate which was permitted in 1969. The points raised in the previous case regarding the relationship of this estate with the major road network and its location within the Area of Growth are similarly germane here.

3.8.4 Given those considerations, my conclusions on the argument that there is no need for the allocation land to be developed for employment purposes are essentially the same as in the previous case; so too are my conclusions on the proposition that the site should be allocated instead for a leisure/amenity purpose. As for the suggestion made by **Frontier Plastics Ltd** about leaving this land unallocated as a potential windfall site for unspecified purposes, it is important that the Plan, if it is to perform its acknowledged function of providing leadership and certainty regarding the future development of the County Borough, should positively allocate land for specified uses wherever possible. While there are sound reasons for allocating the present site for employment purposes, there are none of significance which justify the Plan avoiding its responsibilities.

3.8.5 In terms of the second issue, the list of sites specified under Policy E1 includes confirmation of a site’s brownfield status where applicable. The present land is so identified. However **Frontier Plastics** argues that this incorrect. The Council agrees that this site should properly be described as greenfield land and proposes a change confirming this point (PC100). In the circumstances, I shall endorse this change which clearly responds satisfactorily to this objection.

3.8.6 Lastly, the Council initially proposed a change (PC099) which limits the designated uses of the allocation site to Classes B1 and B8. Subsequently it changed its mind and introduced FPC234 which added Class B2 to those designated uses, in effect reverting

back to the 3 uses which are specified in the Deposit Draft Plan. The Council asks me to recommend modifying the Plan by the adoption of FPC234 but to my mind there is no point in doing so; I shall simply recommend in this regard that no modification be made at all since this will achieve the same result.

RECOMMENDATION

3.8.7 **That:**

- (i) **Policy E1 be modified by the deletion under Policy Ref E1.14 of the classification of this site as Brownfield in accordance with Proposed Change PC100;**
- (ii) **no other modification be made to the Plan in response to these objections nor in relation to Proposed Change PC099 or Further Proposed Change FPC234.**

POLICY E1.23

SITES FOR NEW INDUSTRIAL AND BUSINESS DEVELOPMENT

CAERPHILLY BUSINESS PARK

OBJECTIONS

DO/5460/2070 Greendoorstep (Caerphilly)
DO/5509/1274 Westbury Homes (Holdings) Ltd
PCO/5509/3250 Westbury Homes (Holdings) Ltd

Proposed Change PC355

Primary Issues

- 3.9.1
- Whether the proposed route of the park and ride site access road should be deleted from this industrial and business development allocation site.
 - Whether the Appendix 4 site description should refer to the requirement for land for the construction of the park and ride site access road and a Caerphilly south-eastern by-pass.

Inspector’s Conclusions

3.9.2 As to the first issue, the Proposals Map shows that the safeguarded route of the park and ride site access road runs just inside the western edge of this allocation site. The park and ride facility itself is shown further to the west close to Caerphilly station.

Greendoorstep (Caerphilly) objects to this access arrangement on the grounds that it is a mis-use of valuable employment land and would increase traffic in the area.

3.9.3 I note that no alternative route is suggested. This access road would provide a direct link to the primary highway network; it would provide a good connection to the station and, according to the Council, would reduce traffic in the town centre and along one of the main roads into the centre. From the evidence available, there appears to be no other more convenient or realistic route. Given those considerations, and the fact that the effective loss of employment land would be extremely limited, I can see no justification for modifying the Plan in response to this objection.

3.9.4 Regarding the second issue, **Westbury Homes (Holdings) Ltd** argues that the site description which appears in Appendix 4 should refer to both the land requirement for the park and ride site access and for a south-eastern by-pass around the town. In respect of the first point, the Council accepts the need for a suitable reference to the Plan’s proposal for the access link and an appropriate change is offered (PC355). In the circumstances, I shall endorse this change.

3.9.5 The matter concerning the by-pass arises directly from **Westbury’s** objections which propose the allocation of land for housing to the south of the present site beyond the railway line. Their scheme envisaged the provision of a south-eastern by-pass as part of a comprehensive development and this would have encroached on to the Policy E1.23 site. I have dealt with those objections elsewhere in this report [*see under Policy DC2.99.37 and Policy T4.99*] and have concluded that a development of this nature would be unacceptable and that no such allocation should be made. It follows that since the provision of a by-pass does not feature in the Plan it would be misleading and inappropriate to refer to it in the Appendix 4 employment site description.

RECOMMENDATION

3.9.6 **That:**

- (i) **Appendix 4 be modified by the inclusion within the description of the Policy E1(23) site of additional text in accordance with Proposed Change PC355;**
- (ii) **no other modification be made to the Plan in response to these objections.**

POLICY E1

**SITE PROPOSED FOR NEW INDUSTRIAL AND
BUSINESS DEVELOPMENT**

E1.99.5

LAND AT PENRHOS, CAERPHILLY

OBJECTION

LDO/5729/1797 Duffryn Ffrwdd (Newtown) Estate Ltd
(reported under Policy H1.99.75)

Inspector’s Comment

3.10.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy H1.99.75.

POLICY E1

**SITE PROPOSED FOR NEW INDUSTRIAL AND
BUSINESS DEVELOPMENT**

E1.99.11

FORMER NESS TAR PLANT, CAERPHILLY

OBJECTION

DO/5460/0866 Greendoorstep (Caerphilly)
(reported under Policy D1.28)

Inspector’s Comment

3.11.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy D1.28.

POLICY E1

**SITE PROPOSED FOR NEW INDUSTRIAL AND
BUSINESS DEVELOPMENT**

E1.99.14

CROSSWAYS EXTENSION, CAERPHILLY

OBJECTION

DO/5460/1834 Greendoorstep (Caerphilly)
(reported under Policy R4.2)

Inspector’s Comment

3.12.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy R4.2.

POLICY E1

**SITE PROPOSED FOR NEW INDUSTRIAL AND
BUSINESS DEVELOPMENT**

E1.99.15

LAND AT PONTYPANDY, CAERPHILLY

OBJECTION

DO/5263/1866 Mr A W Thomas

Primary Issue

- 3.13.1 • Should this site be allocated for industrial and business development.

Inspector’s Conclusions

3.13.2 This is a large, partly wooded site situated in the northern part of the urban settlement of Caerphilly. It is adjoined by industrial premises and open land to the north, while there is mainly housing on the other 3 sides. There is no dispute that this site is in principle suitable for development; its location within the defined settlement boundary is testimony to that. The Objector maintains that it is appropriate for industrial and business purposes. The Council does not say that such uses would be unacceptable in principle but it contends that the wet ground conditions and limitations of the potential access options are such as to make any development of the site problematic. For those reasons the Council prefers to leave this land unallocated and wait for proposals to come forward.

3.13.3 I do not commend that approach. From the evidence presented about those perceived constraints, it does not appear that they are necessarily insurmountable or that the site would otherwise not be genuinely available for development before the end of the Plan period. It is an essential part of the Plan’s function to encourage and facilitate development by adopting a pro-active role and positively allocating land where it is necessary and desirable to do so. In my experience, by taking the initiative in this way and providing firm and clear guidance by means of a formal allocation, potential developers would be likely to bring forward solutions to the identified constraints sooner rather than later.

3.13.4 However I am not convinced that the Objector’s proposition merits support. In physical land-use terms industrial and business development might be acceptable although the proximity of so much housing is likely to limit the site’s potential in that regard; more importantly, there is no evidence of there being a need for such development especially not in the Area of Consolidation within which this settlement lies. On the other hand there is, as I have previously concluded, a demonstrable need for more housing land [*see under Part 1 Policy 1H*] and in principle a residential scheme here would fit in well with the established pattern of development hereabouts. I am conscious though that I have no remit to recommend such an allocation since there is no objection in those terms before me.

3.13.5 Given the foregoing considerations, I shall simply urge the Council to undertake a further assessment of the site’s potential for housing, or perhaps mixed-use, purposes with a view to modifying the Plan by formally allocating this land for such development.

RECOMMENDATION

- 3.13.6 **That the Council undertakes a comprehensive assessment of the objection site’s potential for housing or mixed-use development with a view to modifying the Plan by allocating this land expressly for such purposes taking into account my conclusions in paragraphs 3.13.3 to 3.13.5 above.**
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POLICY E2.1

PROTECTION OF INDUSTRIAL SITES

TAFARNAUBACH, RHYMNEY

OBJECTIONS

LDO/5720/1817 Cllr P Bailie
DO/5467/1280 Mr P G Jones
DO/5564/1140 Mrs H Williams

Primary Issue

- 3.14.1 • Should the identification of this site under Policy E2 be deleted.

Inspector’s Conclusions

3.14.2 Policy E2 identifies a number of existing industrial sites where, as the Plan specifies, the expansion, conversion or redevelopment of premises for certain uses will be permitted. I have previously described the Tafarnaubach Industrial Estate when considering objections concerning the allocation of land here for industrial and business development [*see under Policy E1.1*]. The considerations which arose in that case are much the same as those applicable here.

3.14.3 Essentially the present Objectors say that the development options which Policy E2 allows would, by reason of noise, pollution, dust, traffic and other forms of nuisance, lead to harm to the amenities of those living nearby. However for broadly the same reasons as those specified in the previous case I am not convinced that the expansion, conversion or redevelopment of existing premises on this industrial estate would materially worsen the living standards of neighbouring residents.

3.14.4 Furthermore I share the views of the Council that in order to ensure the continued provision of a range of employment sites in the County Borough, consistent with national guidance, the Plan needs to encourage and enable existing firms and premises to adapt and improve thereby protecting them from alternative proposals for inappropriate uses.

3.14.5 In all these circumstances, I conclude that no modification to the Plan should be made in response to these objections.

RECOMMENDATION

3.14.6 **That no modification be made to the Plan in response to these objections.**

POLICY E2.19

PROTECTION OF INDUSTRIAL SITES

SWITCHGEAR, PONTLLANFRAITH

OBJECTIONS

PCO/5756/3016 FKI Plc

Conditionally Withdrawn

DO/5653/1210 Gryphonn Concrete Products Ltd

Proposed Changes

PC106, PC107

Primary Issue

- 3.15.1 • Should land which was deleted from the employment allocation site at the proposed changes stage be reinstated.

Inspector’s Conclusions

3.15.2 In the Deposit Draft Plan an area of land which stands alongside the Switchgear Industrial Estate was shown on the Proposals Map as being allocated both for employment purposes (as part of the Switchgear site) and for leisure purposes under Policy L8. The Council says this was a drafting error and that the land should only have been identified for leisure purposes; it is a thickly wooded embankment which is subject to a TPO and it is neither realistic nor feasible for employment development. Thus the Council sought to rectify this error through PC107 which provided for the deletion of the employment allocation.

3.15.3 **FKI Plc** objects to this change, maintaining that the land in question lies within the same ownership and curtilage as the rest of the employment complex and has clear development potential. I disagree. Policy E2 is concerned with the expansion, conversion or redevelopment of premises on existing industrial sites; save in respect of one small area which I shall refer to shortly, is a matter of fact that the objection land contains no premises and is not on an existing industrial site. And I share the Council’s view that this land, by reason of its character and appearance, would not be suitable for employment development. Given its present nature and its close relationship with the stretch of open riverside just to the north-east, it is logical and appropriate that this area of mature woodland should be protected as open space (as is the riverside) under the terms of Policy L8.

3.15.4 However as alluded to above, I am not endorsing PC107 in its entirety. It appears that in attempting to correct one drafting error the Council has committed another. The focus of the Council’s evidence is the wooded area which lies between the main road and a footpath that runs beside the existing industrial site boundary; this is the area which I agree should not be identified for employment purposes along with a smaller parcel of land, directly to the south and also fronting the main road, which is essentially open and divorced from the industrial site by another road. Yet the plan accompanying PC107 shows the area to be deleted extending across the footpath at the northern end so as to embrace in addition part of the car parking and formal landscaping which in visual and functional terms are obviously within the operational area of the industrial site. This small section of land should properly remain within the Policy E2 notation. I shall recommend accordingly.

3.15.5 I also intend endorsing PC106 which involves another change to the identified area of the Switchgear Industrial Estate; this has led to the conditional withdrawal of the objection made by **Gryphonn Concrete Products Ltd** and has not been contested.

3.15.6 For the avoidance of any doubt I confirm that, since there is no registered duly-made objection to the designation under Policy L8 of the car park and formally landscaped area, I have no remit to consider the merits or otherwise of the dual employment and leisure notations in respect of this particular area of land. I simply observe that the Council in its evidence confirms that these policy designations are incompatible; no doubt it will reflect on this matter as a consequence of my recommendation to retain the employment designation here.

RECOMMENDATION

3.15.7 **That the Proposals Map be modified (a) by the deletion of the Policy E2 employment designation from land to the west of the Switchgear Industrial Estate in accordance with Proposed Change PC107 but further modified by the exclusion from the deleted area (ie the retention within the employment designation) of the operational land comprising car parking and formal landscaping to the east of the footpath at the northern end of the industrial estate and (b) by the inclusion within the Policy E2 employment designation of land at the southern end of the Switchgear Industrial Estate in accordance with Proposed Change PC106.**

POLICY E2.21

PROTECTION OF INDUSTRIAL SITES

PRINCE OF WALES INDUSTRIAL ESTATE, ABERCARN

OBJECTIONS

DO/5440/0488	Mr C Jones
DO/5438/0466	Mr I Jones
DO/5442/0503	Mrs K Jones
DO/5455/1433	Mrs M C A Jones

DO/5439/0484 Mr B Rathbone
DO/5445/0508 Mrs J Rees
DO/5724/0953 Mr R Rees
DO/5443/1408 Y Rees
DO/5632/1520 West End Residents Association (Abercarn)
DO/5440/1842 Mr C Jones
(registered under Policy R4.99(4))
DO/5442/1836 Mrs K Jones
(registered under Policy R4.99(4))
DO/5443/1837 Y Rees
(registered under Policy R4.99(4))
DO/5445/1838 Mrs J Rees
(registered under Policy R4.99(4))
DO/5455/1839 Mrs M C A Jones
(registered under Policy R4.99(4))
DO/5724/1841 Mr R Rees
(registered under Policy R4.99(4))
DO/5438/1835 Mr I Jones
(registered under Policy R4.99(4))
DO/5632/1840 West End Residents Association (Abercarn)
(registered under Policy R4.99(4))

Primary Issue

- 3.16.1
- For residential amenity and traffic-related reasons should the development of land at this industrial estate be limited to Class B1 or Class B8 uses or to non-food retail use.

Inspector’s Conclusions

3.16.2 The Prince of Wales Industrial Estate lies on the western side of the settlement of Abercarn and is for the most part separated from housing areas by the A467. However at the northern end there are residential properties fronting Bridge Street which face a group of industrial and business premises as well as a vacant site, the future of which has clearly given rise to much of the concern expressed by local Objectors.

3.16.3 Policy E2 allows for the expansion, conversion or redevelopment of premises on this estate for Class B1, B2 or B8 uses. Objectors fear that this would cause harm to the amenities of nearby residents and generate an increase in traffic which would lead to congestion and worsening environmental/safety standards. Many say that only Class B1 or B8 uses should be permitted and that, in relation to the vacant site (a former tin works), development for a non-food retail store would be preferable; in this respect I am aware that this site was allocated in the Islwyn Local Plan for retail warehousing.

3.16.4 I acknowledge the Council’s point that this policy (along with Policy E3) provides important protection for existing industrial estates by ensuring that they remain within the specified, more commonly found, employment uses and enabling alternative proposals to be resisted. I also accept that, since the time of the adoption of the former Local Plan, national guidance on the location of retail development has changed (and is generally reflected by the policies of the UDP) and that a retail allocation in this out-of-centre situation

would in principle now be inappropriate. In both respects the Council’s approach is consistent with the basic principles of sustainable development.

3.16.5 While local residents’ fears are perhaps understandable, there is no reason why their present living standards should necessarily be made materially worse as a result of the application of Policy E2 in this part of the industrial estate and on the former tin works site in particular. Industrial development proposals here would still have to pass the tests of Policies E4 and E6 which among other things are designed to prevent unacceptable harm to the amenities of surrounding residents arising from pollution and nuisances, while Policy T3 seeks to ensure that new development will be served by suitable access arrangements; provisions of other policies assist too in this context. However any such considerations would need to take into account the fact that the established estate is large in scale and already accommodates several substantial premises within the 3 specified use classes generating a fair amount of traffic.

3.16.6 In my judgement no modification need be made to the Plan in response to these objections. However I note that the Council, in its evidence on this case, has asked me to endorse a number of proposed and further proposed changes (PC301, PC302, FPC005, FPC022 and FPC072). None appears to relate directly to the duly-made objections or the policies considered here. For the sake of clarification I would confirm that I have, where necessary, reached conclusions on some of those changes elsewhere in this report under their respective policy headings.

RECOMMENDATION

3.16.7 **That no modification be made to the Plan in response to these objections.**

POLICY E3

PROTECTION OF INDUSTRIAL SITES

OBJECTIONS

DO/5656/1446 Harmer Partnership
DO/5638/1606 House Builders Federation
DO/5415/0559 Sainsbury's Supermarkets Ltd

Conditionally Withdrawn

DO/5541/2040 Campaign for the Protection of Rural Wales

Proposed Changes PC108, PC109

Further Proposed Change FPC022

Primary Issues

3.17.1 • Is this policy over-prescriptive and inconsistent with national guidance.

- Should this policy make provision for the development of complementary facilities and uses which are appropriate in an employment location.

Inspector’s Conclusions

3.17.2 In terms of the first issue, the **House Builders Federation (HBF)** claims that this policy does not properly reflect national guidance in relation to the consideration that in some circumstances allocated employment land might be suitable for housing development. It asks that the policy’s express confirmation that on identified industrial estates uses other than those within Classes B1, B2 and B8 “will not be permitted” should be tempered by the inclusion of the word “normally”. In addition, text should be included in support of this policy to explain that where those sites have been vacant for a considerable period with little prospect them returning to such a use then alternative uses would be considered, especially in circumstances where there is a noticeable supply of vacant employment land locally. In much the same vein **Sainsbury’s Supermarkets Ltd** says that the consideration of alternative uses should take into account the quantity and quality of available sites and take-up rates.

3.17.3 I recognise that PG(Wales) 1999 comments to the effect that some sites in urban areas, either allocated or with unimplemented planning permission for employment purposes, may in certain circumstances be suitable for housing (including affordable housing). However this is far from being unqualified; it is made clear that sites proposed for industrial development should not be used for housing (or retail) development that could be located elsewhere.

3.17.4 As I see it, if there were compelling evidence that such a site is no longer needed or is unlikely to be developed for employment purposes then it might be appropriate to consider an alternative use depending on the need for and benefits of that use. The Council says that the quantity and quality of available sites and development take-up rates are monitored annually and an employment land availability study is also undertaken annually for all new and existing sites; this data has informed the UDP and led to certain proposed changes relating to employment allocations. The Council concludes from the findings of these exercises that there should be no relaxation of the provisions of Policy E3 since all the sites which the Plan (as proposed for change) identifies deserve protection so as to provide for a wide range of land and premises.

3.17.5 Against the background of national guidance, I accept the general thrust of the Council’s argument. However there are 3 important considerations which influence my conclusions on this matter. The monitoring exercise has already led the Council to propose deleting one industrial site which was allocated in the Deposit Draft Plan in favour of a mixed-use development; this, bearing in mind that there will be many more annual monitoring exercises before the end of the Plan period, helps demonstrate the need for a measure of flexibility so as to enable an alternative use where necessary and appropriate.

3.17.6 Also, the information in the Council’s Topic Paper 2 on employment indicates that the current land supply (190ha) is comfortably in excess of the land estimated to be required based either on job need (109ha) or historical take-up (150ha); of course I treat those estimates with caution and acknowledge the value of maintaining a surplus of supply so as to ensure that a wide range of sites remains available, yet the extent of apparent over-supply is such as to convince me that if circumstances were to justify the release of a site for

another purpose then its loss to the employment land-bank would not, in all likelihood, be critical.

3.17.7 And lastly, I have concluded elsewhere in this report [*see under Part 1 Policy IH*] that there is a serious shortfall in housing provision which the Plan must address; this completely reverses the position which the Council had assumed was the case when it reached its conclusions on the Policy E3 objections, and that of the **HBF** in particular.

3.17.8 Given those circumstances, I consider it is important that an element of flexibility should be introduced into this policy. However I am not adopting the **HBF**’s suggested change since this is too imprecise and the use of the word “normally” is widely acknowledged as being unacceptable in a policy context. I shall recommend suitable additional text to reflect the tenor of national guidance but tailored to suit the County Borough’s circumstances. In this respect while national guidance focuses on housing as the preferred potential alternative use, the Council’s decision to delete the Rhymney (The Lawn) employment allocation in favour of a mixed-use development convinces me that the policy should allow for the possibility that other alternative uses might be acceptable.

3.17.9 My wording is also intended to cover the exceptions (so-called ancillary uses), to which the supporting text refers but which the policy itself fails to acknowledge, to the hitherto blanket presumption against other than the specified use classes. However in respect of sui generis uses, to which the supporting text (as changed) also refers, I take the view that since the relevant considerations would be likely to be so variable and subject-specific, the policy should remain silent and leave them to be judged entirely on their own merits. I refer to this matter again in examining the second issue.

3.17.10 The additional supporting text relating to this extra policy provision should draw on the salient points of national guidance and reflect my conclusions on the employment land and housing land supply situations. Also, since I anticipate that one of the alternatives more likely to be pursued would be retail development, and given the importance of ensuring that planning guidance on town centres and shopping impact is not overlooked, it would be appropriate to include a reminder that any proposal for such development must additionally be examined against the provisions of Policies R6 or R7.

3.17.11 One further point arises from my examination of this issue, albeit a fairly modest one. The supporting text describes the retention of a range of sites exclusively for industrial use to be of paramount importance. Given my findings regarding the relative scale of over-provision of employment land, the use of the word “paramount” in this context seems rather extreme. I shall recommend its deletion.

3.17.12 As for the second issue, the Deposit Draft Plan refers in the supporting text to the possible suitability of certain small-scale ancillary uses on an industrial estate; it identifies a few examples. The **Harmer Partnership** contends that the Plan should go further and expressly allow, within the terms of the policy itself, particular types of development which it says are often found on business sites such as sports/health clubs, public house/restaurants and factory shops.

3.17.13 I have concluded in connection with the first issue that the policy should identify the acceptability of small-scale ancillary uses; their relationship with the primary activities on industrial estates is, given the examples specified by the Plan, quite evident and there would be no real risk that they would undermine the function and character of such

sites. To my mind the same cannot be said of the sort of developments which **Harmer** mentions and it would be wrong to openly encourage them as a matter of course. Even so, some such proposal might be able pass the test set out in my additional policy provision or, depending on its precise nature, be accepted as a suitable sui generis use. The Council, in response to this objection has introduced a change which extends the specified range of small-scale ancillary uses and explains the position regarding sui generis uses; the initial version appeared as PC109 but was refined and amplified in FPC022 (*I observe that the Council erroneously identifies this as FPC023 in its evidence*). I shall endorse the latest version of this change but that is as far as the Plan should reasonably go.

3.17.14 Finally I intend recommending PC108 which proposes a new policy heading thereby overcoming the potential conflict, identified by the **Campaign for the Protection of Rural Wales**, between Policies E2 and E3 which in the Deposit Draft Plan are given the same title. This objection has been conditionally withdrawn as a result and there has been no challenge to the change.

RECOMMENDATION

3.17.15 **That:**

(i) **Policy E3 be modified by the addition after the word “permitted” of the following words “UNLESS (i) THERE IS DEMONSTRABLE EVIDENCE THAT A SITE IS IN GENERAL TERMS NO LONGER NEEDED FOR ANY OF THE SPECIFIED USE CLASSES AND IS UNLIKELY TO BE DEVELOPED FOR SUCH PURPOSES AND THAT IN RESPECT OF THE ALTERNATIVE DEVELOPMENT PROPOSED THERE IS A PROVEN NEED FOR SUCH DEVELOPMENT AND/OR IT WOULD PROVIDE A DEMONSTRABLE LOCAL BENEFIT, OR (ii) THE PROPOSAL IS FOR A SMALL-SCALE USE ANCILLARY TO THE INDUSTRIAL ESTATE AND/OR SERVING THE NEEDS OF THOSE EMPLOYED THERE.”**

(ii) **the supporting text to Policy E3 be modified (a) by the inclusion of additional text to explain and justify the additional policy provisions recommended in (i) above including a reference to the guidance in PG(Wales) 1999 at paragraphs 9.2.1 and 10.1.8 and taking into account my conclusions in paragraphs 3.17.6, 3.17.7 and 3.17.10 above about the overall employment land position, the housing provision shortfall and the need to identify the applicability of the Plan’s retail strategy/policies, (b) by the inclusion of additional text in accordance with Further Proposed Change FPC022 and (c) by the deletion of the word “PARAMOUNT” from Paragraph 3.21;**

(iii) **the Plan be modified by the substitution of the new title “PROTECTION OF EXISTING AND NEW INDUSTRIAL ESTATES” for Policy E3 in accordance with Proposed Change PC108;**

(iv) **no other modification be made to the Plan in response to the objection made by the Harmer Partnership (1446).**

POLICY E4

**REDEVELOPMENT OF OLDER INDUSTRIAL
ESTATES**

OBJECTION

DO/5638/1574 House Builders Federation

Further Proposed Change FPC247

Primary Issue

- 3.18.1
- Is the policy inconsistent with national guidance regarding the possible use of employment sites for alternative purposes.

Inspector’s Conclusions

3.18.2 This policy confirms in essence that the redevelopment of specified older industrial sites for industrial/business use will be permitted subject to certain environmental considerations. The **House Builders Federation (HBF)** points to national guidance which states, in broad terms, that some sites in urban areas, either allocated or with unimplemented planning permission for employment purposes, may in certain circumstances be suitable for housing (including affordable housing). It is contended that for this reason the Plan should expressly allow for such alternative development and it is suggested this should be done by means of additional supporting text.

3.18.3 This of course is much the same argument as the **HBF** raises in relation to Policy E3 [*see under that policy heading*]. However on this occasion I see no need for any modification to the Plan. Policy E4 is a permissive policy; it allows development for specified uses but it does not expressly prohibit other alternative uses. In contrast Policy E3, which I have agreed should be modified, is a restrictive policy which stipulates a clear presumption against alternative uses. In that sense therefore Policy E4 already contains a measure of flexibility. It is also the case, as the Council points out, that this policy applies only to a few named industrial sites (very much less, I note, than the number covered by Policy E3); there are many others in the County Borough which would remain available for consideration for alternative development purposes.

3.18.4 In these circumstances, to my mind there is no direct inconsistency with national guidance and therefore nothing to support the **HBF’s** call for a modification to the Plan. There is however one change which, as a result of my examination of this case, I feel should be made. The phrasing of this policy is such that there is no express link between the initial provision and the list of sites which follows; it should be made absolutely clear that terms of this policy apply **only** to the listed sites. The Council agrees and has suggested a further change (FPC247) which I shall endorse.

RECOMMENDATION

3.18.5 **That:**

- (i) **Policy E4 be modified by the inclusion after the word “buildings” of the words “ON THE SITES LISTED BELOW” in accordance with Further Proposed Change FPC247;**
 - (ii) **no other modification be made to the Plan in response to this objection.**
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POLICY E4.2

REDEVELOPMENT OF OLDER INDUSTRIAL ESTATES

PRINCE OF WALES INDUSTRIAL ESTATE, ABERCARN

OBJECTIONS

DO/5440/0489	Mr C Jones
DO/5438/0471	Mr I Jones
DO/5442/0505	Mrs K Jones
DO/5439/0486	Mr B Rathbone
DO/5445/0509	Mrs J Rees
DO/5724/0954	Mr R Rees
DO/5443/2006	Y Rees
DO/5632/1521	West End Residents Association (Abercarn)

Primary Issue

- 3.19.1
- For residential amenity and traffic-related reasons should the development of land at this industrial estate be limited to Class B1 or Class B8 uses or to non-food retail use.

Inspector’s Conclusions

3.19.2 These objections are essentially the same as those raised in relation to Policy E2.21 [see under that policy heading]. The Prince of Wales Industrial Estate is one of the listed sites in both Policies E2 and E4 and the provisions of both are not dissimilar. The considerations which led to my conclusion that no modification should be made to Policy E2 are equally applicable to the present case; for those reasons I again reach the same conclusion.

3.19.3 Indeed, if anything there is even less merit in the objections to Policy E4 because this expressly includes the provision that new development would need to be

compatible with adjoining land uses, this (namely the protection of nearby residents’ amenities) being the very point which Objectors are saying the policy should address.

3.19.4 Finally, in regard to the proposed changes which the Council asks me to recommend, I make the same point as before [*see paragraph 3.16.6*].

RECOMMENDATION

3.19.5 **That no modification be made to the Plan in response to these objections.**

POLICY E4.6

REDEVELOPMENT OF OLDER INDUSTRIAL ESTATES

LLANBRADACH COLLIERY

OBJECTION

DO/5561/0752 Mr N Hampson

Primary Issue

3.20.1 • For traffic safety reasons should this site be deleted from this policy.

Inspector’s Conclusions

3.20.2 This site lies to the west of the settlement of Llanbradach and is reached only by way of a narrow, winding lane which serves a limited number of industrial and business premises and a few relatively isolated houses. **Mr Hampson** claims that the lane is incapable of accommodating safely the amount and type of traffic which the present site, if redeveloped as the Plan intends, would be likely to generate. He says that unless and until this lane is improved the site should not be developed.

3.20.3 The Council points out that the finances which it has available to assist local businesses on this small estate in the improvement of the site and their premises cannot be used to improve the access. However the intention, it says, is that any redevelopment of this site should be undertaken in such a manner as to ensure that traffic would not increase above existing levels. In this respect I am mindful that other provisions of this Plan, in particular Policy T3, enable control to be exercised by the Council over development which would have unsatisfactory access arrangements.

3.20.4 While having seen the present condition and nature of the lane I share **Mr Hampson’s** concern, I am satisfied that the Plan contains sufficient safeguards against the likelihood of additional traffic safety problems arising as a consequence of the implementation of Policy E4. Thus, no modification to the Plan need be made.

RECOMMENDATION

3.20.5 **That no modification be made to the Plan in response to this objection.**

POLICY E4

SITE PROPOSED FOR INDUSTRIAL DEVELOPMENT

E4.99.13

LAND AT VIRGINIA PARK, CAERPHILLY

OBJECTION

DO/5402/0424 Mr K Warren

Primary Issue

- 3.21.1 • Should this site, given its past use and present condition, be allocated for employment development.

Inspector’s Conclusions

3.21.2 The objection site lies within the urban settlement and is surrounded by housing, a supermarket, employment buildings, a recreation ground, a leisure centre and an area of open ground. It was formerly occupied by industrial premises; however it is now largely vacant although the framework of those structures remains and there are hard-standings still in evidence. This is a fairly sizeable and prominent site and I agree with **Mr Warren** that its redevelopment would be beneficial to the appearance and character of these immediate surroundings.

3.21.3 It is an essential part of the Plan’s function to encourage and facilitate development by adopting a pro-active role and positively allocating land where it is necessary and desirable to do so. And clearly an employment allocation, as sought by this objection, would reflect the past use of this site. Thus, on the face of it the absence of any allocation at all in respect of this land is regrettable, especially since this is a brownfield site in an urban location close to the main road network and other transportation routes.

3.21.4 However, on this occasion I consider there are good arguments against the allocation of this land for employment or any other built development purpose. The information in Topic Paper 2 indicates that the current land supply (190ha) is comfortably in excess of the land estimated to be required based on either job need (109ha) or historical take-up (150ha); of course I treat those estimates with caution and acknowledge the value of maintaining a surplus of supply so as to ensure that a wide range of sites remains available, yet the extent of apparent over-supply is such as to convince me that in general terms there is no demonstrable need for additional employment land.

3.21.5 On the other hand, I have concluded elsewhere in this report [*see under Part 1 Policy 1H*] that there is a serious shortfall in housing provision which the Plan must address and it could reasonably be argued that where land which is suitable for development is

available then in principle the housing option (which is an alternative potential use identified by **Mr Warren**) should not be ruled out unless there are compelling site-specific problems.

3.21.6 Regarding the present site, I am told that part is contaminated although information about its precise extent and nature is unknown. In my judgement a cautious approach should therefore be taken regarding any assessment of this site’s potential for housing development. Indeed I am aware from my examination of other objections that there are many sites in the Caerphilly area which are in a similar situation and which, even though suitable for development in principle, have been left unallocated in the Plan because the Council has been uncertain about their prospective land use and their genuine availability; only where agreement about a site’s true development potential has been reached with other relevant bodies and interested private developers has a formal allocation been made. I have no quarrel with that basic approach.

3.21.7 In all the circumstances, I conclude that this site should not be allocated for employment purposes. In reaching this conclusion I have borne in mind that the Plan does not leave the question of this site’s development potential in a total vacuum; there are numerous policies which provide guidance regarding unallocated land and in broad terms these would not appear necessarily to preclude employment development here.

3.21.8 For the avoidance of any doubt I confirm that I have taken into account the Council’s argument that the allocation of this site could compromise the wider redevelopment of the Virginia Park area but I give this matter little weight. There is no evidence to justify that assertion, certainly not by reference to the Plan’s policies and proposals. Nor am I convinced that the objection site is too small to be viable and realistic as a separate Plan allocation. Lastly, I would point out that I examine other objections proposing alternative allocations for this site elsewhere in this report [*see under Policies R4.99.5 and L5.99.11*].

RECOMMENDATION

3.21.9 **That no modification be made to the Plan in response to this objection.**

POLICY E5

DEVELOPMENT INVOLVING HAZARDOUS SUBSTANCES

OBJECTIONS

LDO/5722/0794 Gwent Wildlife Trust

Conditionally Withdrawn

DO/5398/0593 Cardiff County Council

DO/5107/0238 Health & Safety Executive

Proposed Change

PC110

Further Proposed Changes FPC224, FPC233

Primary Issue

- 3.22.1
- Whether the clarity of this policy would be improved by the insertion of the word “potentially” before the word “hazardous”.

Inspector’s Conclusions

3.22.2 The **Gwent Wildlife Trust (GWT)** considers that this policy is not sufficiently precise and clear; it calls for the insertion of one additional word. The Council agrees to this and has proposed a change to this effect (PC110). While the objection has not been formally conditionally withdrawn as a result, this change clearly responds satisfactorily to the **GWT**’s concern and since there has been no counter-objection I shall endorse it.

3.22.3 I also intend recommending the adoption of FPC224 and FPC233 both of which propose changes to the supporting text; these, respectively, have led to the conditional withdrawal of objections made by the **Health & Safety Executive** and **Cardiff County Council** and have not been contested.

3.22.4 Additionally, in examining these objections my attention has been drawn to the appearance of the term “unacceptable effect” in this policy. This term, which is repeated in several other policies, is the subject of duly-made objections albeit not in all cases. I have previously concluded that the use of the word “unacceptable” is, in the absence of any explanation in the Plan of its contextual meaning, contrary to national guidance on the wording of policies [*see under Policy DC1 - paragraph 1.4.33*]. For reasons stated there, I consider that the substitution of the word “harmful” for “unacceptable” would remedy this matter. Thus, to ensure consistency throughout the Plan, I shall recommend accordingly.

RECOMMENDATION

3.22.5 **That:**

(i) **Policy E5 be modified by the inclusion before the word “hazardous” of the word “POTENTIALLY” in accordance with Proposed Change PC110 and further modified by the deletion of the word “UNACCEPTABLE” and the substitution therefor of the word “HARMFUL”;**

(ii) **the supporting text to Policy E5 be modified by the revision of the text in Paragraphs 3.27 and 3.29 and the revision of the endnote (no 3) in accordance with Further Proposed Changes FPC224 and FPC233.**

POLICY E6

**DEVELOPMENT INVOLVING POTENTIAL
POLLUTION**

OBJECTION

DO/5698/1601 Environment Agency Wales

Primary Issue

- 3.23.1
- Whether the supporting text should refer to the availability of different sources of water supply.

Inspector’s Conclusions

3.23.2 In my judgement the fact that a development might be able to be served by a source of water supply other than by direct connection to the mains system is not of itself a material planning consideration that needs to be expressly addressed by the UDP. Thus no modification should be made regarding this matter.

3.23.3 However, this policy too includes the term “unacceptable effects” in Criterion A. My general conclusions about this are set out in the preceding case [*see under paragraph 3.22.4*] and they apply equally here. Had the provisions of Criterion B, which adequately explain the harm which this part of the policy is concerned with, been relevant to Criterion A as well then there would be no problem. Unfortunately they are not related; these criteria are framed as 2 distinctly separate provisions and the first lacks any explanation as to the sort of effects which it aims to prevent. In these circumstances, I intend recommending an appropriate modification.

RECOMMENDATION

3.23.4 **That:**

- Policy E6 be modified by the deletion from Criterion A of the word “UNACCEPTABLE” and the substitution therefor of the word “HARMFUL”;**
- no other modification be made to the Plan in response to this objection.**

POLICY OMISSION

IDENTIFICATION OF NOTIFIABLE INSTALLATIONS

OBJECTION

DO/5107/0237 Health & Safety Executive

Proposed Changes

PC112, PC356

Primary Issues

- 3.24.1
- Should the Plan include a policy statement regarding the constraints which are likely to be imposed on Notifiable Installations.
 - Should the location of Notifiable Installations and the routes of Notifiable Pipelines be identified on the Proposals Map.

Inspector’s Conclusions

3.24.2 As for the first issue, I recognise that the presence of Notifiable Installations and the stringent controls to which they are subject under other legislation are factors which would be likely to have a bearing on planning considerations pertaining to development proposals concerning surrounding land. The Council assures me that when any such proposal is received it would seek and take account of advice from the **Health & Safety Executive (HSE)**. While the Council does not agree that a specific policy on this subject is necessary or appropriate, it does accept that the inclusion of explanatory text broadly identifying the foregoing points would be beneficial. It has produced a proposed change to this effect which draws substantially from the statement which the **HSE** has suggested (PC112). In all the circumstances, I agree entirely with the Council’s approach to this matter and shall endorse this change.

3.24.3 Regarding the second issue, I do not support the **HSE’s** proposition. Notifiable Installations and associated infrastructure are not the sort of subject-matter which the Proposals Map need identify, not least because they do not amount to a policy-based notation, designation or suchlike and nor are they a Plan allocation or proposal. The Council suggests including in Appendix 4 a list of the sites and pipelines which lie within the Plan area along with a note of the relevant consultation distances and a change is proposed in those terms (PC356). To my mind this is as far as the Plan needs to go.

RECOMMENDATION

3.24.4

That:

- (i) **the supporting text to Policy E5 be modified by the inclusion of an additional paragraph regarding Notifiable Installations in accordance with Proposed Change PC112;**
- (ii) **Appendix 4 be modified by the inclusion of a list of Notifiable Installations in accordance with Proposed Change PC356;**

(iii) **no other modification be made to the Plan in response to this objection.**

POLICY OMISSION

EMPLOYMENT SITES IN RURAL AREAS

OBJECTION

DO/5703/0905 Country Landowners Association

Primary Issue

3.25.1 • Is there a need for a policy encouraging appropriate employment development in rural areas.

Inspector’s Conclusions

3.25.2 This objection calls for the inclusion in the Plan of a policy aimed at encouraging the provision of sites for rural employment needs, especially where the conversion of existing buildings is involved. The following policy is suggested:-

“Where there is an identified need, employment sites in rural areas will be permitted subject to the following criteria:-

- ***Satisfactory access and;***
- ***Not detrimental to amenity of local residents by way of noise, smell etc and;***
- ***Satisfactory design and siting; or***
- ***In the case of conversion it complies with Policy C6.”***

3.25.3 I accept that the encouragement of economic diversity in rural areas is a theme of national guidance and that the Plan should address this matter. However there is no need for the additional policy which the **Country Landowners Association (CLA)** proposes. To my mind the Plan already contains sufficient provisions to enable proper consideration to be given to any proposals for employment development in the countryside, including those which concern the conversion of existing buildings.

3.25.4 A combination of the provisions of Policies DC2, C1, C4, C6 and L11, for example, would cover all of the primary considerations which would be likely to arise in relation to most proposals of this sort. These provisions may not be quite so focused or expressed in such favourable terms as the **CLA** would prefer but in my judgement the Plan, in this way, adopts entirely the right approach in terms of balancing the need to promote rural employment on the one hand with the need to protect the countryside for its own sake on the other. For these reasons no modification to the Plan is warranted.

RECOMMENDATION

3.25.5 **That no modification be made to the Plan in response to this objection.**

POLICY OMISSION

MAXIMUM USE OF EMPLOYMENT SITES

OBJECTION

DO/5460/1666 Greendoorstep (Caerphilly)
DO/5460/1673 Greendoorstep (Caerphilly)
(registered under Part 1 Development Strategy)

Primary Issues

- 3.26.1
- Should the Plan include provisions to ensure that all employment land in the Caerphilly Basin would be developed and used to its maximum job-creating potential.
 - Should all employment sites in the Area of Growth be re-assessed in terms of their accessibility by public transport.

Inspector’s Conclusions

3.26.2 As to the first issue, the Objector’s underlying concern is to ensure that the Plan’s employment provisions are, so far as the Caerphilly Basin is concerned, consistent with the principles of sustainable development. It is argued that strict density quotas should be set for each site with restrictions placed on minimum storey height, car parking facilities and landscaping areas.

3.26.3 National guidance makes it clear that, in terms of economic considerations, development plans must be realistic about the availability of resources and provide developers and others with scope to make choices to secure the efficient and effective use of those resources. Bearing that in mind, I agree with the Council’s view that essentially the imposition of the sort of restrictions which the Objector describes would place an unreasonable and unrealistic constraint on developers and could well force them and employers to look elsewhere for the range and choice of development opportunities which the market understandably demands. This would be inconsistent with the aforementioned national guidance and with the Plan’s declared aim to increase the economic prosperity of the people and communities of the County Borough.

3.26.4 Furthermore such a rigid approach to the basic design and layout of sites would interfere with the ability of developers to produce schemes (and of the Council to exert any real influence over them) which are aesthetically and environmentally appropriate to their particular surroundings. Clearly a balance needs to be struck and the Plan must allow for this.

3.26.5 While the Objector’s proposal is well-intentioned, it would create a policy regime which would be far too inflexible and unworkable; one which I am convinced would hinder rather than assist the achievement of sustainable employment development. Maximising the job creating potential of employment land is a vital consideration, but there are others equally deserving proper weight. I have previously concluded that the Plan overall is broadly consistent with the principles of sustainability [*see under Part 1 Guiding Principles*]. Nothing arising from my examination of the present case leads me to change my mind.

3.26.6 Regarding the second issue, this again stems from the Objector’s fundamental argument that the Plan does not do enough to foster truly sustainable development. While no question is raised against the Plan’s intention generally to concentrate employment development in the Area of Growth, it is claimed that many identified sites are not well-placed in relation to public transport services. The Objector says that all employment sites should be re-examined in this context and those which are found to be poorly located should be deleted from the Plan.

3.26.7 This argument ignores the reality of the situation. As I have said in relation to the first issue, the Plan is broadly consistent with the principles of sustainability. It is also clear to me that there are numerous policies and provisions which promote the use of means of transport other than the private car and facilitate the development of land that is reasonably accessible by public transport services.

3.26.8 Notwithstanding those considerations, I recognise that some identified employment sites are less well-placed than others in this respect. However “accessibility” is but one consideration among many which must be taken into account in the formulation of the Plan’s policies and proposals; I have no reason to doubt that in general terms the Council took a balanced and realistic approach, one which I would commend, when identifying employment sites and no useful purpose would be served by requiring that exercise in effect to be redone. Moreover the Plan itself can only achieve just so much in terms of improving public transport facilities; numerous other bodies and authorities have to be relied on and from the evidence before me it seems unlikely that too many significant changes will occur in the short term. Meanwhile it must, realistically, be anticipated that to a large degree employment land and premises will continue to depend on road access.

3.26.9 As to particular sites which had been referred to in the original objection, in the event in respect of only one (Ty Du at Nelson) did the Objector at the Inquiry ask that it be deleted. In this instance irrespective of any other consideration, and I have previously examined the merits of this allocation [*see under Policy E1.4*], the site already has the benefit of planning permission. There is, in my judgement, no justification for its deletion.

3.26.10 In relation to both issues, given all the foregoing considerations, I conclude that no modification to the Plan can be justified.

RECOMMENDATION

3.26.11 **That no modification be made to the Plan in response to these objections.**

OBJECTIONS RELATING TO OTHER EMPLOYMENT POLICIES

OBJECTIONS

Conditionally Withdrawn

DO/5698/1599 Environment Agency Wales
DO/5485/1254 Railtrack Plc
LDO/5720/0589 Cllr P Bailie
PCO/5698/3290 Environment Agency Wales
DO/5541/1775 Campaign for the Protection of Rural Wales
DO/5541/1721 Campaign for the Protection of Rural Wales
DO/5541/1722 Campaign for the Protection of Rural Wales

RECOMMENDATION

3.27.1 **That the Plan be modified in accordance with Proposed Changes PC096, PC102, PC103, PC104, PC113, PC114, PC115 and PC116 and Further Proposed Change FPC085.**

TOPIC 4

TRANSPORT

POLICY T3

ROAD ACCESS

OBJECTION

DO/5653/1190 Gryphonn Concrete Products Ltd

Primary Issue

- 4.1.1
- Does the Plan give sufficient recognition to the needs of existing businesses.

Inspector’s Conclusions

4.1.2 Policy T3 specifies a range of criteria against which proposals for development requiring vehicular access on to a highway would be examined. The Objector claims that the supporting text should give recognition to the needs of existing businesses to have access to the road network and that changes to the core network which would jeopardise the successful and efficient operation of those businesses should be avoided. I note that this objection arises from the Council’s intention to establish a Clearway Order along a section of Pengam Road/New Road, Hengoed where the Objector’s site is situated.

4.1.3 Existing businesses would only be affected by the provisions of this policy in the event that they sought permission for new development requiring access to a highway; and to my mind it is entirely right that the Plan should include guidance regarding any such future proposals. The potential consequences of a decision made under other legislation on an existing business, which appears to be the Objector’s real concern here, does not arise from this policy and is not a matter directly for the UDP. Thus I can find nothing to justify any modification to the Plan.

RECOMMENDATION

- 4.1.4 **That no modification be made to the Plan in response to this objection.**

POLICY T3

ROAD ACCESS

PARAGRAPH 4.21

THE CORE NETWORK

OBJECTION

DO/5350/0901 Rhondda Cynon Taff County Borough
Council

Primary Issue

- 4.2.1
- Whether the western section of the A472 should be reclassified as part of the core network.

Inspector’s Conclusions

4.2.2 I understand that in 1990 the former Welsh Office agreed a Strategic Highway Network with the highway authorities in existence at that time; identified roads of strategic importance, by their nature, crossed local authority boundaries. **Rhondda Cynon Taff County Borough Council (RCT)** is concerned about the A472 which crosses Caerphilly County Borough and leads westwards through Merthyr Tydfil County Borough eventually reaching its own administrative area. This road is part of the formerly agreed Strategic Highway Network; now only that section which lies between Tredomen/Ystrad Mynach and Newbridge is classified by the Plan as part of the core network. This network is described by the Plan as comprising high-quality roads built to appropriate highway design standards, serving the whole community and linking with the trunk road network.

4.2.3 **RCT** says that the Plan should continue to classify the roads within the Strategic Highway Network as part of the newly entitled core network rather than unilaterally downgrade some of those roads as in the case of the western and easternmost sections of the A472. **RCT** has recently adopted its own Plan in which the A472 is defined as part of the strategic network previously agreed with the Welsh Office. The different classifications, it claims, causes a contradiction between Plans in respect of the same route.

4.2.4 The Council contends that its approach to the definition of the core and county roads network is consistent with the principles of the Welsh Strategic Network and that its selected core network reflects the County Borough’s particular strategic needs. It also points to the Welsh Office publication “Driving Wales Forward - A Strategic Review of Trunk Roads” which deemed it appropriate to identify a new core network; I am told that The National Assembly and the Welsh Local Government Association have given a preliminary indication that a review of the non trunk road network is warranted.

4.2.5 While to a degree I can understand **RCT’s** concern to ensure there is reasonable consistency between UDPs which share a common issue like this, there are several factors which lead me to conclude that modification of this Plan is neither necessary nor appropriate; at least, not at this stage. It is perhaps just as important to ensure that this Plan is internally consistent. There are several other stretches of road within the County Borough which are within the Strategic Highway Network but which, like the western and eastern sections of the A472, do not form part of the Plan’s core network; naturally they too

lead into other neighbouring authority areas. The implication from **RCT’s** evidence is that they should all be treated in the same way. Yet in examining this issue from that wider perspective it is informative to note that no other local authority has raised a comparable objection to this part of the Plan; this includes those directly adjoining authorities into whose administrative areas the aforementioned roads run. It seems to me therefore that the Council’s approach to the definition of its roads is not widely perceived to be much of a problem. Indeed, there is nothing in **RCT’s** evidence to suggest that the Council’s failure to define the westernmost section of the A472 as part of the Plan’s core network would lead to specific practical or procedural difficulties.

4.2.6 From the information before me it would appear that a strategic review of the non trunk road network is likely to take place. **RCT** confirms that it would welcome such an exercise. I anticipate that the decisions arising from a forum of this sort would enable Caerphilly County Borough and surrounding authorities to prepare or review their own Plans, as the case may be, on a sound and mutually consistent footing. In the meantime however, I can find no compelling reason to criticise the approach currently adopted by the Council.

RECOMMENDATION

4.2.7 **That no modification be made to the Plan in response to this objection.**

POLICY T4

LAND SAFEGUARDED TO FACILITATE THE CONSTRUCTION OF OR IMPROVEMENTS TO THE CORE NETWORK

POLICY T4.1

A4048 SIRHOWY ENTERPRISE WAY

OBJECTIONS

List of objections attached at Appendix 1

Primary Issues

- 4.3.1
- For a range of environmental impact reasons and on grounds relating to the effect on Blackwood town centre, should this policy provision be deleted.
 - Should the Plan include provision for the safeguarding of a route for a link road between the Oakdale Employment Area and Kendon Hill.

Inspector’s Conclusions

4.3.2 As to the first issue, there is strong opposition to the proposal for the safeguarding of the route of the Sirhowy Enterprise Way (SEW) which is a major road that the Plan says will provide a wide range of benefits, principal among which are an access to

the Oakdale development site and a by-pass to Blackwood town centre; it is intended that this would form part of the County Borough’s core road network.

4.3.3 However Objectors express serious concerns about the likely impact of the SEW on the landscape, nature conservation interests, open space and the amenities of nearby residents and communities. Many argue that, as a result, certain local roads (Sunnybank Road to the north of Blackwood is particularly mentioned) would suffer unacceptable pressure of additional traffic and some say that the town centre would be harmed due to the diversion of potential shoppers and visitors away from the main street. The suggestion by others is that Blackwood’s acknowledged traffic problems would be worsened rather than resolved by this scheme. There are also contradictory claims made, either that there is no need for the SEW and that existing roads can cope or that alternative routes/transportation options should be adopted which would be more effective or more sustainable.

4.3.4 I have summarised those points fairly briefly for the following reason. Since the publication of the Deposit Draft Plan planning permission has been granted for the construction of the SEW. Thus no practical purpose would be served by examining those objections in depth because this permission provides definitive guidance about the acceptability of this scheme in planning terms and is capable of implementation whatever the Plan might have to say. And it is significant that the Council itself sought permission; so the question of whether or when to proceed with the road appears to be entirely within the Council’s own hands. Indeed I am aware from evidence submitted in respect of other cases that the SEW is expected to be completed well within the lifetime of this Plan.

4.3.5 Many Objectors have criticised the Council’s handling of that application, not least regarding the fact that the decision was taken only shortly before the Inquiry opened. While it is not within my remit to comment on that matter, I do observe that in reaching that decision the Council took into account a substantial number of local objections which raised most of the arguments before me now - and very many others. I am also conscious that in relation to the Plan itself the Council has confirmed that procedurally all the statutory requirements and other formalities have been met; and I have heard nothing to the contrary.

4.3.6 In all the circumstances, I take this matter no further and simply conclude that in regard to the first issue no modification to the Plan should be made in response to those objections which call for the deletion of this policy provision.

4.3.7 Turning to the second issue, **Mr Moggridge** argues that the Plan should provide for the safeguarding of a further section of road to link the Oakdale Employment Area and Kendon Hill (B4251). This, he claims, is necessary to enable traffic to/from the employment area to connect directly with the core road network at Crumlin in the east (A467 and A472) by the shortest convenient route. This would avoid the need for goods vehicles to travel unnecessary extra miles around the SEW and would thus be a more sustainable option; and it would make Oakdale a more attractive proposition for firms which might wish to locate there.

4.3.8 I am aware that this proposal, or something similar, has been examined in the past and has for various reasons been discounted by the Council as a viable option. It is also notable that the Inspector who in 1998 dealt with the Inquiry into a Compulsory Purchase Order regarding the Kendon Hill Improvement gave his general support to the Council’s position on the matter of this link road (described at the time as the “off-line route”). The Council remains opposed to this route.

4.3.9 In terms of the proposal now before me, the critical consideration is that there is absolutely no evidence to suggest that a scheme for such a link road would be likely to come forward during the lifetime of this Plan. **Mr Moggridge** offers no guidance as to how this road might be financed and built and the Council, given the aforementioned past history and its enthusiastic pursuit of the planned SEW, certainly has no interest in this additional route. PG(Wales) 1999 makes it clear that development plans should set out firm proposals for any major improvements to the transport network on which work is expected to commence within the plan period; UDP(Wales) 2001 in essence confirms the importance of adhering to that guidance in order to keep blight to a minimum. Given those considerations, I conclude that **Mr Moggridge’s** proposal is wholly inconsistent with national guidance and can find no justification for any modification of this sort.

RECOMMENDATION

4.3.10 **That no modification be made to the Plan in response to these objections.**

POLICY T4

LAND SAFEGUARDED TO FACILITATE THE CONSTRUCTION OF OR IMPROVEMENTS TO THE CORE NETWORK

POLICY T4.3

A468 CAERPHILLY NORTHERN BY-PASS

OBJECTION

DO/5460/1929 Greendoorstep (Caerphilly)

Primary Issue

- 4.4.1
- Is this policy provision inconsistent with planning guidance on reducing traffic levels in the interests of achieving sustainable development and should the Plan include instead provisions aimed at positively reducing the need to travel within the Caerphilly Basin.

Inspector’s Conclusions

4.4.2 The Plan describes the A468 Caerphilly Northern By-Pass as the most heavily trafficked two-lane road in the County Borough with all junctions at, or in excess of, capacity at peak times. Substantial improvements to this road are required in order to reduce the risk of the town centre becoming an increasingly preferred alternative route for many journeys. The Plan therefore intends safeguarding land for such improvements which are likely to involve widening the road, but with an initial emphasis on junction improvements.

4.4.3 **Greendoorstep (Caerphilly)** maintains that these improvements would lead to an increase in traffic levels on the by-pass and be harmful in health and environmental terms. It is argued that such improvements are unnecessary since any congestion is confined

to 2 short periods of the day. And it is claimed that the Council has based its proposals on an over-estimation, at odds with national road traffic forecasts, of future traffic growth. Thus it is said that the present provisions should be deleted and that instead the Plan should concentrate on positively reducing traffic levels which would be a much more sustainable approach, one that would be consistent with national guidance.

4.4.4 I disagree. The Plan makes it clear that while the aim is to increase the use of alternative means of transport and reduce reliance on the private car, the reality of the situation is that private road transport will continue to play a crucial part during the remainder of the Plan period. Traffic is forecast to increase noticeably during this period and provision must be made for the continuing efficiency of the road network. Whether the Council has got its calculations of actual traffic growth on this route exactly right is perhaps a moot point, but in general terms this is a statement which I feel bound to acknowledge. And having seen for myself the scale of traffic on this road and the extent of congestion at the various junctions at peak times, I can appreciate the Council’s desire to facilitate measures to address the present problems thus enabling the by-pass to operate efficiently so as to fulfil its recognised strategic function, preventing peak hour problems spreading to off-peak periods and reducing the risk of the town centre becoming even more congested than it currently is during those same times of day. Therefore, contrary to **Greendoorstep’s** view, I do not see Policy T4.3 as being an attempt to increase traffic levels on this road; rather it is a measure designed to improve an existing, and potentially worsening, unacceptable highway situation.

4.4.5 As to the second limb of **Greendoorstep’s** argument, I have previously concluded [*see under Part 1 Guiding Principles*] that the pursuit of sustainable development is a thread which runs throughout this Plan; and in this context I am satisfied that there are numerous policies and proposals which are designed to reduce the need to travel and to encourage the use of means of transport other than the car. To this extent I regard the Plan as being generally consistent with the message in national guidance about achieving a sustainable integrated transport system. And this is likely to contribute to a reduction in the rate of growth of traffic during the lifetime of this Plan; this may not be enough for **Greendoorstep** but in my judgement it is about as much as can reasonably be expected, given the inherent limitations which there are on the ability of the development plan system to address a matter like traffic growth which is susceptible to so many other influences. In order to produce a sensible, worthwhile and workable development plan, aspirations must be balanced against realism; and policies must be tailored to suit particular local circumstances. I believe that the UDP, in the context of the present objection issue, achieves this.

RECOMMENDATION

4.4.6 **That no modification be made to the Plan in response to this objection.**

POLICY T4

**LAND SAFEGUARDED TO FACILITATE THE
CONSTRUCTION OF OR IMPROVEMENTS TO THE
CORE NETWORK**

T4.99

**FORMER NESS TAR PLANT AND ADJOINING LAND,
CAERPHILLY**

OBJECTION

DO/5509/1277 Westbury Homes (Holdings) Ltd

Primary Issue

- 4.5.1
- Whether provision should be included for safeguarding the route of a south-eastern by-pass for Caerphilly.

Inspector’s Conclusions

4.5.2 This case arises directly from other objections made by **Westbury Homes (Holdings) Ltd** proposing the allocation for housing of land at and adjoining the former Ness Tar Plant, Caerphilly. Their scheme involves the provision of a south-eastern by-pass as part of a comprehensive development. I have dealt with those objections elsewhere in this report [*see under Policy DC2.99.37*] and have concluded that a development of this nature would be unacceptable and that no such allocation should be made.

4.5.3 There is nothing in **Westbury’s** case to suggest that their “offer” is anything but contingent on the housing development being accepted. Given those circumstances, the situation is that there is no compelling evidence before me to indicate that a scheme for such a road would be likely to come forward during the lifetime of this Plan. The Council, while acknowledging the potential benefits of a south-eastern by-pass, does not regard it as a priority and certainly has no interest in pursuing it under the provisions of this Plan.

4.5.4 PG(Wales) 1999 makes it clear that development plans should set out firm proposals for any major improvements to the transport network on which work is expected to commence within the plan period; UDP(Wales) 2001 in essence confirms the importance of adhering to that guidance in order to keep blight to a minimum. Given those considerations, I conclude that **Westbury’s** proposal is wholly inconsistent with national guidance and can find no justification for any modification of this sort.

RECOMMENDATION

- 4.5.5 **That no modification be made to the Plan in response to this objection.**

POLICY T4

**LAND SAFEGUARDED TO FACILITATE THE
CONSTRUCTION OF OR IMPROVEMENTS TO THE
CORE NETWORK**

T4.99.1

A469 CAERPHILLY/CARDIFF BY-PASS

OBJECTION

DO/5119/1910 Caerphilly & District Civic Society

Primary Issue

- 4.6.1
- Whether provision should be included in the Plan for safeguarding the route of a south-eastern by-pass for Caerphilly.

Inspector’s Conclusions

4.6.2 This objection raises much the same primary considerations as in the preceding case. There is however a difference in the way in which the Objector’s argument is presented. On this occasion the alleged need for a south-eastern by-pass is highlighted, reference being made to the present scale of traffic on the A468 and A469 around the northern and western sides of Caerphilly and the congestion which arises at various so-called “pinch points”. It is claimed that a new major road on the south-eastern side would complete a circular route around the town, making through travel to and from Cardiff easier and helping relieve congestion in the town centre. A plan is submitted showing a possible route which describes a wide arc around the urban area, for the most part across open countryside.

4.6.3 There is no suggestion that such a road could be privately funded. **Caerphilly & District Civic Society** says that it would need to be financed by The National Assembly for Wales but it readily acknowledges that no such funds are available. It also concedes that there is no likelihood of this road being built during the lifetime of this Plan.

4.6.4 This, to my mind, is the crucial consideration since it demonstrates that the **Civic Society’s** proposal is wholly inconsistent with national guidance. PG(Wales) 1999 makes it clear that development plans should set out firm proposals for any major improvements to the transport network on which work is expected to commence within the plan period; UDP(Wales) 2001 in essence confirms the importance of adhering to that guidance in order to keep blight to a minimum.

4.6.5 There are other considerations too, not least the potentially serious environmental consequences of constructing a major road across such an extensive and sensitive stretch of open countryside which forms a valuable part of Caerphilly’s attractive setting. And there is persuasive evidence from the Council about possible highway problems arising from the provision of this road due to the likely substantial increase in peak-hour traffic on the already congested A469 between Cardiff and Caerphilly.

4.6.6 The Council has assessed its priorities in favour of adopting a development strategy which is designed to help limit traffic growth, an integrated transport strategy aimed at easing peak-hour traffic congestion and, as far as the major highway network in the

conclude that **Persimmon’s** proposal is wholly inconsistent with national guidance and can find no justification for any modification of this sort.

RECOMMENDATION

4.7.5 **That no modification be made to the Plan in response to this objection.**

POLICY T4

LAND SAFEGUARDED TO FACILITATE THE CONSTRUCTION OF OR IMPROVEMENTS TO THE CORE NETWORK

PARAGRAPH 4.23

THE A4048 SIRHOWY ENTERPRISE WAY

OBJECTION

DO/5293/0355 Mr H Moggridge

Primary Issue

- 4.8.1 • Does the supporting text relating to the Sirhowy Enterprise Way accurately reflect the public consultation process to which this scheme has been subject.

Inspector’s Conclusions

4.8.2 The text which explains the position regarding the proposed Sirhowy Enterprise Way refers very briefly to the public consultation process which preceded the selection of the preferred alignment of this road. The Objector claims that this explanation is misleading. However I see nothing wrong with what the Plan says. It simply states in effect that consultation took place and subsequently an alignment was chosen and from what I am aware of the nature and sequence of events this statement is not misleading. In any event this is in the Plan purely for information purposes.

RECOMMENDATION

4.8.3 **That no modification be made to the Plan in response to this objection.**

POLICY T4

**LAND SAFEGUARDED TO FACILITATE THE
CONSTRUCTION OF OR IMPROVEMENTS TO THE
CORE NETWORK**

PARAGRAPH 4.30

A468 NANTGARW HILL AND A470 INTERCHANGE

OBJECTIONS

DO/5398/1843 Cardiff County Council
DO/5350/0869 Rhondda Cynon Taff County Borough
Council

Conditionally Withdrawn

DO/5398/0599 Cardiff County Council
(registered under Policy T1)

Further Proposed Change FPC200

Primary Issue

- 4.9.1
- To reflect the need to discourage the use of the private car should the provisions regarding road improvements outside the County Borough be deleted or revised.

Inspector’s Conclusions

4.9.2 Part of the text supporting Policy T4 refers to roads and junctions which lie outside the Plan area but which link the County Borough to the strategic network. A statement is included expressly urging the adjoining Council of Rhondda Cynon Taff County Borough to incorporate within its UDP provision for improvements to a specified interchange and to accord this a high priority in its improvement programme. Both the adjoining **County Borough Council (RTC)** and **Cardiff County Council** object to the inclusion of this text albeit for rather different reasons. **RTC** considers it is procedurally inappropriate to refer to this issue here and says the matter should be confined to Caerphilly’s consultation response to its own UDP; the **County Council** argues that this provision effectively encourages increased commuting by car resulting in additional traffic problems at the nearby M4 junction in Cardiff.

4.9.3 The **County Council** raises a similar objection to another such statement in Paragraph 4.14 where The National Assembly for Wales is urged to bring forward proposals for improvements along the Lower Taff Valley movement corridor. Although due to the introduction of revised text under the terms of FPC200 this objection has been conditionally withdrawn, I do not intend simply endorsing this change but shall deal with this matter here in order to ensure that the provisions of the UDP are internally consistent.

4.9.4 There is no reason in principle why the Plan should not identify in explanatory text relevant considerations relating to roads which lie outside the County Borough boundaries. After all, the strategic road network by its nature crosses administrative

boundaries and raises issues of more than just local significance. However I firmly believe that the statements now in dispute go too far.

4.9.5 I would have no quarrel with the Council expressing its intention at an appropriate stage to urge the adjoining Council and The National Assembly for Wales to address the matters referred to. However it is unacceptable to present this in effect as some sort of policy statement of the UDP itself in an attempt, it seems, to give it greater force than is warranted. I find support for these conclusions in UDP(Wales) 2001 which refers to the need for consultation and collaboration between authorities on matters of a strategic nature and confirms that the best way to take this work forward is by appropriate groups of authorities. I am aware that such forums already exist and would commend this as the preferred approach rather than formally through the UDP as currently intended. This would give the **County Council** the opportunity, which it should properly have, of discussing with Caerphilly County Borough Council the ramifications of the improvements to which the Plan refers.

4.9.6 Accordingly, I shall recommend suitable alternative wording for both disputed provisions; in respect of Paragraph 4.14 this will include the additional text from FPC200. There is a further associated modification which is appropriate. Both statements are printed in bold text which confers on them an extra importance which to my mind is not deserved. They should be given no more emphasis than the rest of the related text.

RECOMMENDATION

4.9.7 **That:**

(i) **the Plan be modified by the deletion of the first sentence of Paragraph 4.30 and its replacement by the following sentence (in non bold type):-**

“IT IS THE COUNCIL’S INTENTION AT AN APPROPRIATE STAGE TO URGE THE NEIGHBOURING AUTHORITY OF RHONDDA CYNON TAFF TO INCLUDE PROVISION FOR IMPROVEMENT OF THE A468 NANTGARW HILL AND A470 INTERCHANGE IN ITS UDP AND ACCORD IT A HIGH PRIORITY IN ITS HIGHWAY IMPROVEMENT PROGRAMME.”;

(ii) **the Plan be modified by the deletion of the final sentence of Paragraph 4.14 and its replacement by the following sentence (in non bold type):-**

“IT IS THE COUNCIL’S INTENTION AT AN APPROPRIATE STAGE TO URGE THE NATIONAL ASSEMBLY FOR WALES TO BRING FORWARD COMPLEMENTARY PUBLIC TRANSPORT, TRAFFIC MANAGEMENT AND ROAD PROPOSALS FOR IMPROVING ACCESSIBILITY ALONG THE LOWER TAFF VALLEY MOVEMENT CORRIDOR AT THE EARLIEST OPPORTUNITY.”

POLICY T5

**LAND SAFEGUARDED TO FACILITATE ROAD
CONSTRUCTION**

POLICY T5.1

BARGOED BY-PASS

OBJECTION DO/5207/0027 Mrs J Willetts

Primary Issue

- 4.10.1
- Should the Plan accord the highest priority to the Bargoed By-Pass.

Inspector’s Conclusions

4.10.2 Policy T5 lists 2 road schemes but does not seek to prioritise them. I am told that progress on the Bargoed By-Pass is dependent on funding from The National Assembly for Wales and that the Council has not yet been invited to make any bid in this regard. To my mind it is neither practical nor appropriate for the Plan to attempt to stipulate the timing and progress of this particular scheme; matters such as this are covered by other procedures.

RECOMMENDATION

4.10.3 **That no modification be made to the Plan in response to this objection.**

POLICY T5

**LAND SAFEGUARDED TO FACILITATE ROAD
CONSTRUCTION**

MACHEN BY-PASS

OBJECTIONS DO/5428/0687 Mr V A Dowdall
DO/5428/0686 Mr V A Dowdall

Primary Issue

- 4.11.1
- Should the Plan include provisions for safeguarding the route of a Machen By-Pass.
-

Inspector’s Conclusions

4.11.2 Machen is a sizeable rural settlement which stands astride the A468 between Caerphilly and the M4 north of Newport. **Mr Dowdall** considers that the scale, nature and speed of traffic along this road make it imperative that a by-pass be built in the interests of the safety and amenities of residents and so as to improve the environment of this village. He points to a policy in the Rhymney Valley District Local Plan which specified that a by-pass will be provided for Machen (together with Bedwas and Trethomas) and says that there are no compelling reasons why this proposal should now be dropped from the UDP; traffic, especially heavy goods traffic, has grown substantially since the Local Plan was approved.

4.11.3 The Council does not deny that a by-pass for Machen would be beneficial. However it makes the entirely valid point that, because available funds for road improvements are limited, for the purposes of its major highways strategy it has had to prioritise schemes and only those which are likely to be undertaken during the Plan period have been identified in the UDP. A Machen By-Pass is not regarded as a priority scheme in this context.

4.11.4 I cannot criticise the Council’s approach. Realistically not every desirable scheme can be provided within the lifetime of the Plan. As with a number of other similar objection proposals which I have already dealt with, the critical consideration here is that there is absolutely no evidence to suggest that a scheme for a Machen By-Pass would be likely to come forward within the Plan period. **Mr Dowdall** offers no guidance as to how this road might be financed and built and the Council, given its aforementioned evidence, plainly has no interest in pursuing this matter in the foreseeable future. PG(Wales) 1999 makes it clear that development plans should set out firm proposals for any major improvements to the transport network on which work is expected to commence within the plan period; UDP(Wales) 2001 in essence confirms the importance of adhering to that guidance in order to keep blight to a minimum. Given those considerations, I conclude that **Mr Dowdall’s** proposal is wholly inconsistent with national guidance and can find no justification for any modification of this sort.

4.11.5 **Mr Dowdall** also refers to the need for other emergency measures along the existing carriageway through the village including road narrowing, installing pedestrian crossings and traffic lights, reducing speed limits and suchlike. In my judgement these are detailed traffic management measures which are within the province of other legislation; this is not something with which the Plan should become involved.

4.11.6 Another matter which **Mr Dowdall** has asked me to address, and curiously this has been registered as a duly-made objection, concerns expressly the Council’s failure to draw up a budget for the work needed to make Machen safer. As I confirmed at the Inquiry, this is a land-use based Plan and my remit, taking into account the objections before me, is to consider what should and should not be included in it. The Council’s financial arrangements are not a matter for the Plan.

RECOMMENDATION

4.11.7 **That no modification be made to the Plan in response to these objections.**

POLICY T6

**LAND SAFEGUARDED TO FACILITATE
IMPROVEMENTS TO DISTRIBUTOR ROADS**

POLICY T6.2

PENALLTA LINK, HENGOED

OBJECTIONS

DO/5405/0494 Whitchurch Holdings Ltd
DO/5405/0501 Whitchurch Holdings Ltd

Primary Issues

- 4.12.1
- Should access to the Penallta Colliery development site be taken from the existing road system rather than the proposed link road.
 - Is the Plan right to specify a requirement that the development of the Penallta Colliery site should contribute to the funding of the proposed link road.

Inspector’s Conclusions

4.12.2 Regarding the first issue, this policy safeguards land to facilitate improvements to certain distributor roads including the Penallta link at Hengoed. **Whitchurch Holdings Ltd** maintains that the proposed link is unnecessary and points to the absence of any analysis in the Plan and supporting material to justify its provision. It is argued that the Colliery site redevelopment would be adequately served by the existing road system.

4.12.3 Contrary to **Whitchurch’s** belief, Topic Paper 3 which is part of the Plan’s supporting documentation provides a descriptive analysis of the present road conditions at the Colliery site; it goes on to confirm that the major development proposals which the Plan identifies for this site will generate levels of traffic which would be inappropriate for the existing road network and that these developments would be dependent on the provision of the Penallta link road. The Plan itself confirms the need for this link road in order to accommodate new development and to reduce traffic along existing routes. Given those factors and the complete absence of any technical evidence from **Whitchurch** to support its assertions, I see no reason for modifying this particular Plan provision.

4.12.4 As to the second issue, **Whitchurch** claims that there is no justification for the requirement that the Colliery site development should contribute towards the cost of the specified road improvement since this provision relates to a distributor road which, by definition, serves a wider benefit than just that pertaining to this site. In any event, there should certainly be no mention of this matter in the Plan.

4.12.5 I disagree. There is evidence of a demonstrable need for this link road on 2 counts; first to accommodate new development and secondly to reduce traffic on existing routes. Since, as I understand it, the Colliery site represents the largest single development opportunity in this immediate vicinity, it is likely in proportionate terms to generate a significant amount of “new” traffic. Thus, on the face of it, there is a direct association

between any development on this site and the need for the link road and I therefore find nothing wrong in principle with the Council’s expression of anticipation that a financial contribution would be sought. Naturally the level of any such contribution would have to be assessed at a much later stage of the planning process when, I am confident, the provisions of both national guidance and the Plan’s own policy (specified in PC062 and FPC012 which I am recommending [*see under Policy Omission - General Development Chapter*]) on planning obligations will be taken fully into account.

4.12.6 Given those considerations, it is entirely sensible that the supporting text to the policy which safeguards land to facilitate the provision of this link road should identify this particular matter.

RECOMMENDATION

4.12.7 **That no modification be made to the Plan in response to these objections.**

POLICY T6

LAND SAFEGUARDED TO FACILITATE IMPROVEMENTS TO DISTRIBUTOR ROADS

POLICY T6.3

NELSON EASTERN RELIEF ROAD

OBJECTIONS

List of objections attached at Appendix 1

Proposed Changes

PC131, PC132

Primary Issue

4.13.1

- For reasons relating to the availability of funding, the need for a by-pass, nature conservation interests and the loss of leisure space, should the provisions regarding the Nelson Eastern Relief Road be deleted.

Inspector’s Conclusions

4.13.2 In the Deposit Draft Plan this policy safeguards land to facilitate the provision of the Nelson Eastern Relief Road. The Proposals Map shows the route which leads around the north-eastern edge of the settlement and crossing, in the process, a Site of Importance for Nature Conservation (SINC), an allocated leisure site and a playing field. The supporting text confirms that this road is unlikely to be constructed within the Plan period due to the absence of any source of funding.

4.13.3 In response to those objections which called, for various reasons, for this proposal to be deleted from the Plan, the Council agreed to do so under the terms of PC131;

the associated references in the supporting text have similarly been deleted (PC132). Given the clear admission that this scheme would not in all likelihood proceed within the lifetime of the Plan, I fully endorse the Council’s revised position on this matter. Pursuing this proposal in such circumstances would have been wholly inconsistent with national guidance to which I have referred in several earlier cases [*see, for example, Policy T4.1*]. This is such a powerful reason for deleting this policy provision that I see no purpose in examining the other arguments which Objectors who seek this deletion have raised.

4.13.4 In reaching this conclusion I have taken into account the strong views expressed by Counter-Objectors about the need for a relief road around Nelson in order to protect the village centre and certain residential roads from the harmful effects of so much through traffic. Most call for the provision of this road to be given a high priority and some ask also that traffic-calming measures be provided along Bwl Road which, it is said, carries an unacceptably high volume of traffic. A number of other Objectors contend that, instead of the Eastern Relief Road, Nelson needs a by-pass around its western side. Notwithstanding those widely held concerns, the case against the continued inclusion in the Plan of the relief road proposal is, for the reasons explained in the preceding paragraph, overwhelming.

4.13.5 There is however one outstanding point, regarding potential funding, on which I should comment for the sake of completeness. A number of Counter-Objectors refer to the development of the Ty Du employment site as providing an opportunity to secure a contribution to the costs of the relief road. I have considered this site earlier in relation to a completely different issue [*see under Policy E1.4*]. The fact is that planning permission has already been granted for the development of this site without, as I understand it, any requirement for a contribution towards funding for the relief road. Furthermore the Council has produced evidence, which has not been seriously challenged, to the effect that the development of this site for employment purposes is, in any event, unlikely to have such an impact on traffic generation through Nelson as to justify any such contribution. This consideration simply reinforces my conclusions on this case.

RECOMMENDATION

4.13.6 **That:**

- (i) **Policy T6 and the Proposals Map be modified by the deletion of T6(3) Nelson Eastern Relief Road in accordance with Proposed Change PC131;**
- (ii) **the supporting text to Policy T6 be modified by the deletion from Paragraph 4.38 of all reference to the Nelson Eastern Relief Road in accordance with Proposed Change PC132.**

Inspector’s Conclusions

4.15.2 This objection is directly related to the case made by **Westbury Homes (Holdings) Ltd** for the allocation of land for housing at and adjoining the former Ness Tar Plant, Caerphilly. Their scheme involved the provision of a south-eastern by-pass as part of a comprehensive development. I have dealt with the primary objection elsewhere in this report [see under Policy DC2.99.37] and have concluded that a development of this nature would be unacceptable and that no such allocation should be made. And as a consequence I have also concluded that **Westbury’s** objection calling for the inclusion of a safeguarded route for the suggested by-pass should similarly fail [see under Policy T4.99].

4.15.3 In these circumstances, it follows that there is no justification for the modification which is proposed under the terms of the present objection.

RECOMMENDATION

4.15.4 **That no modification be made to the Plan in response to this objection.**

POLICY T7

LAND SAFEGUARDED FOR THE CONSTRUCTION OF ACCESS ROADS

POLICY T7.4

CASTLE PARK ESTATE BUS LINK, CAERPHILLY

OBJECTIONS

DO/5094/0207 Mr G E Giggs
DO/5469/1282 Mr A E K Thomas

Primary Issue

4.16.1 • For highway safety and environmental reasons, should the provisions regarding this link road be deleted.

Inspector’s Conclusions

4.16.2 This policy provision relates to a short link road between a sizeable residential area and St Martin’s Road which is a main street leading into the town centre. It is, I am told, intended solely for use by buses.

4.16.3 The Objectors express concern that such a limitation could not realistically be enforced and that this link road would be used by general traffic thereby causing highway safety problems at the St Martin’s Road junction. **Mr Thomas** adds that the field across which the road is proposed should be protected as an open space for amenity and environmental reasons.

4.16.4 The case made by the Council regarding the benefits which the proposed bus link would provide for the nearby residential area are persuasive; it seems evident to me that for many people this would make access to the town centre by public transport quicker and more convenient. In the present planning policy climate this is to be welcomed. The Council has also described the technical measures which would be employed to ensure that only buses would be able to use this road and I have no reason to doubt that these would be effective. Nor are there any compelling grounds for believing that this link would be designed other than in a manner which takes the need for highway safety fully into account.

4.16.5 As to the question of maintaining this small field as an open area, the land-take which the proposed link road would require would appear to be minimal. This is simply a small parcel of rough ground in the midst of an extensive urban area and in these circumstances I can see no likelihood of any serious environmental harm arising from the Plan proposal. In this connection I would also draw attention to my conclusions regarding another objection specifically calling for the allocation of this site for recreational purposes [*see under Policy L5 - paragraph 7.8.9*]; there is no evidence to justify safeguarding this land for such purposes.

RECOMMENDATION

4.16.6 **That no modification be made to the Plan in response to these objections.**

POLICY T8

HIGHWAY DESIGN STANDARDS

OBJECTION

DO/5638/1582 House Builders Federation

Primary Issue

- 4.17.1
- Are the provisions of this policy inconsistent with national guidance about the role of supplementary planning guidance (SPG) in relation to development plan policies.

Inspector’s Conclusions

4.17.2 Policy T8 requires that new access roads serving private developments shall be built to the standards specified in the Highway Authority’s Design Guide; this particular design guide is one of 13 listed in the Appendix which accompanies the UDP. In response to the **House Builders Federation’s (HBF)** argument that this is in conflict with national guidance concerning the role of SPG, the Council refers to advice in PG(Wales) UDPs 1996. Relevant advice is now contained in UDP(Wales) 2001 although I recognise that the general message regarding this particular issue remains largely the same.

4.17.3 Thus I accept the Council’s point that SPG may be a material consideration in determining planning applications and that in the present case a certain measure of public

consultation has been afforded to it thereby giving it some weight. However to my mind this does not make Policy T8 itself acceptable.

4.17.4 As it stands, the framing of this policy is such that it seeks to import into the Plan the detailed provisions of the specified Design Guide and thereby bestow on them the special status which S54 of the 1990 Planning Act provides. But this document is expressly SPG and is not formally part of the Plan (the Appendix consists of only a list of design guides, not the guides themselves). Moreover this would have the effect of establishing “policy provisions” of an unduly prescriptive nature. UDP(Wales) 2001 (Paragraph 2.15) makes it clear that UDP policies should not attempt to delegate the criteria for decisions on planning applications to SPG and for these reasons I agree with the **HBF**’s essential objection.

4.17.5 However this is not to say that the Plan should ignore this Design Guide altogether. There is no reason why it should not be referred to in the supporting text as a means of identifying the basis on which the Council would expect proposals to address the matter of road design. For the Plan to adopt this sort of approach would be consistent with national guidance. It would also be appropriate to include a brief comment on the national policy documentation from which the provisions of the Design Guide have been drawn.

4.17.6 Therefore to reflect those conclusions I intend recommending a substantial revision to the terms of Policy T8 as well as certain modifications to the supporting text. The provisions of this policy should enable not only highway and pedestrian safety factors to be taken properly into account but also urban design considerations which are being given increasing emphasis in national guidance.

RECOMMENDATION

4.17.7 **That:**

(i) **Policy T8 be modified by the deletion of the existing text in full and its replacement by the following:-**

“THE DESIGN OF NEW ACCESS ROADS WITHIN PRIVATE DEVELOPMENTS WILL BE REQUIRED TO BE OF A STANDARD WHICH TAKES INTO ACCOUNT THE NEED TO:-

A ACCOMMODATE SAFELY AND EFFECTIVELY THE SCALE AND NATURE OF TRAFFIC WHICH THOSE ROADS ARE INTENDED TO SERVE;

B SAFEGUARD AND WHERE POSSIBLE ENHANCE THE INTERESTS OF PEDESTRIANS AND CYCLISTS; AND

C SAFEGUARD AND WHERE POSSIBLE ENHANCE THE APPEARANCE AND CHARACTER OF THE SURROUNDING AREA.”;

(ii) **the supporting text to Policy T8 be modified by the inclusion of a reference to the Council’s expectation that the design of any road**

proposals would take fully into account and be guided by the Highway Authority’s Design Guide and briefly to the national guidance basis for its provisions, all in accordance with my conclusions in paragraphs 4.17.5 and 4.17.6 above.

POLICY T9

NEW PARK AND RIDE FACILITIES

POLICY T9.2

ABER

OBJECTION

DO/5460/1930 Greendoorstep (Caerphilly)

Primary Issue

- 4.18.1
- Should this proposal be deleted on the grounds that it would lead to an increase in road traffic in the area and result in the loss of a potential employment site.

Inspector’s Conclusions

4.18.2 Policy T9 makes provision for a park and ride facility close to Aber railway station; this is one of 3 such proposals within the County Borough. **Greendoorstep (Caerphilly)** claims that there is no need for this facility since commuters have no difficulty parking within easy walking distance of the station. This scheme, it is argued, would simply lead to an increase in road traffic through the surrounding residential areas at peak times and cause further congestion at certain junctions. Further, it is suggested that the identified site would be better used for employment development purposes.

4.18.3 The Council says that the aim of this policy is to develop a strategy which attracts on to the railways a substantial number of those commuters who are currently travelling by car between the Caerphilly Basin and Cardiff. This, I understand, is part of a wider sub-regional strategy being pursued by a consortium of local authorities which is aimed at improving public transport between Cardiff and its hinterland; park and ride is seen as a key component of this strategy. The Plan thus identifies 3 stations, including Aber, which can function as strategic park and ride locations; they have been selected on the basis of a range of specified criteria. It is calculated that at Aber a 130 space facility is necessary.

4.18.4 To my mind, **Greendoorstep** offers no compelling evidence to challenge this particular Plan proposal. Certain broad-based assertions are made about the scale of additional road traffic which this would generate and how this would worsen problems at particular locations, yet no technical study has been undertaken to support those arguments. Other comments are made regarding the financial/operational viability of proposals to increase train passenger numbers but again these are not founded on any authoritative evidence.

4.18.5 As for the suggestion that this site would be better used for employment development, the Plan confirms that there is already a considerable amount of land committed for such purposes in both the Caerphilly Basin and the County Borough as a whole. In relation to the present case I am not aware of any evidence that there is a need for yet more employment land such as to outweigh the considerations which have led to the designation of the present site at Aber under the provisions of Policy T9.

4.18.6 Given that the essential aims of this policy are consistent with the principles of sustainable development, and the fact that this is in effect part of a strategy with similarly worthy objectives which is being pursued sub-regionally, I can find nothing to justify any modification to the Plan.

RECOMMENDATION

4.18.7 **That no modification be made to the Plan in response to this objection.**

POLICY T9

NEW PARK AND RIDE FACILITIES

POLICY T9.3

PENGAM

OBJECTION

DO/5128/0076 Mrs A E Matthews

Primary Issue

4.19.1 • For highway safety reasons should this proposal be deleted.

Inspector’s Conclusions

4.19.2 Pengam railway station is situated at the edge of a fairly densely-developed residential area. The proposed park and ride site would be accessed from existing residential streets and I observed during my inspection of this area that these mainly are relatively narrow with significant kerbside parking. Thus the Objector’s concern is perhaps understandable.

4.19.3 However the Council confirms that this is already a popular station and, since there are no off-street parking facilities, commuters currently park in nearby roads. The proposed facility is intended to serve both this existing demand and future needs. I am also assured that this proposal would, as might be expected, be designed to appropriate highway safety standards.

4.19.4 Given those circumstances, and the more general policy-based considerations which I explained in relation to the case concerning Aber station [*see under Policy T9.2*], I find no compelling reason for modifying the Plan in response to this objection.

RECOMMENDATION

4.19.5 **That no modification be made to the Plan in response to this objection.**

POLICY T10

NEW RAILWAY STATIONS

OBJECTIONS

DO/5460/1182	Greendoorstep (Caerphilly)
DO/5460/1179	Greendoorstep (Caerphilly)
DO/5460/1184	Greendoorstep (Caerphilly)
DO/5460/1181	Greendoorstep (Caerphilly)

Further Proposed Change FPC024

Primary Issue

- 4.20.1 • Should the Plan make provision for new railway stations at (i) Tredomen Business Park, (ii) The Rise, Llanbradach, (iii) Aiwa, Newbridge and (iv) between Pontymister/Risca and Crosskeys.

Inspector’s Conclusions

4.20.2 Policy T10 safeguards land in 9 locations for the purpose of passenger railway stations. **Greendoorstep (Caerphilly)** identifies a further 4 locations where it is suggested that a station would be beneficial in terms of making these lines even more financially viable for passenger services.

4.20.3 In respect of the Tredomen site the Council has consulted again with the rail industry and found that earlier technical constraints on the provision of a station at this location can be overcome. It has accordingly decided to include, as a proposed change, this site within Policy T10 (FPC024). As for the rest, similar consultations have led to the conclusion that technical and operational constraints are such as to make the provision of a station at those locations impractical and inappropriate. There is nothing in **Greendoorstep’s** evidence which convinces me that the relevant authorities/bodies are wrong in their conclusions regarding those other sites. Thus I shall recommend a modification to the Plan only in respect of the Tredomen location.

4.20.4 There is however another aspect of this policy which causes me concern. The supporting text expressly confirms that there is no short-term prospect of freight lines being upgraded in order to accommodate passenger traffic; some of the identified stations lie on existing freight-only lines and would appear therefore to represent proposals for which there is similarly “no short-term prospect” of implementation. Moreover since there has been no change proposed in relation to this particular comment in the supporting text, I must assume that even now, about a third of the way into the Plan period, the situation remains most uncertain to say the least.

4.20.5 In these circumstances, and bearing in mind the guidance in UDP(Wales) 2001 about the need to avoid planning blight, I consider that the Council should re-examine the position regarding those stations which fall into the above-mentioned category in order to ensure that only locations where there is at least a reasonable likelihood of implementation during the lifetime of this Plan are identified under this policy.

4.20.6 In the same context I would urge the Council to reconsider the way in which the specified locations are depicted on the Proposals Map. The former Department of the Environment’s document “Development Plans - A Good Practice Guide” advises that precision is vital in the proposals map and says that diagrammatic or symbolic representation of proposals should be avoided. Yet the locations for the stations listed under Policy T10 are identified on the Proposals Map only by a symbol which, as I understand it, bears no relation to any feature or area on the ground. The Council should therefore consider again whether this is an appropriate and acceptable way in which to represent this policy.

RECOMMENDATION

4.20.7 **That:**

- (i) the Council undertakes a re-examination of the position regarding those stations which are proposed on existing freight lines with a view to ensuring that only locations where there is at least a reasonable likelihood of implementation during the lifetime of this Plan are identified under Policy T10 taking into account my conclusions in paragraphs 4.20.4 and 4.20.5 above;**
- (ii) the Council undertakes a re-examination of the way in which the specified locations are depicted on the Proposals Map with a view to establishing whether there is an alternative method of notation which is more consistent with national guidance taking into account my conclusions in paragraph 4.20.6 above;**
- (iii) subject to the outcome of the exercises recommended in (i) and (ii) above Policy T10 be modified by the inclusion of an additional location “10 TREDOMEN” and the Proposals Map be modified accordingly, in accordance with Further Proposed Change FPC024;**
- (iv) no other modification be made to the Plan in response to these objections.**

POLICY T10 **NEW RAILWAY STATIONS**

POLICY T10.6 **RISCA**

OBJECTION DO/5750/2085 Mr M West

Proposed Change PC137

Primary Issue

- 4.22.1 • Is the Risca location properly named.

Inspector’s Conclusions

4.22.2 The Objector says that the identified location lies within Pontymister and not Risca and that it should be renamed accordingly in the Plan. The Council concedes that to rename it Pontymister/Risca would better reflect the location and community which the proposed station would serve and a change to this effect is proposed (PC137).

4.22.3 While the Objector is not content with this change of name, I can find nothing unacceptable about it. The general location of this station is shown on the Proposals Map and there can be no real doubt as to its relationship with the 2 specified communities.

RECOMMENDATION

- 4.22.4 **That Policy T10 be modified by renaming “RISCA” as “PONTYMISTER/RISCA” in accordance with Proposed Change PC137.**

POLICY T10 **NEW RAILWAY STATIONS**

POLICY T10.7 **NELSON**

OBJECTION DO/5460/1125 Greendoorstep (Caerphilly)

Primary Issue

- 4.23.1 • Should the Plan identify an alternative location for a station at Nelson which would better serve the local population.

Inspector’s Conclusions

4.23.2 The Plan identifies a location for a station at Nelson which is situated at the northern tip of this settlement. **Greendoorstep (Caerphilly)** contends that this location is remote from the population and that a site in a more central position within the village would be better, particularly since it would be near to the existing bus station.

4.23.3 I recognise that there is some merit in **Greendoorstep’s** case. The potential site which it suggests, on the main street through the village centre, would seem to be accessible and convenient to much of Nelson’s community and be close to shops and services; and it would represent a realistic and useful link to the existing public transport service which the bus station provides.

4.23.4 However it is essential that the Plan takes a pragmatic approach to this matter. The location identified on the Proposals Map is on the route of the former railway line and coincides with the site of the former station. By contrast, **Greendoorstep’s** proposal would require the construction of a spur line from the former main route and, according to the Council, serving a station by this means would create operational difficulties; in addition the land which would be required for such a spur line is already allocated in the Plan for housing and leisure purposes and part is designated as a Site of Importance for Nature Conservation. On the face of it therefore, there would seem to be many more obstacles facing **Greendoorstep’s** site - sufficient, in my judgement, to make it unrealistic and inappropriate to include it in the Plan.

4.23.5 For these reasons, subject to the outcome of the exercise which I have previously recommended that the Council should undertake in relation to Policy T10 [*see paragraph 4.20.7*], I see no reason why the Plan should be modified in response to this objection.

RECOMMENDATION

4.23.6 **That no modification be made to the Plan in response to this objection.**

POLICY T10

NEW RAILWAY STATIONS

POLICY T10.8

ENERGLYN

OBJECTIONS

DO/5065/0167	Mrs N Bridges
DO/5058/0157	Mr H J Creedy
DO/5066/0169	Mr R Evans
DO/5061/0160	Mrs A Hobbs
DO/5062/0161	Mrs D Jones
DO/5055/0154	Mrs J McDonald
DO/5060/0159	Mr J Payne

Primary Issue

- 4.24.1 • For reasons of residential amenity and traffic safety, should this proposal be deleted.

Inspector’s Conclusions

4.24.2 The proposed station site at Energlyn is situated in an extensive and fairly densely-developed residential area. All the Objectors reside in Llwyn-on Street which is one of the closest roads to the identified location. They fear that parking in this street would cause problems for those living here, that traffic safety standards at the junction with the main road would be worsened and that in wider terms the residential environment would suffer due to extra noise, disturbance and general activity.

4.24.3 This is a street of terraced houses which, I saw, already experiences a substantial amount of kerbside parking. However the road itself is not especially narrow and this sort of situation is not uncommon in an older residential area like this. It is therefore unlikely that such a significant increase in the level of on-street parking could arise as to worsen materially the present conditions hereabouts. In reaching this conclusion I bear in mind the Council’s argument that this station would be accessed principally on foot, being used both by the immediate surrounding population and by workers at the nearby industrial estate.

4.24.4 I am also assured that the Council would implement traffic management and regulatory measures should the need arise to resolve access and/or parking problems. These, appropriately, would be matters for more detailed consideration at a later stage of the planning process but I see no reason to doubt that the Council would do all that might be necessary to safeguard traffic safety standards and surrounding residents’ interests. Much of the Objectors’ concern seems to be borne out of their past experience of the anti-social behaviour of people gathering in or passing along Llwyn-on Street; however this is not something which the Plan, as a land-use policy document, can realistically address.

4.24.5 Given those considerations, and taking into account the likely benefits which another station along this existing passenger line would provide in terms of encouraging more people to use public transport in preference to the car, there is nothing to justify the deletion of this proposal.

RECOMMENDATION

- 4.24.6 **That no modification be made to the Plan in response to these objections.**

POLICY T10

NEW RAILWAY STATIONS

OBJECTION

DO/5460/1176 Greendoorstep (Caerphilly)

Primary Issue

- 4.25.1
- Should the Plan specify that a high priority will be given to re-opening the Cwmbargoed and Ebbw Valley lines for passenger traffic.

Inspector’s Conclusions

4.25.2 The text supporting Policy T10 refers to the re-opening of freight railway lines (Cwmbargoed and Ebbw Valley) for passenger traffic in the context of the Plan’s proposals for safeguarding land for certain stations along these lines. The Plan, quite properly in my opinion, does not itself expressly seek to re-open these lines; this is not a land-use planning issue. Similarly the Plan cannot seek to prioritise these schemes since such decisions would lie outside its legitimate remit.

RECOMMENDATION

- 4.25.3 **That no modification be made to the Plan in response to this objection.**
-
-

POLICY T11

TRANSPORT ROUTE SAFEGUARDING

LAND AT FIELDS PARK, NEWBRIDGE

OBJECTIONS

DO/5247/0070 Mr G Bradford
DO/5241/0043 Mrs S Bradford
DO/5249/0083 Ms M Davey
DO/5248/0075 Miss C Evans White
DO/5243/0047 Mr L Harvey
DO/5250/0090 Mrs R Harvey
DO/5245/0051 Ms L Harvey-White
DO/5242/0042 Mrs W James

Primary Issue

- 4.26.1
- Is there a justifiable need for land along the former railway line at Newbridge to be safeguarded for future transportation purposes.
-

Inspector’s Conclusions

4.26.2 These objections stem from the case that I have already dealt with concerning a proposal that land at Fields Park, Newbridge, which the Plan identifies as countryside, should be included within the settlement boundary and be allocated for housing purposes [*see under Policy DC2.99.11*]. I have concluded that the Plan should be modified in those terms; indeed planning permission has already been granted for the residential development of certain parts of the objection site.

4.26.3 Some of that site was formerly the route of a railway line and hence it falls under the scope of Policy T11 which seeks to safeguard all such land which has the potential for transport-related development. The Objectors call for this provision to be deleted in regard to this site, fearing that it would prevent housing development going ahead. To my mind there is some justification for deleting this provision so far as it concerns this stretch of the former railway line. At both ends of the objection site planning permission has recently been granted for residential development without any evident requirement that land should be safeguarded for the purposes of enabling the provision of a potential transportation route; moreover housing development has already taken place further to the east beyond this site thereby physically closing off any possible route in that direction. Thus the “potential” which the Plan seeks to realise has largely been nullified already.

4.26.4 Even so, I am not minded to modify the Plan in the way that the Objectors propose. There are 2 main reasons. First, the application of this policy requires initially a judgement to be made as to whether this site does actually have potential for transport-related development; given my foregoing conclusions, I consider that the Council would be hard-pressed to demonstrate that the objection land has much, if any, such potential. Thus it would be realistic to expect that either the policy requirement to safeguard land here would be waived or, at best, only a very limited strip of ground would need to be kept free of housing development so as to maintain a limited form of transportation corridor. Either way, the development of this site for residential purposes would not be seriously prejudiced.

4.26.5 Secondly, and in effect to reinforce the first point, the Council at the Inquiry accepted that provided land of sufficient width to accommodate a pedestrian/cycle way were retained then the requirements of Policy T11 would be satisfied.

4.26.6 In these circumstances, there is no need or justification for any modification to the Plan in relation to these objections.

RECOMMENDATION

4.26.7 **That no modification be made to the Plan in response to these objections.**

POLICY T12

LAYOUT DESIGN AND BUS SERVICE PROVISION

OBJECTION

DO/5638/1598 House Builders Federation

Primary Issue

- 4.27.1
- Should the Plan be more explicit regarding when the provisions of this policy would apply.

Inspector’s Conclusions

4.27.2 Policy T12 essentially confirms that bus service provisions will be required in relation to major new developments. However the term “major” is not defined in the supporting text and there is no indication as to how this would be interpreted by the Council in its day-to-day decision making. Given that national guidance calls for certainty in the framing of development plan policies and proposals, I agree with the Objector’s criticism of these particular provisions.

4.27.3 It is important that the Plan itself should provide more information on this matter. However I acknowledge, as the Council implies, that it would be impractical and inappropriate to specify a development or site size threshold; clearly what might be regarded as a major development justifying provisions for bus services would vary according to the circumstances of a scheme and its location. I note that it is the Council’s intention to prepare a development brief for each site which is allocated in the Plan for housing purposes and that this would provide information about the application of these policy provisions. If that is to happen in every such case then the Plan should say so.

4.27.4 However this policy, as it stands, would apply also to major non-housing development allocations and major windfall sites; the Plan must explain the situation regarding these development opportunities too. I anticipate that it might already be the Council’s intention to prepare development briefs in these circumstances also; if not, I would urge it to do so, not only in the interests of good planning practice but also since it would help resolve the present objection!

4.27.5 Given those considerations, I shall recommend that the supporting text be modified to include suitable reference to the Council’s intention to prepare development briefs in relation to all potential major development sites, both those allocated in the Plan and those windfalls which come to the Council’s attention, and that these will identify those instances where the provisions of this policy will apply.

4.27.6 In addition, I observe that while the policy specifies an unqualified requirement for the inclusion of provisions for bus services, the supporting text explains that these will be required only where possible. I consider that a modest measure of flexibility should be introduced into the policy itself since there may be circumstances where the Council’s aspirations cannot, for justifiable reasons, be achieved. The word “required” should be replaced with “expected”.

RECOMMENDATION

4.27.7 **That:**

- (i) **Policy T12 be modified by the deletion of the word “REQUIRED” and the substitution thereof of the word “EXPECTED”;**
- (ii) **the supporting text to Policy T12 be modified by the inclusion of a reference to the Council’s intention to prepare development briefs in relation to all potential major development sites, both those allocated in the Plan and those windfalls which come to the Council’s attention, and that these will identify those instances where the provisions of this policy will apply, taking into account my conclusions in paragraphs 4.27.3 to 4.27.5 above.**

POLICY T14

CYCLE ROUTE SAFEGUARDING

OBJECTIONS

DO/5460/1194 Greendoorstep (Caerphilly)
DO/5460/1197 Greendoorstep (Caerphilly)
DO/5460/1214 Greendoorstep (Caerphilly)
(registered under Transport - Policy Omission)

Conditionally Withdrawn

DO/5541/1662 Campaign for the Protection of Rural Wales
DO/5541/1730 Campaign for the Protection of Rural Wales

Proposed Changes PC141, PC143

Primary Issue

- 4.28.1
- Does the Plan give sufficient emphasis to the encouragement of cycling as a means of transport.

Inspector’s Conclusions

4.28.2 **Greendoorstep (Caerphilly)** contends that the Plan does not do enough to encourage cycling within the County Borough and argues that it contains only one scheme (and then only a section of it), in Policy T14, which meets the aims of national transportation guidance. It is suggested that a number of additional safe cycle routes within the Caerphilly Basin area should be identified in the Plan and that policies should be formulated which expressly encourage cycling and provide for the achievement of a modal split aimed at 10% of all journeys to and from this area being by cycle; the provision of other facilities for cyclists, such as parking at key public transport locations, should also be referred to along with a requirement for a Green Transport Plan.

4.28.3 I recognise that PG(Wales) 1999 calls for development plans to encourage the implementation of measures to assist cyclists including the provision of safe and convenient routes. This message is reinforced in the more recent DPP(Wales) 2001. **Greendoorstep’s** objections are undoubtedly well-intentioned and founded on principles which are receiving increasing exposure in national guidance. However the UDP must base its policies and proposals essentially on what can realistically be expected to be achieved within the lifetime of the Plan.

4.28.4 The Council maintains that the cycle route network identified under Policy T12 is capable of development within the Plan period and to my mind nothing in **Greendoorstep’s** evidence suggests otherwise. And it is a notable fact that there is a close relationship between many of the routes so identified and those proposed by the Objector. Although some sections are not formally safeguarded nor shown on the Proposals Map, specific alignments are not known at this stage; thus I agree with the Council that in order to keep the prospect of planning blight to a minimum it would be inappropriate to provide these particular routes with the sort of policy protection which **Greendoorstep** would wish.

4.28.5 As for the inclusion of a policy expressly encouraging cycling, the Plan already provides that encouragement through a raft of different provisions; a policy as such would be of no real additional benefit or effect. On the question of influencing the modal split through policy initiatives, naturally any measures which are effective in encouraging an increase in cycle use would alter the present proportionate figures as between car and cycle usage. Yet the scale of change which **Greendoorstep** is looking for seems highly speculative and not realistically achievable within the Plan period. The estimated figures presented indicate that less than 1% of journeys in Caerphilly are undertaken by cycle; the suggestion that a ten-fold increase is achievable appears to be based on extremely limited data and crude analysis and is certainly not the sort of material which I consider should be used to influence the Plan’s policies and proposals. I therefore firmly reject these propositions.

4.28.6 Lastly, matters such as the provision of parking facilities at specified locations (railway stations are mentioned by the Objector) would be unlikely to have significant land-use implications and I accept the Council’s claim that these are not appropriate for inclusion in the Plan. Nonetheless I note that it is the Council’s intention, under its other responsibilities, to provide such facilities at Caerphilly Station. And it also intends producing a Green Transport Plan, but not as part of the UDP.

4.28.7 For all the foregoing reasons, I can find no justification for any modification to the Plan in response to **Greendoorstep’s** objections. However I shall endorse PC141 and PC143 which involve relatively modest changes to both the policy and the supporting text; these have led to the conditional withdrawal of the objections made by the **Campaign for the Protection of Rural Wales** and have not been challenged.

4.28.8 There is one further matter which arises from my consideration of these objections and causes me concern. As mentioned above [*see paragraph 4.29.4*] a number of routes are listed under the terms of Policy T14 as “additional routes (which) will be identified.....” yet the Plan provides nothing else by way of policy protection (ie safeguarding) or a commitment to develop; nor are any of these routes identified on the Proposals Map, understandably so because the exercise to determine their alignment has not been undertaken.

4.28.9 National guidance confirms that development plan policies should be clear, precise and certain and realistically be capable of implementation within the plan period; to my mind this part of Policy T14 is none of these things. It seems to be nothing more than a statement of intent and this should not be presented in the Plan as a policy. If it has a place in the Plan, and I see no reason why reference should not be made to this intention given its relevance to the policy subject-matter, then it should be confined to the supporting text. I urge the Council to consider modifying the Plan accordingly.

RECOMMENDATION

4.28.10 **That:**

- (i) **Policy T14 be modified by the correction of a typing error at T14.3 in accordance with Proposed Change PC141;**
- (ii) **the supporting text be modified by the inclusion in Paragraph 4.55 of a reference to bus stations in accordance with Proposed Change PC143;**
- (iii) **the Council gives serious consideration to further modifying Policy T14 by the deletion of the second provision comprising the preamble “ADDITIONAL ROUTES WILL BE IDENTIFIED BETWEEN THE FOLLOWING POINTS:-” and the list of routes which follows and the inclusion of this information instead in the supporting text taking into account my conclusions in paragraphs 4.28.8 and 4.28.9 above;**
- (iv) **no other modification be made to the Plan in response to the objections made by Greendoorstep (Caerphilly) (1194, 1197 and 1214).**

POLICY T14

CYCLE ROUTE SAFEGUARDING

T14.99.6

PROPOSED NEW SITE **RHIW SIR DAFYDD, OAKDALE TO NEWBRIDGE**

OBJECTION

DO/5293/0352 Mr H Moggridge

Primary Issue

- 4.29.1
- Should provision be made for a cycle route along the former railway line from Oakdale to Newbridge and beyond.

Inspector’s Conclusions

4.29.2 I note from the Council’s evidence that the route which the Objector suggests already forms part of the corridor which the policy describes as T14.8 Hollybush and Blackwood and T14.11 Crosskeys and Blackwood via Newbridge. In the Draft Deposit Plan these are among the list of routes yet to be identified. However as I have previously concluded [*see under Policy T14*] it is not appropriate to include this list within the policy itself and for the reasons explained in that case there is nothing to justify any modification to the Plan in response to the present objection.

RECOMMENDATION

4.29.3 **That no modification be made to the Plan in response to this objection.**

POLICY OMISSION

WALKING AS A MODE OF TRANSPORT

OBJECTION

DO/5696/1814 Countryside Council for Wales

Primary Issue

- 4.30.1
- Should the Plan give more emphasis to walking as a mode of transport and other such public access considerations.

Inspector’s Conclusions

4.30.2 The Objector says that more emphasis should be given to walking and that the Plan should help facilitate the enhancement of public access through the public rights of way network; also policies should be included relating to access for people with special needs and specific user groups.

4.30.3 The UDP is, of course, a land-use Plan and it cannot involve itself with matters which are outside the acknowledged functions of such plans. To the extent that it is able to address some of the matters raised by the Objector, I believe that it has done so satisfactorily, not least in terms of protecting public rights of way from harmful development impact and seeking the provision of pedestrian facilities in development schemes. Other measures, I am told, are included in the Council’s Local Transport Plan and in my judgement it is that Plan which is in a better position to respond to the Objector’s concerns. The UDP goes as far as it reasonably can.

RECOMMENDATION

4.30.4 **That no modification be made to the Plan in response to this objection.**

POLICY OMISSION

ENCOURAGE CYCLING

OBJECTION

DO/5460/1214 Greendoorstep (Caerphilly)
(reported under Policy T14)

Inspector’s Comment

4.31.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy T14.

SITE OMISSION

PROPOSED NEW TRANSPORT SITE

**SAFE ROUTES TO THE PROPOSED NEW SCHOOL AT
CWRT RAWLIN**

OBJECTION

DO/5460/1224 Greendoorstep (Caerphilly)

Primary Issue

- 4.32.1
- Should the Plan include provisions safeguarding specified safe pedestrian and cycle routes to Cwrt Rawlin school.

Inspector’s Conclusions

4.32.2 A new school is proposed at Cwrt Rawlin within the urban area of Caerphilly and is subject to an allocation under Policy CF6. This objection calls for 3 footpaths which lead to this site to be upgraded so as to cater for cyclists and for these together with another nearby route to be safeguarded from development.

4.32.3 Such provisions are neither necessary nor appropriate. Alterations to existing rights of way are the subject of well-established statutory processes and this is not something which the Plan should seek to address. As for the protection of the specified routes from the harmful effects of development, the general provisions of Policy DC2 already provide such safeguards as might reasonably be required. Thus no modification to the Plan is warranted.

RECOMMENDATION

- 4.32.4 **That no modification be made to the Plan in response to this objection.**
-

Inspector’s Conclusions

4.34.2 The OS base plan used for the purposes of the Proposals Map identifies existing and former railway lines. These are quite legible. Policy T10 does not propose alterations to the lines themselves and there is therefore no need to highlight them; the locations of the stations which it does propose are already indicated on the Proposals Map. While Policy T11 safeguards the route of former lines, the framing and terms of this policy are such that coupled with the detail on the base plan there can in my opinion be no confusion as to the scope of these particular provisions; again there is no need for these routes to be highlighted.

RECOMMENDATION

4.34.3 **That no modification be made to the Plan in response to this objection.**

OBJECTIONS RELATING TO OTHER TRANSPORT POLICIES

OBJECTIONS

Conditionally Withdrawn

PCO/5541/3132 Campaign for the Protection of Rural Wales
(reported under Part 1 - Policies 1TA & 1TB - *not conditionally withdrawn*)
DO/5398/0599 Cardiff County Council
(reported under Policy T4 Paragraph 4.30)
DO/5694/0694 The National Assembly for Wales
DO/5541/1727 Campaign for the Protection of Rural Wales
DO/5485/1270 Railtrack Plc
PCO/5694/3274 The National Assembly for Wales
DO/5696/1457 Countryside Council for Wales

RECOMMENDATION

4.36.1 **That the Plan be modified in accordance with Proposed Changes PC038 [also previously recommended under Policy DC1], PC120, PC133, PC138 and PC139 and Further Proposed Changes FPC025 and FPC026.**

TOPIC 5

RETAILING AND TOWN CENTRES

OBJECTIVES

OBJECTIONS	DO/5541/1667	Campaign for the Protection of Rural Wales
	DO/5541/1832	Campaign for the Protection of Rural Wales

Primary Issues

- 5.1.1
- Is Objective 4 inconsistent with national guidance.
 - Is the term “where appropriate” in Objective 5 unnecessary.

Inspector’s Conclusions

5.1.2 Regarding the first issue, Objective 4 refers to ensuring that out-of-town retail developments do not undermine the vitality and viability of the existing retail centres. While national guidance is aimed generally at directing new shopping provision towards town centres and protecting their vitality and viability, clearly there might be circumstances where out-of-town developments can be justified; this sometimes arises, for example, in the case of bulky-goods sales premises or where there is compelling evidence that no suitable town centre or edge-of-centre site is available for necessary additional floorspace. The Plan is therefore right to specify this objective and in the context of the present objection I find nothing inconsistent between this provision and national guidance on this matter.

5.1.3 As for the second issue, the inclusion of the term “where appropriate” is warranted inasmuch as there could well be a range of factors influencing any decision to provide, for the benefit of communities, new local facilities where they are deficient; each one would need to be weighed in the balance and could lead to the refusal of planning permission despite all other considerations.

RECOMMENDATION

- 5.1.4 **That no modification be made to the Plan in response to these objections.**

INTRODUCTION AND RETAIL STRATEGY

OBJECTIONS

LDO/5723/0899 Mr G G Hibbert
DO/5704/0934 Somerfield Stores Limited
(reported under Policy R3)
DO/5394/1581 Principality Pensions Trust
(reported under Part 1 - Policy 1R)
DO/5704/0937 Somerfield Stores Limited
DO/5704/0938 Somerfield Stores Limited
DO/5704/0946 Somerfield Stores Limited
(registered under Policy R6 - Paragraph 5.40)

Conditionally Withdrawn

DO/5541/1736 Campaign for the Protection of Rural Wales

Proposed Changes

PC144, PC145, PC153

Primary Issues

- 5.2.1
- Is it inappropriate to attempt to provide all the theoretical retail floorspace for the County Borough’s population within the Plan area.
 - Is it correct to assume that anchor store provision, as compared with adequate parking facilities, would give vitality to town centres.
 - Is the Plan’s specified modified sequential approach appropriate and justified taking into account national guidance.
 - Are the references to expenditure growth forecasts and self-sufficiency levels in convenience goods provision appropriate and justified.

Inspector’s Conclusions

5.2.2 As to the first issue, **Mr Hibbert** appears to have misunderstood the Council’s intentions regarding its retail policies and proposals. Topic Paper 4, which sets out the relevant demand and supply projections, makes it clear that the aim over the lifetime of the Plan is to achieve the retention of an increased proportion of the local population’s retail expenditure; but the actual targets are for only specified percentages of the identified population demand (for the 3 categories of expenditure - convenience goods, bulky comparison goods and non-bulky comparison goods) being met. These targets, the Council maintains, are sensible and achievable within the Plan period and there is nothing in **Mr Hibbert’s** evidence to suggest otherwise.

5.2.3 Regarding the second issue, the Plan confirms the expectation that existing town centres, because of their size even after having been upgraded, will be principally anchored by convenience foodstores. **Mr Hibbert** asserts that the claim that such stores, rather than adequate parking facilities, would improve the vitality of those centres cannot be substantiated. The Council, on the other hand, says that in order to improve the attractiveness

and vitality of the County Borough’s town centres new investment is required in all retail sectors; and one of the best ways of attracting national multiples to those centres is initially to encourage large foodstore operators which would act as a catalyst for further investment.

5.2.4 In my experience this is a perfectly valid argument. The provision, or retention, of a large foodstore within a town centre is commonly seen as crucial to the centre’s future well being. I am convinced that, in comparative terms, the provision of adequate parking facilities would be unlikely to improve significantly the vitality of a town centre which did not already have in place an attractive retail offer.

5.2.5 In terms of the third issue, national guidance confirms the importance of adopting a sequential approach in regard to the selection of sites for new retail development. The introductory text to this part of the Plan purports to describe what this amounts to although I have earlier recommended certain modifications to this text [*see under Part 1 Policy 1R*]; however it then goes on to say that its own retail strategy is based on a modified sequential approach. **Somerfield Stores Limited** questions the appropriateness of this and, on the basis of the evidence presented, I agree.

5.2.6 The Council says that it has allocated retail sites for large foodstores on the edge of town centres because for the majority of shopping trips, involving bulk purchasing, the private car would be the most desirable means of transport; since associated parking provision would be an important factor, and in order to prevent traffic congestion, it is not considered that a core town centre location would be appropriate for such foodstores. To further explain this point, and the modified sequential approach which the Plan adopts, the Council proposes changes (PC144 and PC153) to the introductory text under the heading “Anchor Store Sites” (Paragraph 5.14) and the text supporting Policy R6 (Paragraph 5.40).

5.2.7 The approach which the Plan seems to be promoting under the provisions of Policy R6 is to reverse the priorities embodied in national guidance so that the sequential test to be applied to proposals for large retail stores specifies a preference for edge-of-centre sites rather than a town centre location. To my mind there is nothing to justify such a sweeping change in the general policy approach to retail development.

5.2.8 I use the term “seems to be promoting” deliberately because frankly the express provisions of this Plan are confusing and contradictory. Policy R6 says that proposals will be considered in accordance with *the* sequential approach, this approach having been previously described in the introductory part of the Retail Chapter. The supporting text however specifies that the sequential test will be applied in accordance with national guidance but with the exception, to which I refer above, namely that edge-of-centre sites will be the first preference. Yet the Plan then compounds the confusion by specifying that proposals will only be granted once the sites identified in Policies R3 and R4 have been considered and there is no appropriate location elsewhere within the defined retail centres. The proposed changes to the supporting text do not help unravel the confusion significantly. Indeed the additional provisions included in Paragraph 5.40 refer to the allocations made under other policies and have no direct relevance to Policy R6 which ostensibly they are intended to support.

5.2.9 I do not seek to comment here on the appropriateness of the specific Plan allocations (contained in Policy R3) for town centre development. Some proposed sites have not attracted any objections, while in respect of those which have been challenged I deal with the arguments raised under that policy heading. In broad terms however it seems to me that

the Council has in fact followed national guidance and decided, on the basis of local circumstances, that no suitable core town centre site exists and that therefore an edge-of-centre location should be allocated as the next best option.

5.2.10 However it would be wrong for the Plan to pre-suppose that such circumstances will automatically apply in every future case in all town centres within the County Borough. It is essential, if well-established policy guidance on the promotion of town centres and on sustainability considerations generally is to be followed, that in regard to future proposals a proper examination is made of the potential opportunities to locate retail development within town centres and only if there is clear evidence that none exists should an edge-of-centre location be considered.

5.2.11 In the absence of any evidence of local circumstances justifying any significant change to the nationally endorsed sequential approach, the provisions supporting Policy R6 should confirm unequivocally that future proposals will be considered in accordance with the widely-acknowledged sequential test which specifies a town centre location as the first preference. Moreover all references, either express or implied, in the Plan to a “modified sequential approach” should be deleted. In particular Paragraph 5.14 should be modified to make it clear that those sites allocated by the Plan have been selected on the basis of the sequential test (assuming that this is the case) but that due to local circumstances only an edge-of-centre location has been found to be suitable in each case; and, furthermore, that in regard to other future proposals the application of the sequential test will require that town centre opportunities should be considered before any edge-of-centre location. For these reasons I do not intend formally recommending PC144 and PC153.

5.2.12 Regarding the fourth issue, **Somerfield** maintains that the percentage rise in expenditure growth which is referred to in the introductory text under the heading “Future Demand” should be revised downwards so as to reflect more closely current trends; also, given the identification of such a high (73%) level of sufficiency of convenience goods provision and the proximity of higher order centres and other town centres within easy reach of the County Borough, it is unlikely that the Plan’s aims to improve that figure can be easily achieved.

5.2.13 As to the first point, the base data used at the time of the Deposit Draft Plan was the best available. Since then this information has been updated. The Council says that it has given consideration to these latest figures but has concluded that no change to the provisions of the Plan are necessary. I observe that **Somerfield** has not sought to challenge this conclusion. Nor has there been any direct objection to any of the Plan’s provisions which have stemmed, at least in part, from the translation of that base data into formal proposals.

5.2.14 On the second point, a core feature of the Plan’s retail strategy is to retain more of the local population’s shopping expenditure by means of additional provision. The Council expresses confidence in its analysis and says that the situation will be monitored and be subject to review during the Plan period. **Somerfield** offers no tangible evidence to demonstrate that the retail strategy is misguided or that any particular policy or proposal is inappropriate due to the point of objection identified here.

5.2.15 Given those circumstances, in regard to this issue I can find no compelling reason for modifying the Plan.

5.2.16 Lastly, my attention has been drawn to PC145 which proposes what on the face of it is a modest change to the text of Paragraph 5.17; this has led to the conditional withdrawal of the objection made by the **Campaign for the Protection of Rural Wales (CPRW)** and is not the subject of any counter-objection. However I shall not endorse it because that would in effect contradict my earlier recommendation that the category “Retail Warehouse Centres” be deleted from the shopping hierarchy identified under Policy 1R [*see under Part 1 Policy 1R*]. The text the subject of PC145 refers to “retail centres in locations outside town centres” which I take to include the so-called retail warehouse centres described above.

5.2.17 In these circumstances, consequential modifications to Paragraph 5.17 would be necessary (in accordance with my specified earlier recommendation) thus making the use of the term “retail centres” wholly inappropriate. I am sure however that in modifying Paragraph 5.17 to accord with my conclusions on Policy 1R the Council will take into account the thrust of the **CPRW’s** present objection (effectively calling for better phraseology) which it has already agreed to accept. In these circumstances, no further formal recommendation is necessary.

RECOMMENDATION

5.2.18 **That:**

- (i) **the Plan be modified by the deletion of all references, both expressly stated or implied, to the adoption of a modified sequential approach;**
- (ii) **the introductory text in Paragraph 5.14 be modified by the revision of its provisions to confirm in essence that those sites allocated by the Plan under Policy R3 have been selected on the basis of the sequential test but that due to local circumstances only an edge-of-centre location has been found to be suitable in each case and, furthermore, that in regard to other future proposals the application of the sequential test will require that town centre opportunities should be considered before any edge-of-centre location, taking into account my conclusions in paragraph 5.2.11 above;**
- (iii) **the supporting text to Policy R6 be modified to confirm in essence that in respect of all future proposals the application of the sequential test will be precisely as set out in national guidance and to include brief clarification of the specified priority of locations taking into account my conclusions in paragraphs 5.2.7 to 5.2.11 above;**
- (iv) **no other modification be made to the Plan in response to these objections nor in relation to Proposed Changes PC144, PC145 and PC153.**

POLICY R1

RETAIL WAREHOUSE CENTRES

POLICY R1.7

SOUTH OF THORNCOMBE ROAD, BLACKWOOD

OBJECTION

DO/5208/1829 Mrs S M Owen
(reported under Policy R4(1))

Inspector’s Comment

5.3.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy R4(1).

POLICY R3

NEW RETAIL DEVELOPMENT SITES

OBJECTION

DO/5704/0942 Somerfield Stores Limited
DO/5704/0934 Somerfield Stores Limited
(registered under Retail Chapter Paragraph 5.1)

Primary Issues

- 5.4.1
- Should this policy stipulate a floorspace limitation so as to ensure that new retail provision is of an appropriate scale.
 - Should this policy expressly reflect a need for comparison and not convenience shopping facilities in the County Borough’s town centres.

Inspector’s Conclusions

5.4.2 As for the first issue, Policy R3 allocates land for retail development in 5 specified locations. **Somerfield Stores Limited** contends that to ensure that trade is simply not diverted from other town centres to the detriment of their vitality and viability there should be a floorspace limitation on the new provision specified in this policy.

5.4.3 The Council maintains that the allocated sites are each of a scale appropriate to the centre to which they relate. Four sites are at district centres and would accommodate only relatively small stores; these would be unlikely to have any noticeable impact on any other centres. The site at the sub-regional town centre of Blackwood already has the benefit of a resolution to grant permission (subject to the completion of a S106 Agreement) for a large foodstore; I understand that this decision was based on the findings of a retail impact study.

5.4.4 Aside from those considerations, national guidance makes it clear that development plans should not prescribe rigid floorspace limits that would unreasonably inhibit the retail industry from responding to changing demand and opportunity. Given this advice and the foregoing circumstances, there is no justification for any modification of the sort which **Somerfield** seeks.

5.4.5 Regarding the second issue, the specified allocations are supported by the findings of a capacity exercise contained in Topic Paper 4 which accompanies the Plan. **Somerfield** claims that this exercise is flawed in terms of its assessment of unsatisfied demand and that, as a consequence, the Council has failed to demonstrate a need for the 4 sites identified for foodstore provision. It is argued that rather than needing additional convenience floorspace, the County Borough’s town centres require further comparison provision; the policy should reflect this.

5.4.6 I am not convinced by those arguments. A core feature of the Plan’s retail strategy is to retain more of the local population’s shopping expenditure by means of additional provision which, in turn, would create more retail job opportunities and shorten overall shopping journeys. The express policy is to support and enhance existing centres based on their role within the retail hierarchy. The Council claims that Policy R3 will help achieve those aims. Indeed **Somerfield** concedes that centres such as Bargoed (which is one of those with an allocated site) would benefit from the provision of additional convenience floorspace. Furthermore, as stated in relation to the first issue, the Blackwood site has to all intents and purposes already been permitted following a retail assessment which, I assume, would have examined the question of need for a new large foodstore; a measure of comparison goods provision is also intended here according to the information in Appendix 5. And given that since the publication of the Deposit Draft Plan the Risca site has already been developed with a foodstore, realistically the object of **Somerfield’s** concern is now limited to just one location at Newbridge where a small site of some 0.9ha is allocated.

5.4.7 Moreover, I have studied the information contained in Topic Paper 4 and see no reason to conclude that the Council’s figures are seriously flawed; assessments of this nature, which rely on a range of assumptions and data sources, are far from being an exact science. There is certainly nothing in **Somerfield’s** evidence which persuades me that the whole direction of this particular part of the policy, to facilitate primarily convenience rather than comparison floorspace provision, should be reversed. In reaching this conclusion I am mindful that the fifth site allocated by Policy R3 is intended to provide comparison goods floorspace and further such provision is made by Policy R4. In all these circumstances, there are no compelling grounds for modifying the Plan in response to this objection.

RECOMMENDATION

5.4.8 **That no modification be made to the Plan in response to these objections.**

POLICY R3

NEW RETAIL DEVELOPMENT SITES

POLICY R3.2

NORTH BLACKWOOD

OBJECTIONS

List of objections at Appendix 1

Primary Issues

- 5.5.1
- Is there sufficient need for more shopping provision to justify the allocation of this site for retail development.
 - Should this site instead be used for leisure purposes.
 - For highway safety and residential amenity reasons, should this provision be deleted.

Inspector’s Conclusions

5.5.2 This policy allocates land at the northern end of Blackwood town centre for retail development. The supporting text identifies it as being intended for a foodstore. I am aware that since the publication of the Deposit Draft Plan the Council has considered a planning application for the erection of a large foodstore on this site and has resolved to grant permission subject to the prior completion of a S106 Agreement.

5.5.3 As to the first issue, **Mrs Jones** and **Mr & Mrs Padfield** question whether there is a need for the provision of any further shopping facilities in Blackwood. **Iceland Frozen Foods plc** is more specific and challenges the Council’s view that further foodstore provision is necessary; it is argued that this proposal would be likely to harm existing nearby traders and thereby adversely affect the vitality and viability of the town centre as a whole.

5.5.4 The fact that the Council has now formally resolved to permit a foodstore development on this site is highly significant. In fact since the close of the Inquiry I have seen that development has commenced here and therefore assume that the necessary Agreement has been completed and that the permission has been issued. I note that the Council’s decision was based, among other things, on the findings of a retail impact study which doubtless provided evidence on the need for the proposed development and its likely effect on the vitality and viability of Blackwood town centre. Indeed the Council confirms that it is satisfied that a need does exist for this proposal and that any marginal loss of trade which existing shops might experience would be far outweighed by the benefits which the scheme would bring to the town centre as a whole.

5.5.5 To my mind there is no compelling evidence to the contrary and, accordingly, no justification on these grounds for deleting or otherwise modifying this Plan allocation.

5.5.6 In terms of the second issue, **Mr Goodwin** expresses concern about the loss of the rugby field which is part of the allocation site, while **Mrs Jones** contends that this land should be used instead for leisure purposes. Notwithstanding that the grant of permission and

commencement of development has rather nullified these objection arguments, I note from the Council’s evidence that a replacement playing field is to be located on a site at the southern end of the town centre which is allocated for leisure purposes under Policy L5(12) and which is not the subject of any objection. There is also other informal open space available nearby along the riverside. There is no evidence to suggest that leisure space, existing and allocated, is seriously deficient in this immediate locality and in all the circumstances I find no reason to recommend any modification to the Plan in response to these objections.

5.5.7 Regarding the third issue, the great majority of Objectors raise arguments about the likely impact of increased traffic along residential streets in this vicinity, particularly William Street and David Street. Their concern is perhaps not too surprising. These are relatively narrow streets with kerbside parking along significant stretches on both sides in effect making them single lane roads; they lie directly behind commercial premises fronting the main road through the town centre and are just to the south of the allocation site.

5.5.8 However the residents’ fears regarding a worsening of traffic safety and living standards would not in my opinion become reality. I am told that objections of this nature were considered by the Council at the time the planning application was dealt with. A condition of the permission requires that an agreed scheme of measures be implemented by the developer to safeguard these streets from the effects of excessive traffic movements; these are likely to include closing William Street at its northern end (the closest point to the allocation site) and providing calming measures along both streets and others nearby. In addition Hall Street, which presently provides a link between William Street and the High Street, would be closed off.

5.5.9 I have no reason to believe that those measures would not materialise or that they would not be effective. Certainly, in relation to these matters there is nothing to justify deleting this Plan allocation. In any event, whatever the Plan might propose, or not propose as the case may be, would have no effect on a developer’s ability to implement the planning permission.

5.5.10 There is however one minor modification which I shall recommend. Given the Council’s acknowledgement of the need to implement measures to safeguard the environment of the residential areas to the south of the allocation site, it would be appropriate if the Plan too were formally to recognise this in the provisions which support and explain this allocation. Accordingly the site description in Appendix 5 should include a suitable reference to this matter and to the sort of measures which are considered to be necessary.

RECOMMENDATION

5.5.11 **That:**

- (i) **Appendix 5 be modified by the inclusion in the Policy R3.2 site description of a reference to the need for measures to be undertaken to safeguard neighbouring residential areas from any harmful effects of traffic arising from the development of this site taking into account my conclusions in paragraphs 5.5.7 to 5.5.10 above;**

- (ii) **no other modification be made to the Plan in response to these objections.**
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POLICY R3

NEW RETAIL DEVELOPMENT SITES

POLICY R3.4

PENGAM ROAD, YSTRAD MYNACH

OBJECTIONS

DO/5383/0933 A Cole
DO/5381/0929 Mrs C Cole
DO/5383/0935 A Cole
(registered under Policy L4.99.15)
DO/5381/0930 Mrs C Cole
(registered under Policy L4.99.15)

Primary Issue

- 5.6.1
- On the grounds of absence of need and harm to the vitality and viability of Ystrad Mynach town centre, should this retail allocation be deleted and the site instead be allocated for leisure purposes.

Inspector’s Conclusions

5.6.2 This site lies between a major Tesco foodstore and a public car park which stands at the eastern edge of the existing town centre. Behind the car park is a sports centre and the nearest shops are just a short walk away. The Plan intends that this site would be developed with comparison goods floorspace; this, it is anticipated, would create a retail frontage link between Tesco and the existing town centre shops as well as enhancing the vitality and viability of the centre through the provision of additional comparison goods floorspace and free parking facilities.

5.6.3 These are powerful arguments. Tesco is not too distant from the town centre and there is already a convenient pedestrian link to the main road leading towards the existing shops. The improvement of the intervening frontage by the development of more retail premises would provide a welcome boost to the prospects of linked shopping trips being undertaken between the foodstore and the centre; furthermore the site is sufficiently close to the centre to provide a convenient opportunity for its own shoppers to make such trips.

5.6.4 This is quite a small town centre with a fairly limited range of shops, especially those trading in comparison goods. There are, I saw, several vacancies. Given my foregoing conclusions, it seems to me that any retail development which arises from the allocation of the present site would be likely to be beneficial to the town centre and help maintain, if not enhance, its vitality and viability.

5.6.5 As to the question of the alternative use of this site for leisure purposes, the Council’s evidence discloses that there is only a limited unmet demand in the County Borough for sports halls and swimming pools, either or both of which the Objectors say would be beneficial here. And the analysis demonstrates to my satisfaction that neither of these facilities could be justified on this site, at least not at the expense of losing the opportunity to provide additional comparison goods retail floorspace for which there is, according to the Council’s unchallenged calculations, a significant need in Borough-wide terms.

RECOMMENDATION

5.6.6 **That no modification be made to the Plan in response to these objections.**

POLICY R3

NEW RETAIL DEVELOPMENT SITES

POLICY R3.5

CROSSKEYS COLLEGE ANNEX, RISCA

OBJECTIONS

DO/5369/0531 Petition~Old Pontymister School Site
DO/5369/0536 Petition~Old Pontymister School Site
(registered under Policy CF3.99(1))

Primary Issue

- 5.7.1
- Should the allocation of this site for retail development be deleted and should it instead be allocated for community purposes.

Inspector’s Conclusions

5.7.2 This objection concerns a small site within the town centre of Risca. Since the publication of the Deposit Draft Plan permission has been granted for a foodstore on the north-western part of the allocated land and this, together with car parking facilities has now been built. The Objectors call for the remainder of the allocation site to be used for the purposes of developing a community centre which, they claim, would be of considerable benefit to local residents.

5.7.3 I acknowledge, as the Council points out, that because of the key location of this site alongside the anchor foodstore within Risca’s relatively modest-sized shopping centre it represents a valuable opportunity for the development of yet more retail provision which, potentially, would help enhance the vitality and viability of this place. I further note from the Council’s evidence that this settlement is not considered to be one of the most in need of a community centre; others have a higher priority and these are the subject of appropriate allocations under Policy CF3. There is an existing hall not too far from this site

and evidently the management are actively trying to encourage greater use by the local community. For these reasons I conclude that no modification to the Plan is warranted.

RECOMMENDATION

5.7.4 **That no modification be made to the Plan in response to these objections.**

POLICY R3

NEW RETAIL DEVELOPMENT SITES

R3.99.1

LAND ADJACENT TO RHYMNEY RAILWAY STATION

OBJECTION

DO/5485/1278 Railtrack Plc

Primary Issue

5.8.1 • Should this site be allocated for food retail development.

Inspector’s Conclusions

5.8.2 The objection site adjoins a small parking area at Rhymney railway station. It stands some distance from any other shops; the few which do exist in this small settlement are mainly scattered along the main road through Rhymney. In my opinion there is no consolidated shopping centre as such although clearly the hub of retail, business and social activity is based on the area straddling the main street.

5.8.3 The present site is so relatively remote from the main street that it would function as an isolated unit which would bring no real benefit at all to the well-being of the existing “centre”. It amounts to an out-of-centre site and to my mind it fails the sequential test which national guidance identifies and which I am recommending this Plan should adopt [*see under Retail Chapter - Introduction and Strategy*]; there is no evidence that in policy terms any more favourably located sites have been examined and found to be unsuitable.

5.8.4 Any future retail proposals for this site could be pursued under the criteria-based provisions of Policies R6 or R7 but, given the foregoing considerations, I am convinced that an allocation of this land for such purposes would entirely inappropriate.

RECOMMENDATION

5.8.5 **That no modification be made to the Plan in response to this objection.**

POLICY R3

NEW RETAIL DEVELOPMENT SITES

R3.99.6

LAND AT PENRHOS, CAERPHILLY

OBJECTION

LDO/5729/1799 Duffryn Ffrwdd (Newtown) Estate Ltd
(reported under Policy H1.99.75)

Inspector’s Comment

5.9.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy H1.99.75.

POLICY R4

RETAIL WAREHOUSING

OBJECTIONS

DO/5394/1627 Principality Pensions Trust
(reported under Policy R4.99.5)

Conditionally Withdrawn

DO/5398/0601 Cardiff County Council

Proposed Change

PC150

Primary Issues

5.10.1 • *There are no outstanding issues which need to be examined here.*

Inspector’s Conclusions

5.10.2 The objection made by the **Principality Pensions Trust** is fully considered, and is the subject of an appropriate recommendation, under Policy R4.99.5. As for the objection made by **Cardiff County Council** which has been conditionally withdrawn as a result of PC150, since there has been no counter-objection I shall endorse this change to the terms of the policy.

RECOMMENDATION

5.10.3 **That Policy R4 be modified by the addition of the following provision:-**

“POTENTIAL DEVELOPERS WILL BE REQUIRED TO DEMONSTRATE THAT RETAIL WAREHOUSE PROPOSALS AT

THESE LOCATIONS DO NOT UNDERMINE THE VITALITY AND VIABILITY OF EXISTING TOWN CENTRES”

in accordance with Proposed Change PC150.

POLICY R4

RETAIL WAREHOUSING

POLICY R4.1

SOUTH OF THORNCOMBE ROAD, BLACKWOOD

OBJECTIONS

DO/5555/0663 Mrs H Beecham
DO/5393/0641 Ms M L Beecham
DO/5591/0465 Mrs S Burriss
DO/5452/1057 Mrs L Churchill
DO/5726/0976 Mr K Etheridge
DO/5357/0738 Mrs J Jenkins
DO/5595/0479 Mr M Jones
LDO/5717/0563 Landsker Developments Ltd
DO/5208/1830 Mrs S M Owen
DO/5208/1829 Mrs S M Owen
(registered under Policy RI(7))
DO/5208/0022 Mrs S M Owen
(registered under Policy L4(2))
DO/5357/1872 Mrs J Jenkins
(registered under Policy L4(2))
LDO/5717/0561 Landsker Developments Ltd
(registered under Policy L4(2))
LDO/5717/2007 Landsker Developments Ltd
(registered under Policy H1(HC20))

Primary Issue

- 5.11.1
- On the grounds of absence of need for retail provision, impact on local traders, unsuitability for commercial leisure development, loss of greenfield land and harm to traffic safety and residential environmental standards, should the allocation of this site for retail warehousing and leisure facilities be deleted and should it instead be allocated for open space purposes or housing development.

Inspector’s Conclusions

5.11.2 This is an extensive site, comprising generally open land with a noticeable amount of tree cover, which lies at the southern end of Blackwood town centre. It has a long frontage to the main road leading through the town centre. To the north is a residential area

which stands behind the High Street shops and there is further housing along the road frontage opposite; to the east and south is open land, the latter area being managed parkland.

5.11.3 In terms of the retail element of the Plan’s proposals for this site, Policy R4 allocates 5.7ha for retail warehousing selling durable goods. Although **Mrs Jenkins** questions the need for this sort of provision given the number of vacant premises which currently stand in the town centre, the Council’s arguments on this score are compelling. Topic Paper 4 provides a detailed assessment of the present situation regarding comparison goods retailing in the County Borough. This demonstrates to my satisfaction that there is a significant need for bulky comparison goods shopping floorspace in this area and there is no technical evidence available which suggests otherwise. Furthermore, from what I have seen of Blackwood town centre I readily accept the Council’s claim that premises of the scale and nature required for the purpose of providing such floorspace could not be accommodated within the centre without causing appreciable harm to the townscape.

5.11.4 Nor am I convinced by **Mr Etheridge’s** assertion that local traders would suffer harm from the competition which the proposed retail warehousing would provide. First, it is notable that no existing trader has raised this sort of objection. Secondly, there is no technical evidence, in the form of an impact study, to support such a claim. And thirdly, given the proximity of this site to the town centre, there is every likelihood that shoppers would be encouraged to undertake linked trips; this would be of significant benefit to existing traders in the centre thereby enhancing the vitality and viability of the place. In any event under the terms of Policy R4 potential developers would be required to demonstrate that their scheme would have no adverse retail impact.

5.11.5 As for the Plan’s leisure proposals, Policy L4 allocates land here for such purposes. The supporting text confirms that this is seen as an opportunity to reinforce the role of the town as a sub-regional centre by developing leisure facilities in an edge-of-centre location. This, I recognise, is consistent with the tenor of national guidance which identifies leisure development as part of the mix of uses which help maintain and enhance the vitality and viability of town centres; as before, there is clear potential for linked trips to occur.

5.11.6 **Landsker Developments Ltd** criticises this location on a number of counts, none of which in my opinion is well-founded. A central location like this provides the opportunity for visitors/customers to use public transport and/or to undertake linked shopping and leisure trips; the scale of leisure-related traffic is therefore likely to be much less than if these facilities were provided elsewhere. In this respect **Landsker** does not provide evidence that other, more sustainable, locations are available for this purpose. Allied to that point, I cannot agree with the argument that this site is not sufficiently accessible to the wider population; what better than a location on the main road (a bus route) into one of the County Borough’s 2 sub-regional town centres and within relatively easy walking distance of existing public transport services?

5.11.7 As for the site’s “visibility”, contrary to **Landsker’s** belief, this would seem to be a most appropriate location given its prominence at the edge of the town centre and with a frontage to the main road. Of course much would depend on the design of any future development but I find it difficult to imagine that any scheme would not seek to exploit the opportunity which this location provides to promote itself and attract custom.

5.11.8 A few Objectors express a more general concern about the loss of greenfield land/open space, while others say that this site should be formally allocated for open space

purposes. This site at present does not comprise public open space and must be regarded as committed development land since it has the benefit of planning permission for housing purposes; therefore no “loss” in the foregoing context would arise. However there is already a substantial area of public open space directly to the south of the present site; Policy L8 provides protection for this and other such land in the County Borough. In addition another substantial stretch of land beside the river just east of this site is allocated under Policy L5 for formal recreation purposes and I observe from the Proposals Map that there are 2 further sizeable areas of public open space not too far away. In these circumstances, and given that the Council has assessed that a need exists for both retail warehousing and leisure facilities and that there is no compelling evidence to the contrary, I see no reason why this land - instead of the Plan’s specified approach - should be allocated for open space purposes.

5.11.9 Similarly, there is no overwhelming reason why this site should, as **Landsker** suggests, be allocated for housing purposes. In physical land-use terms it would be suitable for such development, as the extant planning permission testifies. And clearly a site of this size would make a very useful contribution to the housing shortfall which I have found exists [*see under Part 1 Policy 1H*]. Yet there is, I repeat, a need for retail warehousing and leisure facilities which this site is very well placed to satisfy and nothing persuades me that the Plan is wrong to promote this.

5.11.10 Lastly, many Objectors raise arguments about the potential increase in traffic along nearby residential streets, especially William Street and David Street, and the consequent worsening of safety standards and harm to residents’ amenities. The Council says that access to the allocation site would be direct from the main road; no connection would be allowed into the residential area to the north. Furthermore the new access road across the southern part of this land would also form part of the link to the Sirhowy Enterprise Way, a planned strategic route around the eastern side of the town. Additionally I am aware from evidence submitted in relation to an earlier case [*see under Policy R3.2*] that measures are being taken in conjunction with another development which would make it unlikely that the aforementioned streets would in the future suffer any serious effects from through traffic. In all these circumstances, I am satisfied that no significant traffic safety or residential environmental problems would arise due to the development of this site in accordance with the Plan’s proposals.

5.11.11 For all these reasons there is no justification for any modification to the Plan.

RECOMMENDATION

5.11.12 **That no modification be made to the Plan in response to these objections.**

POLICY R4

RETAIL WAREHOUSING

POLICY R4.2

CROSSWAYS EXTENSION, CAERPHILLY

OBJECTIONS

DO/5460/0813 Greendoorstep (Caerphilly)
DO/5460/1834 Greendoorstep (Caerphilly)
(registered under Policy E1.99.14)

Primary Issue

- 5.12.1
- For reasons relating to the need for employment provision and in the interests of promoting sustainable development, should the allocation of this site for retail warehousing be deleted and should the land instead be allocated for high-density employment purposes.

Inspector’s Conclusions

5.12.2 The Proposals Map denotes an area known as the Crossways Retail Park which is situated on the northern edge of the urban area of Caerphilly. At present this comprises a major DIY store and a group of large-scale buildings used mainly for business and leisure purposes; at the time of my inspection further development was going ahead on other land here. Just to the south of the defined retail park area, and served by the same main access road, is a fast-food restaurant, a budget hotel and a public house/restaurant. In my opinion, however, on the ground this whole area appears and functions as a single consolidated commercial/leisure location.

5.12.3 This case concerns the remaining sizeable area of open ground within the retail park. It is allocated for retail warehousing under the terms of Policy R4; in part this carries forward provisions of the Rhymney Valley District Local Plan. I am also aware that there are extant planning permissions for retail warehousing covering most of this land. **Greendoorstep (Caerphilly)** maintains however that the Plan is wrong to pursue such development. It says that within the Caerphilly settlement it is essential to make full use of available urban sites for as much employment development as possible so as to address the imbalance which there is between population, jobs and social facilities, to encourage wealth creation through more employment opportunities and to reduce the pressure to develop parts of the surrounding countryside; this, it is suggested, would be a more sustainable solution.

5.12.4 Arguments of this nature arise in a number of **Greendoorstep’s** objections which I have dealt with elsewhere. Yet again the point has to be made that the Plan has to take a realistic and balanced approach to the matter of making appropriate provision for land in order to meet established needs across the whole spectrum of land uses. In this context the crucial factor on this occasion is that there is a demonstrable need (as the Council’s assessment in Topic Paper 4, which **Greendoorstep** does not challenge, confirms) for bulky comparison goods floorspace, whereas there is no shortage of employment land according to uncontested figures in Topic Paper 2. An additional important consideration is the fact that much of this site is already committed to retail warehousing through the grant of planning

permissions; thus, in any event, nothing which the Plan might say would render these permissions incapable of implementation.

5.12.5 Given that a principal aim of the Plan’s retail strategy (of which Policy R4 is a vital element) is to reduce significantly the amount of the local population’s expenditure which is currently being lost to centres outside the County Borough and that this by association should enhance the vitality and viability of the Borough’s retail centres and reduce overall shopping-related journey distances, in my judgement the allocation of the present site for retail warehousing is a sustainable option.

5.12.6 For all these reasons there is nothing in **Greendoorstep’s** arguments which persuades me to recommend that the Plan be modified.

RECOMMENDATION

5.12.7 **That no modification be made to the Plan in response to these objections.**

POLICY R4

NEW SITE FOR RETAIL WAREHOUSING

R4.99.3

LAND AT NEWBRIDGE ROAD INDUSTRIAL ESTATE, PONTLLANFRAITH

OBJECTION

DO/5492/1444 Formacion Limited

Primary Issue

5.13.1 • Should this site be allocated for retail warehousing purposes.

Inspector’s Conclusions

5.13.2 The objection site is an area of open ground towards the rear of the existing industrial estate. It is adjoined on 3 sides by industrial premises, while to the north is an extensive stretch of open land which the Plan allocates for further employment development.

5.13.3 Essentially one of the aims of the Plan’s retail strategy is, subject to my earlier recommendations regarding the identified retail warehouse centres [*see under Part 1 Policy IR*], to promote the County Borough’s town, district and local centres as the preferred locations for new shopping development. Generally out-of-centre retail schemes are to be discouraged. This approach is entirely consistent with national guidance.

5.13.4 This industrial estate is quite remote from any such centre. While there is a large foodstore located on the main road frontage to this estate, this is an isolated and apparently long-established unit. Accordingly this must be regarded as an out-of-centre

location. I am conscious that there is an undoubted need for the provision of more retail warehousing within the County Borough. However the Plan already allocates land specifically for this purpose in 2 identified locations and there is nothing in the Objector’s evidence to suggest that another site needs to be positively promoted in the same way. In particular there is no evidence that there has been any form of thorough sequential test undertaken to demonstrate that no other, more favourably located site, exists.

5.13.5 The Plan nevertheless provides an opportunity for considering the merits of retail warehousing development on the objection site. Any future proposal would be judged against the provisions of Policy R6 when matters such as the sequential test, retail impact and need could be properly examined. In all the circumstances, the Plan need go no further.

RECOMMENDATION

5.13.6 **That no modification be made to the Plan in response to this objection.**

POLICY R4

NEW SITE FOR RETAIL WAREHOUSING

R4.99.4

PRINCE OF WALES INDUSTRIAL ESTATE, ABERCARN

OBJECTIONS

DO/5440/1842 Mr C Jones
DO/5438/1835 Mr I Jones
DO/5442/1836 Mrs K Jones
DO/5455/1839 Mrs M C A Jones
DO/5445/1838 Mrs J Rees
DO/5724/1841 Mr R Rees
DO/5443/1837 Mr Y Rees
DO/5632/1840 West End Residents Association (Abercarn)
(all reported under Policy E2.21)

Inspector’s Comment

5.14.1 These objections are fully considered, and are the subject of an appropriate recommendation, under Policy E2.21.

POLICY R4

NEW SITE FOR RETAIL WAREHOUSING

R4.99.5

VIRGINIA PARK, CAERPHILLY

OBJECTIONS

DO/5394/1595 Principality Pensions Trust
DO/5394/1627 Principality Pensions Trust
(registered under Policy R4)

Primary Issue

- 5.15.1 • On the grounds of quantitative and qualitative need and for reasons relating to the proper application of the sequential approach, should this site be included in the list of retail warehousing locations under Policy R4 either in replacement of the Crossways site or as an additional provision.

Inspector’s Conclusions

5.15.2 This case concerns a site which lies within the urban settlement and is surrounded by housing, a supermarket, employment buildings, a recreation ground, a leisure centre and an area of open ground. It was formerly occupied by industrial premises; however it is now largely vacant although the framework of those structures remains and there are hard-standings still in evidence. This is a fairly sizeable and prominent site and I recognise that its redevelopment would be beneficial to the appearance and character of these immediate surroundings.

5.15.3 The **Principality Pensions Trust (PPT)** claims that this land is suitable for retail warehousing. I disagree. On the question of need, there is no dispute that within the County Borough as a whole there is a general need for the provision of a significant amount of retail warehousing if the Plan’s worthy aim of reducing the current substantial outflow of the local population’s retail expenditure to centres outside the County Borough is to succeed. The scale of expenditure loss in the bulky comparison goods category is such that the Council considers it appropriate to allocate 2 large sites at Blackwood and Crossways (Caerphilly) for retail warehousing purposes; this, it anticipates, would help appreciably to achieve the declared target of meeting 65% of the population’s bulky-goods expenditure within the County Borough. Other provisions of the Plan would assist in this respect, but to a much lesser degree.

5.15.4 **PPT** contends that a target figure of 80% would be more appropriate and be achievable if the objection site were similarly allocated for such purposes. In support of this argument **PPT** criticises the Council’s assessment of quantitative and qualitative need and says that its own should be preferred. Both assessments involve a series of assumptions and to my mind each party’s figures must be treated with a fair degree of caution; exercises of this nature are far from being an exact science. I also note that **PPT’s** calculations take into account certain base data (derived from URPI Information Brief 99/2) which was not available to the Council at the time the Deposit Draft Plan was being prepared.

5.15.5 I can deal with the latter point fairly briefly. Despite the emergence of more up-to-date information, it is preferable that the earlier URPI material should continue to be used on this occasion. The same base data, I observe, has been used to inform the other retail demand/supply assessments which have led to the Plan’s policies and proposals. It is important that the Plan is internally consistent and that, so far as possible, the relevant source material is of the same origin. It would be neither appropriate nor practical to require the Council at this stage to revisit its retail assessments simply to incorporate the latest URPI information; I am satisfied that this can await the first review of this Plan.

5.15.6 As for **PPT’s** 80% target, it is informative to note that as at 1997 the County Borough’s bulky goods expenditure retention figure stood at just 29%. In my judgement the Council’s aim of more than doubling this is, by any standards, ambitious - and in this context **PPT’s** near three-fold improvement seems over-optimistic. In reaching this conclusion I take into account that even if the objection site were developed for retail warehousing this would be unlikely to discourage residents in the more northerly parts of the County Borough from continuing to undertake shorter and more convenient trips for their bulky-goods shopping in, say, Merthyr Tydfil where I understand there are existing retail parks; and a similar situation would arise in the case of those living in eastern settlements such as Risca and Crosskeys which appear to have a more straightforward and attractive access to many of Newport’s stores. Also, as the Council points out, there may in any event be additional bulky-goods stores provision made on certain other allocated retail sites which is not accounted for in the calculations and which further weakens **PPT’s** argument that there is a need for the objection site.

5.15.7 On the basis of those considerations, I am not convinced that there is such a need for additional retail warehousing within the County Borough as to justify the allocation of the objection site for such purposes. In reaching this conclusion I have borne in mind that the Council’s assessment, understandably, is based on the 2011 population figure identified in the Plan; but this is an estimated figure which I have earlier concluded should be increased to 169,800 [*see under Part 1 Policy 1H*]. The use of this figure would naturally raise the consequential estimates for target residents bulky-goods expenditure and, correspondingly, unsatisfied target demand; but, according to my own calculations, these would not rise to such a level that the Plan’s present approach to retail warehousing provision is seriously shaken.

5.15.8 I turn therefore to the matter of whether the objection site should replace Crossways in Policy R4. **PPT** raises several matters which, it is argued, point to the present site being more appropriate, more sustainable and generally more in accordance with national guidance. First, I acknowledge that this site is wholly brownfield land and this factor deserves to be given due weight. Crossways on the other hand is partly greenfield; however much of the allocated land there has the benefit of planning permission and is thus, to that extent, an established commitment.

5.15.9 Secondly, as for the question of potential harm to the vitality and viability of Caerphilly town centre, the objection site would not necessarily present less of a risk. Both locations are out-of-centre. Neither is sufficiently close to the town centre to provide a realistic opportunity for linked shopping trips in the conventional sense; and for anyone intent on driving between their retail warehousing destination and the town centre, both locations are near to a main road into the centre and are in driving terms a not dissimilar distance from it. In any event under the provisions of Policy R4, including the proposed change which I am recommending, developers would have to demonstrate that their schemes

would not harm the vitality and viability of Caerphilly town centre; both locations would of course have to pass that test.

5.15.10 Thirdly, while the objection site is marginally more central within the urban area, I do not see this as the local benefit which **PPT** suggests given that bulky-goods stores are unlikely to attract much in the way of walk-in trade.

5.15.11 Nor am I persuaded by **PPT**’s claim that the allocation of land at Crossways would effectively create a regional shopping centre. Its calculation of potential floorspace is flawed as the Council’s evidence demonstrates and I am satisfied that the more realistic figure for the overall retail park is likely to be nearer 30,000 sq m than the 50,000 sq m threshold which national guidance specifies for a regional centre. Apart from that, TAN (Wales) 4 describes such centres as typically comprising a wide range of comparison goods; the retail element at Crossways is intended to be primarily geared to the relatively narrow area of bulky goods.

5.15.12 Furthermore there would be a distinct disadvantage to shoppers, in both retailing and sustainability terms, if the objection site were developed for retail warehousing instead of the remaining land at Crossways. The result would be, of course, 2 retail warehousing locations; shoppers would have less choice at each and would need to travel (by car) between the two in order to compare fully what was on offer. Consolidating this provision at the established location makes more sense in planning terms.

5.15.13 Taking all these considerations into account, I find no compelling reason to justify allocating the objection site for retail warehousing in preference to the land at Crossways.

RECOMMENDATION

5.15.14 **That no modification be made to the Plan in response to these objections.**

POLICY R4

NEW SITE FOR RETAIL WAREHOUSING

R4.99.7

LAND AT PENRHOS, CAERPHILLY

OBJECTION

LDO/5729/1800 Duffryn Ffrwdd (Newtown) Estate Ltd
(reported under Policy H1.99.5)

Inspector’s Comment

5.16.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy H1.99.5.

POLICY R5

EXISTING OUT-OF-CENTRE RETAIL UNITS

OBJECTIONS

DO/5394/1628 Principality Pensions Trust
PCO/5394/3258 Principality Pensions Trust
PCO/5394/3259 Principality Pensions Trust

Conditionally Withdrawn

DO/5656/1448 Harmer Partnership
DO/5694/0700 The National Assembly for Wales
DO/5415/0557 Sainsbury's Supermarkets Ltd
PCO/5541/3137 Campaign for the Protection of Rural Wales

Proposed Changes PC148, PC151, PC152, PC359
Further Proposed Changes FPC028, FPC029, FPC241

Primary Issue

- 5.17.1 • Are the provisions of this policy, both in its original form and as proposed for change, inappropriate and unduly prescriptive.

Inspector’s Conclusions

5.17.2 In the Deposit Draft Plan this policy specified a blanket presumption against proposals to expand existing out-of-centre retail units other than within the 2 retail warehousing locations identified under Policy R4. In response to a number of objections which criticised this policy in essence for being too inflexible and inconsistent with certain aspects of national guidance the Council has introduced proposed changes which completely alter the thrust of this policy (PC151, PC152 and PC359); where initially it was applicable generally throughout the County Borough, the latest version is confined to an identified “area of retail restraint” at Pontygwindy Road to the north of Caerphilly town centre. The Council maintains that further retail development within this area would be unacceptable because it would undermine the sub-regional role of the town centre and would lead to worsening traffic congestion and safety standards along Pontygwindy Road.

5.17.3 The **Principality Pensions Trust (PPT)** is alone in maintaining its objection to this policy. It offers instead the following policy:-

“In the Area of Restraint and outside the town centre and the defined retail areas, proposals for additional retail floorspace will only be permitted where they:-

- (i) accord with the sequential approach;*
- (ii) make use of brownfield land;*
- (iii) do not individually or cumulatively undermine the vitality and viability of Caerphilly town centre;*

- (iv) *do not undermine the Council’s retail strategy;*
- (v) *are accessible by a choice of means of transport;*
- (vi) *meet development control criteria set out in Policy DC1.”*

5.17.4 The identified area straddles the main road leading southwards into the town centre. It is in fact in 2 distinct parts. The larger area includes a major modern superstore and petrol filling station; also a small builders merchants premises, a public house/restaurant, another petrol filling station and 2 car sales premises. The other part consists of a public house and a small supermarket. A residential area separates these 2 parts. I observed during my inspection that there are a few other small shops elsewhere along this road but these do not lie within the defined policy area.

5.17.5 Given the scale, nature and distance between the 2 parts of the identified area of retail restraint, this does not remotely resemble a shopping centre in terms of content, size, layout or character. There is no physical cohesion or recognisable shopping frontage, no real range of retail provision and no variety in terms of other typical town centre uses. And the whole area is spread out alongside a very busy main road.

5.17.6 I accept the Council’s statement that the total retail floorspace here is greater than that within any of the County Borough’s district centres. But in my judgement that factor alone does not make this a retail centre in its own right. Indeed the floorspace figure is due principally to the size of the superstore alone. Given the foregoing circumstances, this place, despite the amount of retail floorspace, simply does not function as a “centre” in the commonly accepted sense.

5.17.7 I have no quarrel with the Council’s aim to ensure that the vitality and viability of Caerphilly town centre is not harmed; nor do I seek to question its view that the risk of exacerbating traffic congestion along Pontygwindy Road should be avoided. Yet these are issues which other provisions of the Plan are more than capable of addressing if a proposal for more retail development in the identified area of restraint were to come forward in the future. Policy R6 which would apply here confirms that large retail stores will not be permitted where the vitality and viability of nearby defined retail centres are likely to be undermined, while Policy R7 says much the same about proposals for small retail units based either on their impact individually or cumulatively with other permitted developments. As for highway considerations, Policies DC1 (Criterion G) and T3 provide appropriate safeguards.

5.17.8 In summary, there is no need for a separate policy at all and certainly no justification for the express type of stringent constraint which Policy R5 (as changed) seeks to impose. Accordingly, I am not endorsing PC151, PC152 or PC359 nor FPC028, FPC029 or FPC241 (which further alter the provisions of the proposed changes). The omission altogether of this changed policy does not conflict with the essential views of those Objectors who have conditionally withdrawn their objections. Nor do I find any need for or merit in **PPT’s** suggested alternative policy. As for the Deposit Draft version of this policy I fully agree with the Objectors who describe this as inflexible and unacceptable; and with the Council’s decision to delete it from the Plan. However there is one proposed change which I shall recommend which does not in fact relate to Policy R5. PC148 deletes certain provisions

from the text supporting Policy 1R and this has in part led to the conditional withdrawal of those same objections; there have been no counter-objections.

RECOMMENDATION

5.17.9 **That:**

- (i) **the Plan be modified by the deletion of Policy R5 and its supporting text;**
 - (ii) **the Plan be modified by the deletion from Paragraph 5.20 of the final sentence in accordance with Proposed Change PC148;**
 - (iii) **no other modification be made to the Plan in response to these objections nor in relation to Proposed Changes PC151, PC152 and PC359 and Further Proposed Changes FPC028, FPC029 and FPC241.**
-

POLICY R6

NEW LARGE RETAIL PROPOSALS OUTSIDE DEFINED CENTRES

OBJECTIONS

DO/5394/1632 Principality Pensions Trust
DO/5704/0946 Somerfield Stores Limited
(reported under Retail Chapter - Introduction and Strategy)

Primary Issues

- 5.18.1
- Should the preamble of this policy be expressed in more permissive terms in order to reflect the overall presumption in favour of development.
 - Is it inappropriate and contrary to national guidance for Criterion A to require Plan allocations to be taken into account when assessing the cumulative impact of a proposal.
 - Is Criterion C superfluous.

Inspector’s Conclusions

5.18.2 As for the first issue, Policy R6 sets out the approach to proposals for large retail stores outside the specified town and other centres. It is expressed in essentially negative terms, identifying circumstances which would result in permission being refused. The **Principality Pensions Trust (PPT)** regards this as unacceptable and suggests a shift towards more positive phraseology. However I see nothing wrong with what the Plan says. Both its version of this policy and **PPT’s** convey precisely the same message, namely that in order to be granted permission a proposal would have to pass 3 tests regarding town centre

vitality and viability, the Council’s retail strategy and town centre action plans (I note that there is no objection to the reference about the sequential test which appears in another part of the policy preamble). By its nature this policy is restrictive and it is not inappropriate to frame it in negative terms.

5.18.3 Regarding the second issue, Criterion A refers to the need to assess the likely impact of a proposal on the vitality and viability of nearby retail centres, but expressly taking into account the cumulative effects of other approved retail developments and Plan allocations. **PPT** contends that it is wrong to include allocations in this exercise since this would be both inconsistent with national guidance and impractical given that the potential effects of future developments on the allocation sites are as yet completely unknown.

5.18.4 There is clear guidance in PG(Wales) 1999 on what should be taken into account when assessing the likely cumulative impact of a proposal and other retail development sources. Both the Plan and **PPT**’s proposed alternative policy have failed to reflect this in full. There is nothing in the supporting text to Policy R6 or in the Council’s evidence to suggest that anything other (meaning neither more nor less) than the factors specified in national guidance should be taken into account, while the thrust of **PPT**’s objection is that this guidance should be adhered to. PG(Wales) 1999 (paragraph 10.2.12) confirms that recently completed developments, outstanding planning permissions and development plan commitments should be taken into account in this exercise; DPP(Wales) 2001 says the same. The first category is omitted by the Plan, while the last category is absent from **PPT**’s policy; I am also uncertain as to whether the Plan’s reference to “allocations” is intended to mean the same as “commitments”. To my mind Policy R6 should be modified to reflect accurately the terms of national guidance and I shall recommend accordingly.

5.18.5 As for the third issue, Criterion C seeks to ensure that retail proposals would not undermine a town centre action plan. **PPT** makes the assumption that any such plan would be included in the Council’s retail strategy (safeguarded by the provisions of Criterion B) and that accordingly this extra criterion is superfluous. The Council explains that action plans often contain far more detail than a retail strategy will provide and that specific elements may require protection so as to ensure that the action plan as a whole is not put at risk. I am mindful that PG(Wales) 1999 expressly refers to the need to safeguard town centre strategies in this way and in, all the circumstances, I find nothing unacceptable about the inclusion of this particular criterion.

5.18.6 Lastly I would draw attention to my earlier conclusions regarding objections to Part 1 Policy 1R and my recommendation that the category “Retail Warehouse Centres” be deleted from both that policy and Policy R1 [*see paragraph 1.10.15*]. As a consequence of that recommendation, I deem it appropriate that the generic term “retail centres” which appears twice in Policy R6, but which has no foundation in national guidance, should be replaced by “town, district and local centres” so as to relate directly to the categories of centre to which the Policy 1R retail hierarchy should now confine itself. And the cross-reference here should be to Policy 1R since Policy R1 does not include local centres within its provisions; in this respect, given the terms of national guidance, there is no evidence available to justify denying the County Borough’s local centres the sort of protection which Policy R6 is designed to give.

RECOMMENDATION

5.18.7 **That:**

(i) **Policy R6 be modified by (i) the deletion of the term “RETAIL CENTRES” and the substitution therefor of the term “TOWN, DISTRICT AND LOCAL CENTRES”, (ii) the deletion of the reference to “POLICY R1” and the substitution therefor of a reference to “POLICY 1R” and (iii) the deletion of the words “AND PLAN ALLOCATIONS” and the substitution therefor of the words “RECENTLY COMPLETED DEVELOPMENTS AND PLAN COMMITMENTS”;**

(ii) **no other modification be made to the Plan in response to this objection.**

POLICY R7

SMALL RETAIL PROPOSALS OUTSIDE TOWN AND LOCAL CENTRES

OBJECTION

DO/5656/1450 Harmer Partnership

Conditionally Withdrawn

DO/5541/1675 Campaign for the Protection of Rural Wales

DO/5694/0703 The National Assembly for Wales

Proposed Changes

PC154, PC155

Primary Issue

5.19.1 • Should express provision be made in this policy to allow retail development outside a town or local centre in special circumstances.

Inspector’s Conclusions

5.19.2 Policy R7 is essentially aimed at protecting town and local centres from any potential harmful effects as a result of the provision of small retail units. The **Harmer Partnership** suggests this would prevent the development of shops for, say, tourism-related purposes or where other special circumstances might otherwise justify such provision; it is argued that this policy should expressly allow for these circumstances.

5.19.3 The Council confirms that it is not the intention to resist special types of retail provision which is ancillary to a primary use, including tourism, on a site. In response to this particular objection, and others, it proposes changes to the policy and the supporting text clarifying this matter (PC154 and PC155). While the revised provisions do not go so far as **Harmer** suggests, to my mind they address this objection in an appropriate fashion; to

include within a policy a phrase such as “except in special circumstances” would create unwelcome imprecision and uncertainty. These changes have also led to the conditional withdrawal of objections made by the **Campaign for the Protection of Rural Wales** and **The National Assembly for Wales**. Accordingly I shall endorse them subject to the following comments.

5.19.4 There is a further matter which concerns me regarding the internal consistency of the Plan and its relationship with national guidance. Policy R7, for no apparent reason, expressly excludes district centres from the scope of its controls. Yet PG(Wales) 1999 does not make any such distinction between this category of centre and those at the town and local level. And Policy R6, in the form which I am recommending, embraces all 3 categories in relation to the potential impact of proposals for large retail stores. For the sake of consistency between these related Plan policies and with the provisions of national guidance, Policy R7 should include district centres and I would encourage the Council to consider this point.

5.19.5 In a similar vein I urge the Council to give further consideration to the provision regarding cumulative impact. Policy R7 refers simply to taking into account other approved retail developments, whereas PG(Wales) 1999 identifies recently completed developments and development plan commitments as additional relevant considerations. I recognise that this guidance relates to cumulative effect only in relation to major new development, while Policy R7 is concerned with proposals for small retail units; for these reasons this policy provision is not strictly in conflict with the express terms of national guidance. However, if the Council remains convinced that cumulative impact is an appropriate issue for this particular policy to raise (and I acknowledge that there has been no duly-made objection to this aspect) then, for the sake of consistency with Policy R6 and to accord with the spirit of national guidance, I believe it should examine the merits of including recently completed developments and development plan commitments as additional considerations.

RECOMMENDATION

5.19.6 **That:**

(i) **Policy R7 be modified by the revision of the policy text so as to read as follows:-**

“OUTSIDE TOWN AND LOCAL CENTRES DEFINED IN POLICY 1R NEW SMALL RETAIL UNITS OR PROPOSALS FOR CHANGE OF USE TO SMALL RETAILING UNITS WILL NOT BE PERMITTED IF THE PROPOSAL, EITHER IN ITSELF OR CUMULATIVELY WITH OTHER APPROVED RETAIL DEVELOPMENTS, WOULD UNDERMINE THE VITALITY AND VIABILITY OF THE TOWN AND LOCAL CENTRES, AND:-

A UNLESS THE PROPOSAL IS TO SERVE NEIGHBOURHOOD NEEDS, OR

B UNLESS THE PROPOSAL IS ANCILLARY AND APPROPRIATE TO ANOTHER COMMERCIAL USE.”

in accordance with Proposed Change PC154;

(ii) **the supporting text to Policy R7 be modified by the inclusion in Paragraph 5.44 of additional text in accordance with Proposed Change PC155;**

(iii) **the Council gives serious consideration to the merits of further modifying Policy R7 by adding “district centres” to the preamble provisions regarding town and local centres and by including “recently completed developments” and “development plan commitments” as additional considerations within the provision regarding cumulative impact, taking into account my conclusions in paragraphs 5.19.4 and 5.19.5 above.**

POLICY R8

PROTECTION OF PRIMARY AREAS OF SUB-REGIONAL TOWN CENTRES

OBJECTION

DO/5541/1678 Campaign for the Protection of Rural Wales

Primary Issue

- 5.20.1
- Should the details of vacancy rates and timescales which appear in the supporting text be included within the policy itself.

Inspector’s Conclusions

5.20.2 The text supporting Policy R8 confirms definitions for the terms “high vacancy rate” and “long period” which appear in the policy itself. UDP(Wales) 2001 warns against policies becoming too long and complex or over-detailed; the inclusion in this policy of the information referred to by the Objector would conflict directly with this guidance. The terms used in Policy R8 need to be explained by the Plan and the supporting text is the right place for this.

RECOMMENDATION

- 5.20.3 **That no modification be made to the Plan in response to this objection.**

POLICY R8

PROTECTION OF PRIMARY AREAS OF SUB-REGIONAL TOWN CENTRES

POLICY R8.1

HIGH STREET, BLACKWOOD

OBJECTION

DO/5234/0037 Con Minoli & Sons

Primary Issue

- 5.21.1 • Should a stretch of the High Street be excluded from the policy area.

Inspector’s Conclusions

5.21.2 This policy is aimed at protecting the core of the town centre’s retail area from proposals for the change of use of premises to other than Class A1 uses. The defined policy area comprises the frontage properties along both sides of only a fairly limited length of the High Street. From my own observations it is clear that this stretch represents, in geographical and functional terms, the heart of the shopping area and it is entirely right that it should receive the protection which this policy seeks to provide.

5.21.3 The relatively lengthy section of the western road frontage which the Objector wants excluded is an integral part of this central area and it would make no planning sense to delete it. Beyond this retail core there is a substantial area of the town centre where the Plan, to an extent, allows non-retail uses to locate; although this might not suit the Objector individually in its attempts to improve its own business prospects, this approach is consistent with national guidance and, to my mind, is entirely acceptable.

RECOMMENDATION

- 5.21.4 **That no modification be made to the Plan in response to this objection.**
-
-

POLICY R9

PROTECTION OF DISTRICT AND SUB-REGIONAL TOWN CENTRES

OBJECTION

DO/5541/1682 Campaign for the Protection of Rural Wales

Proposed Change

PC156

Primary Issue

- 5.22.1 • Should the provisions regarding non-retail frontages within shopping streets be made more flexible.
-

Inspector’s Conclusions

5.22.2 This policy seeks to limit the amount of non-retail uses within specified shopping frontages by referring to a threshold of “a continuous frontage of 3 or more premises without window displays”. The **Campaign for the Protection of Rural Wales** points out that some retail uses such as estate agencies will have a window display and should not necessarily be excluded from shopping streets.

5.22.3 It seems to me that the basic aim of Policy R9 is to prevent the creation of so-called “dead” frontages rather than necessarily placing a complete embargo on the introduction of a non-retail use per se. However the phrasing of this policy is such that further clarification of this point in the supporting text would be helpful.

5.22.4 The Council has sought to do this in the form of PC156 which deletes estate agencies (and substitutes Solicitors) from the examples of non-retail uses which are said to be sometimes unsuitable in this context. The Plan though needs to clarify the position still more. I consider that the supporting text should expressly acknowledge that some non-retail uses may provide a window display which would contribute to a lively and attractive shopping environment and that these would not necessarily be resisted. Also reference should be made in this context to the relationship of this policy with Policy R8 because I recognise that in the defined primary areas of the 2 sub-regional town centres much more stringent controls over non-retail uses would apply.

RECOMMENDATION

5.22.5 **That the supporting text to Policy R9 be modified by the deletion from Paragraph 5.48 of the words “ESTATE AGENTS” and the substitution therefor of the word “SOLICITORS” in accordance with Proposed Change PC156 and by the inclusion of additional text confirming the circumstances in which some non-retail uses providing window displays might be permitted and referring to the relationship between the provisions of Policy R9 and Policy R8 taking into account my conclusions in paragraph 5.22.4 above.**

POLICY R12

FOOD AND DRINK RETAILING

OBJECTION

DO/5405/1831 Whitchurch Holdings Ltd

Primary Issue

5.23.1

- Should this policy include provisions allowing for Class A3 uses within large mixed-use developments.

Inspector’s Conclusions

5.23.2 While this policy sets out circumstances in which proposals for Class A3 uses will be permitted, it does not specify or imply any additional restriction on the provision of such uses within large mixed-use development schemes. Thus if a scheme were to include an element of Class A3 provision then provided it satisfied the specified criteria it would be acceptable so far as Policy R12 is concerned. For these reasons I can see no value in modifying this policy in the manner suggested by the Objector.

RECOMMENDATION

5.23.3 **That no modification be made to the Plan in response to this objection.**

POLICY OMISSION

RURAL RETAILING

OBJECTION

DO/5703/0877 Country Landowners Association

Primary Issue

5.24.1

- Is there a need for a separate policy on the provision and retention of farm shops and village shops.

Inspector’s Conclusions

5.24.2 As to the matter of farm shops, the Plan already makes provision for their establishment in the form of Policy DC2 which permits both development associated with agriculture as well as the conversion of rural buildings and Policy R7 (in the form which I am recommending) which permits small retail units that are ancillary to an agricultural use. Of course in the case of both policies other criteria would need to be met but there is nothing in principle to prevent farm shops from being pursued under these provisions. And, in any event, in some cases planning permission may not be required at all.

5.24.3 National guidance speaks favourably about the role which farm shops can play in serving the rural community. The Plan goes as far as it reasonably needs to in putting that guidance into a local context. I see no practical purpose in any provision aimed at retaining an existing farm shop however. By their nature they are usually an individual business quite isolated from any recognisable village or other rural centre and their loss would be unlikely to have an adverse impact on any other retail or social/community facility. Indeed their closure as such could not be prevented by the planning system and to leave a rural building unused in those circumstances could have a damaging effect on the local environment and be inconsistent with the tenor of national guidance which generally encourages the re-use and adaptation of such buildings.

5.24.4 Regarding village shops, again certain provisions within Policy DC2 (conversion of rural buildings) and Policy R7 (proposals to serve rural needs) provide suitable guidance about the prospects of securing planning permission as does Policy C6 relating to the conversion and rehabilitation of rural buildings. The Plan need do no more in terms of facilitating new shops.

5.24.5 As for the question of retaining existing shops, the Council says that it is more appropriate to permit the change of use of a retail unit to an alternative beneficial use than to risk blighting a local centre with a proliferation of empty properties. It takes the same approach to village shops. I can appreciate the Council’s concern. However PG(Wales) 1999 says that village shops can play a vital economic and social role in rural areas and their loss can be damaging to a local community. It expressly encourages local authorities to seek to retain post offices and pharmacies in existing town, district and local centres and in villages. DPP(Wales) 2001 takes this advice a step further by encouraging also the retention of an adequate level of provision for food shopping; in view of the status of this latest guidance I give it measured weight but it is a material consideration which is especially germane in this case. The clear message is that services and facilities which provide a benefit to the local population and help make rural communities sustainable should be protected by the planning system. The UDP does not heed this advice and there is no compelling evidence that local circumstances are so extraordinary that a completely contrary approach is justified.

5.24.6 In my judgement the Plan should include a policy aimed at retaining village shops by not allowing their conversion to alternative uses quite so freely as it currently does; here I am mindful that Policy R10 facilitates the conversion of shops outside the specified town and district centres to residential uses unfettered by any consideration about the social and economic consequences for the community. The new policy should allow alternative uses only in specified circumstances which take into account considerations such as the standard of the remaining retail provision (if any) in the village, the proximity of the nearest alternative shopping facilities, the viability of the current shop for example in terms of its ability to provide the operator with a reasonable level of income, evidence that the shop has been made available and marketed for lease or purchase over a specified period of time (including whether any rental or sale price has been set at a reasonable level) sufficient to enable any potential genuine interest in its future retail operation to materialise and, if the retail use has terminated, the length of time that the shop has been vacant. Regarding the matters of “reasonable” income, rental and purchase levels, the Council will doubtless have access to data which will enable these to be assessed in relation to up-to-date local circumstances; the Plan should explain the intended approach to these matters and, in addition, define what would be regarded as appropriate marketing and vacancy periods.

5.24.7 To my mind a policy of this sort should ensure that shops which provide, or are capable of providing, a necessary and viable service to the village and surrounding rural community would not be lost without every reasonable effort being made to retain them. I shall recommend appropriate wording.

RECOMMENDATION

5.24.8 **That:**

- (i) **the Plan be modified by the inclusion of the following policy:-**

“THE CHANGE OF USE OR CONVERSION OF A VILLAGE SHOP FOR ANOTHER PURPOSE WILL ONLY BE PERMITTED WHERE:-

A THE LOCAL COMMUNITY WOULD CONTINUE TO BE SERVED BY OTHER CONVENIENCE RETAIL PREMISES WITHIN THE VILLAGE OR THERE IS SUCH SHOPPING PROVISION AVAILABLE IN A NEARBY VILLAGE OR SETTLEMENT TO WHICH THERE IS EASY AND CONVENIENT ACCESS FOR THE LOCAL COMMUNITY INCLUDING BY MEANS OTHER THAN THE PRIVATE CAR;

B THERE IS EVIDENCE THAT THE CURRENT SHOP USE IS NOT, AND COULD NOT REASONABLY BE EXPECTED TO BECOME, FINANCIALLY VIABLE OR THE SHOP, IF NON-OPERATIONAL, HAS BEEN VACANT FOR A SUBSTANTIAL PERIOD OF TIME; AND

C THERE IS EVIDENCE THAT THE SHOP, WHETHER IN USE OR VACANT, HAS BEEN ACTIVELY MARKETED FOR LEASE OR SALE OVER A REASONABLE PERIOD OF TIME FOR RETAIL PURPOSES AT A REASONABLE RENTAL OR PURCHASE PRICE.”

(ii) the Plan be modified by the inclusion of text to support the foregoing policy to explain the need to ensure that shops which provide a benefit to the local population and help make rural communities sustainable receive appropriate protection, to identify the national guidance context within which this policy is set and to amplify the reasons for the specified criteria (including providing an explanation of the terms “financially viable”, “substantial period of time”, “reasonable period of time” and “reasonable rental or purchase price”) taking into account my conclusions in paragraph 5.24.6 above;

(iii) no other modification be made to the Plan in response to this objection.

OBJECTIONS TO OTHER RETAILING AND TOWN CENTRE POLICIES

OBJECTIONS

Conditionally Withdrawn

DO/5311/0367 Bird Group of Companies Ltd

LDO/5720/1818 Cllr P Bailie

RECOMMENDATION

5.25.1 **That the Plan be modified in accordance with Proposed Changes PC096 [also previously recommended under Other Employment Policy Objections] and PC357.**

TOPIC 6

COUNTRYSIDE & NATURE CONSERVATION

OBJECTIVES

OBJECTIONS

DO/5703/0879 Country Landowners Association

Conditionally Withdrawn

DO/5541/1533 Campaign for the Protection of Rural Wales

Proposed Change

PC158

Primary Issue

- 6.1.1
- Is there a need for the term “inappropriate development” to be defined.

Inspector’s Conclusions

6.1.2 Objective 4 is specified as being “To protect the countryside from inappropriate development”. Since this and the other objectives are simply broad statements of intent which provide the basis for the Plan’s policies and proposals there is no need for further elaboration here. The remaining provisions of the Countryside and Nature Conservation Chapter interpret this objective clearly enough. No modification is warranted in response to the objection made by the **Country Landowners Association**.

6.1.3 However I shall endorse PC158 which proposes the re-ordering of the specified objectives; this has led to the conditional withdrawal of the objection made by the **Campaign for the Protection of Rural Wales** and has not been challenged.

RECOMMENDATION

6.1.4

That:

- the Plan be modified by the re-ordering of the specified objectives in accordance with Proposed Change PC158;**
- no other modification be made to the Plan in response to the objection made by the Country Landowners Association (0879).**

INTRODUCTION

OBJECTIONS

DO/5696/1459	Countryside Council for Wales
DO/5460/1933	Greendoorstep (Caerphilly)
DO/5541/1536	Campaign for the Protection of Rural Wales <i>(reported under Part 1 Policy 1C)</i>
DO/5541/2076	Campaign for the Protection of Rural Wales
DO/5703/0894	Country Landowners Association
DO/5541/1552	Campaign for the Protection of Rural Wales
DO/5703/0898	Country Landowners Association
DO/5541/1554	Campaign for the Protection of Rural Wales
DO/5703/0900	Country Landowners Association
DO/5541/1556	Campaign for the Protection of Rural Wales

Conditionally Withdrawn

DO/5541/1548	Campaign for the Protection of Rural Wales
DO/5338/0393	Newport County Borough Council
DO/5398/0605	Cardiff County Council
DO/5698/1605	Environment Agency Wales
DO/5696/1460	Countryside Council for Wales
DO/5541/1560	Campaign for the Protection of Rural Wales
DO/5541/1562	Campaign for the Protection of Rural Wales
PCO/5698/3286	Environment Agency Wales

Proposed Changes	PC159, PC160, PC162, PC163, PC164, PC165
Further Proposed Change	FPC031

Primary Issues

- 6.2.1
- Regarding the list of general reasons for the countryside policy controls, should additional reasons concerning recreational access and protection from anti-social activity be included and should the list be re-ordered.
 - Is the definition of “countryside” too narrow and lacking in clarity.
 - Should land within the County Borough be designated as Green Belt in preference to the Green Wedge policy approach.
 - Is the term “development should be resisted” in Paragraph 6.11 insufficiently positive.
 - Does the Plan adopt a suitably accurate definition of sustainable development which is consistent with national planning guidance.
 - Should the Plan express a requirement that development proposals must make provision for the retention of protected wildlife species.

- Should the Plan adopt a more flexible approach to necessary rural development.

Inspector’s Conclusions

6.2.2 As to the first issue, Paragraph 6.2 sets out a list of general reasons why planning policies and controls over the countryside are considered vital. The **Countryside Council for Wales (CCW)** asks that an additional reason regarding recreational access for local people and visitors should be specified; **Greendoorstep (Caerphilly)** makes a similar request in relation to the need for protection from a range of anti-social activities.

6.2.3 However in neither case can I see any justification for such modifications. The specified list is broadly based but is nevertheless confined to the primary reasons for exercising controls over development in the countryside, mostly those which have prominence in national planning guidance. Neither of the examples referred to by the Objectors has that degree of significance. Indeed it is questionable whether any of the Plan’s countryside policies or proposals have a relevance to these matters which, it seems to me, lie largely outside the legitimate scope of planning controls.

6.2.4 In terms of the order in which the listed reasons appear in the Plan, the Council has introduced a proposed change (PC159) which has led to the conditional withdrawal of the objection made by the **Campaign for the Protection of Rural Wales (CPRW)**; since this has not been contested I shall endorse this change.

6.2.5 Regarding the second issue, Paragraph 6.4 explains the Plan’s definition of “countryside” which, expressly, is all land lying outside the specified settlement boundaries. The **Country Landowners Association (CLA)** claims that land within settlements may need similar policy protection and therefore should be included within the definition of “countryside”. I disagree. The whole purpose of defining settlement boundaries in the Plan is to distinguish those areas where development is acceptable in principle from the rest of the County Borough (the countryside) where strict control over development is necessary. If the **CLA** is convinced that certain land has been included within a settlement inappropriately then the right approach would have been to make a site-specific objection calling for its exclusion by way of a realignment of the boundary; I am aware of no such objection nor does the **CLA** seek to identify any such sites in relation to the present case. Such a sweeping general change to the Plan’s definition of “countryside” is totally unjustified.

6.2.6 Nor is there merit in the **CPRW**’s criticism of the term “land between villages and towns” which the Plan uses to illustrate the variety of landscapes that make up the countryside. This is a term which is both factually accurate and capable of being readily understood. No modification is therefore necessary.

6.2.7 Turning to the third issue, I am told that the Council made a conscious decision to adopt a package of specifically targeted protection policies rather than designate a Green Belt; this combination of measures, it was felt, would provide a greater degree of protection. There is no evidence before me to suggest that the Council’s assessment is wrong and accordingly I have no reason to support the **CPRW**’s call for a review of this matter.

6.2.8 Regarding the fourth issue, Paragraph 6.11 explains the approach to development in areas covered by specific landscape and nature conservation designations.

The **CPRW** argues that the Plan should state that development “will not be allowed” rather than “should be resisted”, claiming that the present expression is not sufficiently positive. Given the provisions of the respective policies, none of which is framed in terms of there being an unqualified presumption against development, to my mind the statement in the Plan is perfectly satisfactory.

6.2.9 As for the fifth issue, Paragraph 6.12 confirms that biodiversity is an essential element of sustainable development. This statement is made in the context of an explanation of certain nature conservation policies and a reference to the Council’s Biodiversity Action Plan. It is not, as the **CLA** seems to believe, intended as a definition of sustainable development as such. I have previously concluded that the Plan’s approach to the matter of sustainability is acceptable and broadly consistent with the tenor of national guidance [*see under Part 1 - Guiding Principles*] and, for the purpose intended, there is nothing wrong with the disputed statement.

6.2.10 In respect of the sixth issue, Paragraph 6.13 refers to the need to protect certain species which are identified by the Wildlife and Countryside Act 1981. It says that a scheme should where possible make provision for the retention of any such species which it might affect. The **CPRW** contends that the term “where possible” is inappropriate and inconsistent with the legislative provisions. However the Council points out that there are circumstances where, under the terms of the legislation, a protected species could be removed and for these reasons I consider there is nothing to warrant the deletion of the disputed term.

6.2.11 Regarding the seventh issue, the **CLA** notes that a significant proportion of the County Borough’s defined countryside is regarded as environmentally sensitive in terms of being designated for its landscape or nature conservation importance; the fear is expressed that this would place undue restrictions on necessary rural development. There are 2 main reasons why I have concluded that the **CLA**’s concern is misplaced. First, it has misinterpreted the statistical information which the Plan contains about the extent of the coverage of environmentally sensitive areas and overstated the true position; and secondly, the landscape and nature conservation protection policies do allow development in certain circumstances. In general terms, and subject to the modifications to various countryside/nature conservation policies which I am recommending, I am satisfied that the Plan makes appropriate provision for necessary rural development. Thus, in these circumstances, no modification is warranted.

6.2.12 Lastly, as a result of a number of changes proposed by the Council (PC160, PC162, PC163, PC164, PC165 and FPC031) several objections have been conditionally withdrawn, namely those made by the **CPRW** (1560 and 1562), **Newport County Borough Council** (0393), **Cardiff County Council** (0605), the **CCW** (1460) and the **Environment Agency Wales** (1605 and 3286). Since none of these changes has been otherwise contested I shall endorse them.

RECOMMENDATION

6.2.13 **That:**

- (i) **the Plan be modified by the revision of the text in Paragraphs 6.8, 6.12, 6.13, 6.14 and 6.15 in accordance with Proposed Changes PC159,**

PC160, PC162, PC163, PC164 and PC165 and Further Proposed Change FPC031;

(ii) **no other modification be made to the Plan in response to these objections.**

POLICY C1

DEVELOPMENT IN THE COUNTRYSIDE

OBJECTIONS

DO/5541/1537 Campaign for the Protection of Rural Wales
DO/5703/0909 Country Landowners Association
LDO/5722/0840 Gwent Wildlife Trust
DO/5703/0911 Country Landowners Association

Conditionally Withdrawn

DO/5656/1452 Harmer Partnership
DO/5705/0950 Quarry Products Association

Proposed Changes PC166, PC167
Further Proposed Change FPC032

Primary Issues

- 6.3.1
- Do the provisions of this policy lack clarity and precision.
 - Is the policy in general terms over-restrictive and inconsistent with national guidance.

Inspector’s Conclusions

6.3.2 As to the first issue, certain Objectors identify a number of words or terms which they claim makes this policy imprecise and its interpretation unclear. In each case I agree. The policy states that development in the countryside must be in harmony with the character, amenity, landscape and nature conservation value of the countryside; given that the commonly-found requirement that development should not cause harm in those respects also appears in this policy, the “harmony” provision not only lacks clarity in terms of its meaning but is also unnecessary. It should therefore be deleted; I observe that the Council accepts this point having introduced a proposed change to this effect (PC166). It additionally proposes a change to the supporting text, replacing the word “harmonise” with a more appropriate term (PC167). I support those changes.

6.3.3 There is also merit in the objections relating to the inclusion of the term “acceptable mitigation measures” in that what might be regarded as acceptable in this context is unexplained in the Plan; but more importantly this provision need not appear in the policy at all. Confining to the supporting text a suitable reference to the possibility that mitigating

measures might overcome the harm which a proposal would otherwise cause would be sufficient; after all, if such measures were included in a development scheme then it would not be in breach of the policy in the first place. In these circumstances, the last provision of the policy should be deleted and instead a reference of the nature just described should be included in the supporting text.

6.3.4 Finally on this issue, there is one further matter which concerns me about the provisions of Policy C1. The term “unacceptable impact” is used. I have previously concluded that the appearance of the word “unacceptable” is, in the absence of any explanation in the Plan of its contextual meaning, contrary to national guidance on the wording of policies [*see under Policy DC1 - paragraph 1.4.33*]. For reasons stated there [*and elaborated under Policy E5 - paragraph 3.22.4*] I consider that the substitution of the word “harmful” for “unacceptable” would remedy this matter.

6.3.5 Regarding the second issue, the **Country Landowners Association** and the **Quarry Products Association (QPA)** both argue that this policy, overall, is unduly restrictive. To my mind Policy C1 aligns favourably with the provisions of national guidance which specifies that the countryside should be protected for the sake of its landscape, natural resources and its agricultural, recreational and other values; it goes on to say that new building in the open countryside should be strictly controlled. The Plan goes no further than that and is, subject to the modifications which I am recommending, acceptable. However in response to a particular point raised by the **QPA** the Council has proposed a change (FPC032) which adds to the supporting text a cross-reference to the provisions of Policy DC2 which allows certain types of appropriate and necessary development in the countryside; this has led to the conditional withdrawal of this objection and, given that it has not been challenged, I shall endorse this change.

RECOMMENDATION

6.3.6 **That:**

(i) **Policy C1 be modified by the revision of its text so as to read as follows:-**

“DEVELOPMENT IN THE COUNTRYSIDE WILL ONLY BE PERMITTED WHERE IT WILL NOT HAVE A HARMFUL IMPACT ON THE CHARACTER, AMENITY, LANDSCAPE AND NATURE CONSERVATION VALUE OF THE AREA.”

in accordance with Proposed Change PC166 and my conclusions in paragraphs 6.3.3 and 6.3.4 above;

(ii) **the supporting text to Policy C1 be modified by the revision of the provisions of Paragraphs 6.17 and 6.18 in accordance with Proposed Change PC167 and Further Proposed Change FPC032, and further modified by the inclusion of additional text referring to the possibility that the inclusion within a development scheme of mitigating measures which are within the control of the developer might overcome the harm which a proposal would otherwise cause, taking into account my conclusions in paragraph 6.3.3 above;**

(iii) **no other modification be made to the Plan in response to these objections.**

POLICY C2

INFILL DEVELOPMENT IN THE COUNTRYSIDE

OBJECTION

DO/5703/0912 Country Landowners Association

Primary Issues

- 6.4.1
- Should this policy include provisions regarding rounding-off and minor extensions to villages.
 - Should criteria be included effectively creating a low-cost housing exceptions policy.

Inspector’s Conclusions

6.4.2 Regarding the first issue, Policy C2 sets out the circumstances in which infill development within villages will be allowed. The **Country Landowners Association (CLA)** supports this policy but considers that it should be extended to cover rounding-off and minor extensions as well. I recognise that national guidance refers to the possible acceptability of both infilling and minor extensions without making any distinction between them. However there is no reason why the Council, having necessarily taken local circumstances into account, should be bound to include provisions in the Plan which allow for both forms of development. Since the **CLA** provides no compelling evidence to suggest that the Plan is inherently wrong in this respect, I find no grounds for recommending any such modification.

6.4.3 As for the second issue, this is in effect the same objection as raised by the **CLA** under Policy H3 [*see the fifth issue under that policy heading*]. I conclude there that the Plan should include a new policy on affordable housing in rural areas and consequently there is no purpose in examining this matter in detail again. My earlier recommendation serves the present case too.

6.4.4 Lastly there are certain aspects of Criteria C and D which in my opinion conflict with national guidance about the need for clarity and precision in the wording of policies. First, in Criterion C the term “unacceptable impact” is used. I have previously concluded that the appearance of the word “unacceptable” is, in the absence of any explanation in the Plan of its contextual meaning, contrary to national guidance on the wording of policies [*see under Policy DC1 - paragraph 1.4.33*]. For reasons stated there [*and elaborated under Policy E5 - paragraph 3.22.4*] I consider that the substitution of the word “harmful” for “unacceptable” would remedy this matter. Secondly, the specified concern is for the “impact on adjoining occupiers” which, in literal terms, is potentially a much wider consideration than the planning system should properly address; narrowing this to the “amenities” of those occupiers would overcome this problem.

6.4.5 Additionally, the word “unacceptable” also appears in Criterion D in relation to the loss of open space; apart from the same criticism about uncertainty of meaning, this qualification is in any event superfluous given that the terms of the rest of this provision adequately describe the detrimental effect which the policy is seeking to prevent. The deletion of this word altogether would not alter the sense of, or in any way weaken, this policy and I shall recommend accordingly.

RECOMMENDATION

6.4.6 **That:**

- (i) **Policy C2 be modified by the deletion from Criterion C of the phrase “UNACCEPTABLE IMPACT ON ADJOINING OCCUPIERS” and the substitution therefor of the phrase “HARMFUL IMPACT ON THE AMENITIES OF ADJOINING OCCUPIERS” and the deletion from Criterion D of the word “UNACCEPTABLE”;**
- (ii) **no other modification be made to the Plan in response to this objection.**

POLICY C4

FARM DIVERSIFICATION

OBJECTIONS

DO/5703/0914 Country Landowners Association
DO/5541/1563 Campaign for the Protection of Rural Wales

Conditionally Withdrawn

DO/5694/0705 The National Assembly for Wales

Proposed Change

PC168

Further Proposed Changes FPC033, FPC034, FPC222

Primary Issues

- 6.5.1
- Whether this policy should be framed more positively and whether Criterion F should be deleted on the grounds of its over-restrictive nature.
 - Whether the supporting text follows a logical sequence and whether the qualification “normally” should be deleted

Inspector’s Conclusions

6.5.2 Regarding the first issue, there is no substance in the **Country Landowners Association’s (CLA)** claim that this policy is framed too negatively. This form of phrasing

is used extensively throughout the UDP and on this occasion, where an underlying objective is to protect the countryside from inappropriate development, it is entirely warranted.

6.5.3 As for the **CLA’s** call for Criterion F to be deleted, the weakness in the Deposit Draft version of this provision has been overcome by the Council’s proposed change (FPC034) which clarifies the necessary ancillary nature of the sales of any goods. This change, together with a related change to the supporting text (FPC222), has led to the conditional withdrawal of the objection made by **The National Assembly for Wales (NAW)**. I am satisfied that this criterion, in its changed form which I shall formally endorse, is not unduly restrictive and that, contrary to the **CLA’s** views, its retention is fully justified.

6.5.4 In terms of the second issue, the **Campaign for the Protection of Rural Wales** maintains that the paragraphs which form the supporting text to this policy are not in a logical order. I disagree. There is no intended order of priority and nor is there anything inappropriate about how they appear in the Plan. As for the use of the word “normally”, while it is widely acknowledged that this should not appear in a policy (and here it does not), there is no reason for avoiding this term in supporting text in order to clarify and explain the Plan’s aims and intentions. In the present context there is nothing unacceptable about the text now in question.

6.5.5 However as with a number of earlier cases, I am again concerned about the appearance of the term “unacceptable impact” or suchlike in this policy. While there is no problem with its use in Criteria A and C since it is explained by the remaining provisions of the criterion (A) or in the supporting text (C), the same cannot be said for Criterion D. I have previously concluded that the appearance of the word “unacceptable” is, in the absence of any explanation in the Plan of its contextual meaning, contrary to national guidance on the wording of policies [*see under Policy DC1 - paragraph 1.4.33*]. For reasons stated there [*and elaborated under Policy E5 - paragraph 3.22.4*] I consider that the substitution of the word “harmed” for “unacceptably affected” would remedy this matter.

6.5.6 Lastly I intend recommending the adoption of PC168 and FPC033 which, respectively, delete the word “significant” from Criterion A and revise the text of Criterion B; these have, together with the other changes referred to above, led to the conditional withdrawal of **NAW’s** objection and have not been contested.

RECOMMENDATION

6.5.7 **That:**

- (i) **Policy C4 be modified by (i) the deletion from Criterion A of the word “SIGNIFICANT”, (ii) the revision of Criterion B so as to read “WHERE POSSIBLE, EXISTING FEATURES SUCH AS HEDGEROWS, STONE WALLS AND TREES ARE INTEGRATED INTO THE DEVELOPMENT OR, ALTERNATIVELY, MEASURES ARE TAKEN TO MITIGATE THEIR LOSS”, (iii) the deletion from Criterion D of the words “UNACCEPTABLY AFFECTED” and the substitution therefor of the word “HARMED” and (iv) the revision of Criterion F so as to read “ANY GOODS SOLD ARE INCIDENTAL TO THE AGRICULTURAL USE OR THE PRIMARY ACTIVITY BEING CARRIED OUT” in accordance with Proposed Change PC168, Further**

Proposed Changes FPC033 and FPC034 and my conclusions in paragraph 6.5.5 above;

(ii) **the supporting text to Policy C4 be modified by the inclusion in Paragraph 6.22 of the words “AND OTHER” after the word “recreation” in accordance with Further Proposed Change FPC222;**

(iii) **no other modification be made to the Plan in response to the objections made by the Country Landowners Association (0914) and the Campaign for the Protection of Rural Wales (1563).**

POLICY C5

AGRICULTURAL DEVELOPMENT

OBJECTIONS

DO/5703/0916 Country Landowners Association
LDO/5722/0844 Gwent Wildlife Trust

Proposed Change

PC169

Primary Issues

- 6.6.1
- Whether the policy should be framed more positively so as to assist the function and operational requirements of agricultural development.
 - Whether this policy should specify a presumption against the replacement or conversion of existing dwellings where the requirements of bats and barn owls cannot be met in line with wildlife and countryside legislation.

Inspector’s Conclusions

6.6.2 Regarding the first issue, this policy specifies the circumstances in which agricultural development will be permitted; it is expressed in fairly negative terms. In response to the objection made by the **Country Landowners Association (CLA)** the Council has agreed, by way of PC169, to delete the word “only” from the preamble thus altering the tenor of this policy to one which is much more positive and, to my mind, more consistent with the terms of national guidance on agricultural development. Although the **CLA** has not conditionally withdrawn its objection as a result, this change fully addresses it.

6.6.3 However, to ensure internal consistency within this Plan and to avoid any conflict with national guidance, the words “unacceptably affected” should be deleted from Criterion D and be replaced by the word “harmed”. My reasons are identical to those concerning exactly the same criterion under Policy C4 [see paragraph 6.5.5].

6.6.4 In respect of the second issue, it would not be appropriate to identify the particular matter of wildlife species protection within a policy of this sort. Of course this consideration might well arise in a proposal for agricultural development; however other

provisions of this Plan (including the new nature conservation policy which I have earlier recommended [*see under Policy DC1*]) would provide either the opportunity to ensure that any necessary safeguards were put in place as part of any such scheme or, if not, the grounds for refusing permission. Contrary to the belief of the **Gwent Wildlife Trust** no further modification is warranted.

RECOMMENDATION

6.6.5 That:

- (i) **Policy C5 be modified by the deletion from the preamble of the word “ONLY” and the deletion from Criterion D of the words “UNACCEPTABLY AFFECTED” and the substitution therefor of the word “HARMED” in accordance with Proposed Change PC169 and my conclusions in paragraph 6.6.3 above;**
- (ii) **no other modification be made to the Plan in response to the objection made by the Gwent Wildlife Trust (0844).**

POLICY C6

CONVERSION AND REHABILITATION OF BUILDINGS

OBJECTIONS

DO/5703/0917 Country Landowners Association
DO/5696/1463 Countryside Council for Wales
LDO/5738/1888 Friends of the Earth
LDO/5722/1820 Gwent Wildlife Trust
DO/5541/1565 Campaign for the Protection of Rural Wales

Conditionally Withdrawn

DO/5541/1541 Campaign for the Protection of Rural Wales

Proposed Change PC170

Primary Issues

- 6.7.1
- Whether the requirement in Criterion A that proposals must not involve major external alterations should be modified in relation to the conversion of modern farm buildings.
 - Whether the provisions of Criterion C regarding siting and compatibility are justified.
 - Whether the term “compatible economic use” in Criterion E is sufficiently clear.
-

- Whether this policy should specify a presumption against proposals which fail to provide appropriate safeguards for protected species in accordance with wildlife and countryside legislation.

Inspector’s Conclusions

6.7.2 As for the first issue, Criterion A confirms that an existing building must be structurally sound and capable of conversion without major external alteration or reconstruction. This, I recognise, is consistent with the tenor of national guidance on the re-use and adaptation of rural buildings. However the **Campaign for the Protection of Rural Wales (CPRW)** says that some modern farm buildings are often without character and that only by making major alterations would they become positively beneficial to the landscape; it is suggested that revisions to the supporting text should be made to reflect this consideration.

6.7.3 Any such relaxation of this criterion would be inappropriate. A key purpose of this restriction is to ensure that the encouragement which is given to the rehabilitation of existing structures does not lead, in effect, to new buildings in rural areas since this would be contrary to well-established planning guidance regarding development in the countryside. It could also open the way to an abuse of the planning system given that many modern agricultural buildings might not have needed specific planning permission in the first place. To my mind the Plan strikes the right balance between seeking to secure the potential landscape and economic benefits of re-using existing rural buildings and protecting the countryside from the harmful effects of inappropriate development. Thus no modification should be made.

6.7.4 As to the second issue, the **Friends of the Earth (FoE)** maintains that “siting” is not a consideration which should be taken into account since the policy is concerned with existing buildings; the **CPRW** makes much the same point. The Council recognises that this term is not appropriate and proposes to delete it (PC170). In my view the concern of both Objectors has thereby been satisfactorily addressed, although only the **CPRW** has conditionally withdrawn its objection. I shall endorse this change.

6.7.5 The **FoE** also criticises the provision in Criterion C about the need for compatibility between the proposed use and adjoining land uses since, it is argued, all land use in the countryside is agricultural and buildings are only unused because they have no viable agricultural use. In my judgement each of those premises is flawed. While farming is undoubtedly the primary use in the countryside, there are numerous others too; similarly, in my experience agricultural buildings fall out of active use for a host of different reasons. The **FoE** seems to be interpreting this provision in a way which is not intended and drawing false conclusions about its suitability. The aim of this criterion, in my view, is to ensure that the interests of neighbouring occupiers and uses are not prejudiced by any conversion proposal and that the surrounding rural environment is safeguarded; this is entirely laudable. There are no grounds for any modification.

6.7.6 Regarding the third issue, Criterion E specifies that the conversion and rehabilitation of modern agricultural buildings should be for an “alternative compatible economic use”. The **Country Landowners Association** contends that this term is not sufficiently explained. I disagree. The supporting text clarifies the scope and intention of

this policy in such a way that the disputed term is capable of being readily understood and applied in relation to any given proposal.

6.7.7 Turning to the fourth issue, the **Gwent Wildlife Trust** raises the same argument regarding the need to safeguard protected species as it does in relation to Policy C5; the **Countryside Council for Wales** makes a similar point. For the reasons previously stated [*see under Policy C5*] I reach the same conclusions regarding this case, namely that it would not be appropriate to identify the particular matter of wildlife species protection within a policy of this sort; other provisions of this Plan (including the new nature conservation policy which I have earlier recommended [*see under Policy DC1*]) would provide sufficient safeguards.

RECOMMENDATION

6.7.8 **That:**

- (i) **Policy C6 be modified by the deletion from Criterion C of the phrase “AND SITING OF THE BUILDING” in accordance with Proposed Change PC170;**
- (ii) **no other modification be made to the Plan in response to these objections.**

POLICY C7

REPLACEMENT OF EXISTING DWELLINGS IN THE COUNTRYSIDE

OBJECTION

LDO/5722/1821 Gwent Wildlife Trust

Primary Issue

- 6.8.1
- Whether this policy should specify a presumption against the replacement or conversion of existing dwellings where the requirements of bats and barn owls cannot be met in line with wildlife and countryside legislation.

Inspector’s Conclusions

6.8.2 The **Gwent Wildlife Trust** raises the same argument regarding the need to safeguard certain protected species as it does in relation to Policy C5. For the reasons previously stated [*see under Policy C5*] I reach the same conclusions regarding this case, namely that it would not be appropriate to identify the particular matter of wildlife species protection within a policy of this sort; other provisions of this Plan (including the new nature conservation policy which I have earlier recommended [*see under Policy DC1*]) would provide sufficient safeguards.

RECOMMENDATION

6.8.3 **That no modification be made to the Plan in response to this objection.**

POLICY C9

STATUTORY NATURE CONSERVATION DESIGNATIONS

OBJECTION

LDO/5722/0850 Gwent Wildlife Trust
DO/5541/1591 Campaign for the Protection of Rural Wales
DO/5705/0955 Quarry Products Association

Conditionally Withdrawn

DO/5696/1466 Countryside Council for Wales
DO/5694/0729 The National Assembly for Wales
DO/5705/0951 Quarry Products Association

Proposed Change PC174
Further Proposed Change FPC037

Primary Issues

- 6.9.1
- Is the term “unacceptable impact” suitable.
 - Should the Plan expressly recognise that for certain protected species the Council has legal obligations over and above any site designations which could not be met solely through formal consultation procedures.
 - Should this section of the Plan be re-titled “Nature Conservation and Landscape Protection Policies”.
 - Should Paragraph 6.37, erroneously printed twice in the Plan, appear only once.

Inspector’s Conclusions

6.9.2 Regarding the first issue, the **Gwent Wildlife Trust (GWT)** raises a matter on which I have already commented in relation to several other policies. As in those previous cases I conclude that the appearance of the term “unacceptable impact” is, in the absence of any explanation in the Plan of its contextual meaning, contrary to national guidance on the wording of policies [*see under Policy DC1 - paragraph 1.4.33*]. On this occasion however the Council, largely in response to other objections which have now been conditionally withdrawn, has proposed significant changes to the text of Policy C9 among which is the replacement of this disputed term with “significant adverse effect” (FPC037). Regrettably the word “significant” raises much the same problem of uncertainty of interpretation as

“unacceptable”; it is not explained in the Plan. In these circumstances, for the reasons previously stated and in order to ensure internal consistency within the Plan, the term “harmful impact” should again be used here.

6.9.3 As for the second issue, it seems to me that the **GWT** is once more concerned about ensuring that proper consideration is given to protected species on land outside the designated nature conservation areas. For the reasons stated in relation to previous policies [*in particular see under Policy C5*] I reach the same conclusions regarding this case, namely that it would not be appropriate to identify the matter of wildlife species protection within a policy of this sort; other provisions of this Plan (including the new nature conservation policy which I have earlier recommended [*see under Policy DC1*]) would provide sufficient safeguards.

6.9.4 In respect of the third issue, the **Campaign for the Protection of Rural Wales (CPRW)** argues that the title of this section, “Nature Conservation Policies”, does not convey accurately the subject matter of the provisions which follow. On the contrary, it describes only too well this particular section of the Plan and there is no reason why this and the next section on landscape protection policies should be merged under a single title as the **CPRW** suggests.

6.9.5 Concerning the fourth issue, the Council acknowledges that a paragraph of supporting text has been repeated in error; PC174 proposes the deletion of the second such paragraph and I shall endorse it.

6.9.6 Finally in relation to the policy provisions, I intend recommending the adoption of FPC037 which has led to the conditional withdrawal of the objections made by the **Countryside Council for Wales, The National Assembly for Wales** and the **Quarry Products Association** and which has not been the subject of any counter-objection. However I shall recommend a further alteration in accordance with my conclusions on the first issue. And in addition the word “may” should be replaced with “would” since only if the decision maker is convinced that harm would be caused should permission be refused; speculation is not enough. I am satisfied that these further modifications would not contradict the views expressed by the above-mentioned Objectors.

RECOMMENDATION

6.9.7 **That:**

(i) **Policy C9 be modified by the revision of its text so as to read as follows:-**

“DEVELOPMENT PROPOSALS WITHIN OR IN THE VICINITY OF SITES OF SPECIAL SCIENTIFIC INTEREST (SSSI) WHICH WOULD HAVE A HARMFUL IMPACT, EITHER DIRECTLY OR INDIRECTLY, ON THE SSSI WILL NOT BE PERMITTED UNLESS THE REASONS FOR THE DEVELOPMENT CLEARLY OUTWEIGH THE VALUE OF THE SITE ITSELF AND THE NATIONAL POLICY TO SAFEGUARD THE INTRINSIC NATURE CONSERVATION VALUE OF THE NATIONAL NETWORK OF SUCH SITES”

in accordance with Further Proposed Change FPC037 and my conclusions in paragraphs 6.9.2 and 6.9.6 above;

(ii) the supporting text to Policy C9 be modified by the deletion of the duplicated Paragraph 6.37 on Page 93 of the Plan in accordance with Proposed Change PC174;

(iii) no other modification be made to the Plan in response to the objections made by the Gwent Wildlife Trust (0850) and the Campaign for the Protection of Rural Wales (1591).

POLICY C10

REGIONAL / LOCAL NATURE CONSERVATION DESIGNATIONS

OBJECTIONS

DO/5703/0921 Country Landowners Association
DO/5576/1242 Mr & Mrs G & A Davies
LDO/5722/0851 Gwent Wildlife Trust
DO/5638/1593 House Builders Federation
DO/5277/0283 National Grid Company Plc
DO/5475/0730 H & M Vicary
DO/5406/0460 B & G Williams
DO/5541/1578 Campaign for the Protection of Rural Wales
PCO/5541/3143 Campaign for the Protection of Rural Wales

Conditionally Withdrawn

DO/5696/1478 Countryside Council for Wales

Proposed Changes PC175, PC180
Further Proposed Change FPC039

Primary Issues

- 6.10.1
- Whether it is inappropriate that this policy exercises the same level of control as Policy C9 does in respect of statutorily designated sites and should all Policy C10 sites be reviewed.
 - Are certain provisions of this policy ambiguous or otherwise unclear.
 - Should this policy specify an unqualified presumption against any harmful development.
 - Should the Plan expressly recognise that for certain protected species the Council has legal obligations over and above any site designations which could not be met solely through formal consultation procedures.
-

- Is the term “unacceptable impact” suitable.
- Should the provisions in the supporting text regarding the future designation of new sites be deleted and should the reasons for the future deletion of certain existing sites be specified.

Inspector’s Conclusions

6.10.2 As for the first issue, PG(Wales) 1999 confirms that planning authorities “should have regard to the relative significance of international, national and local designations in considering the weight to be attached to nature conservation interestsand should take care to avoid unnecessary constraints on development”. DPP(Wales) 2001 specifies that non-statutory designations carry less weight than statutory designations and development plans should not apply the same policies to them; in taking this guidance into account I acknowledge its draft status.

6.10.3 In the Deposit Draft Plan both Policy C9 (concerning statutory designations) and Policy C10 contain broadly similar controls over development; however a noticeable difference is that while Policy C9 allows development only where there are imperative reasons of overriding public interest, Policy C10 requires a less rigorous test in the form of a clear need for the development to outweigh the need to safeguard the site. However under the terms of FPC037, which I am recommending [*see under Policy C9*], the “imperative reasons” test is replaced by similar provisions to those in Policy C10 but with the important additional consideration of having to weigh the need for the development against national policy to safeguard the intrinsic nature conservation value of the national network of Sites of Special Scientific Interest (SSSIs).

6.10.4 In these circumstances, I can find nothing which is unwarranted or inappropriate about the express terms of Policy C9. However the supporting text does not explain sufficiently well the distinction between the relative importance of SSSIs as compared with the regionally and locally designated sites; nor does it make clear that the test of need would in practice not be so exacting as in the case of Policy C9 sites. Provisions of this nature would clarify how this policy aligns with national guidance; and this would, in my opinion, satisfy the valid concerns of the **Country Landowners Association (CLA)**.

6.10.5 Regarding the **CLA’s** associated argument that all regionally and locally designated sites should be reviewed, there is nothing to warrant this. I understand that all such sites have been assessed against specified criteria which largely follow nationally acknowledged nature conservation guidelines. Under the terms of the present objection no individual sites have been questioned. Given those considerations, there is no reason why what would undoubtedly be a substantial exercise involving the re-assessment of some 200 sites should be required.

6.10.6 Turning to the second issue, this policy is concerned with development proposals within or in the vicinity of specified nature conservation sites. The **National Grid Company Plc** claims that the phrase “in the vicinity” is open to various interpretations and should be deleted; it is suggested that the words “directly adjacent” should be substituted. In addition it is argued that the reference to the Council permitting development should be expanded to cover those circumstances where it supports operational development by statutory undertakers.

6.10.7 In neither respect do I accept those arguments. There may well be cases where a development, although on a site which is not directly adjacent to a designated area, could have a harmful impact on a protected feature within that area; the Council’s example of impact on a watercourse which feeds into such an area illustrates this. When the policy is read as a whole the disputed phrase becomes clear; to my mind any development which would have a harmful impact on any protected features of a designated site can, in this context, properly be regarded as being in the vicinity. This phrase is employed to cover developments on land outside the designated site, not to define a precise geographical area around it.

6.10.8 Nor is the inclusion of a provision alluding to operational development appropriate. Considerations regarding such development are contained in the Utilities Chapter of this Plan and they do not need to be, in effect, duplicated here.

6.10.9 In terms of the third issue, this policy aligns favourably with the tenor of national guidance in that it seeks to exercise qualified controls over development proposals in the interests of protecting specified sites of nature conservation importance. For these reasons, a total prohibition on all development which is deemed to cause harm would be wholly unjustified.

6.10.10 Regarding the fourth issue, the **Gwent Wildlife Trust (GWT)** raises much the same objection as it has done in respect of a number of other policies concerning the need to ensure that proper consideration is given to protected species on land outside the designated nature conservation areas. For the reasons stated in relation to previous policies [*in particular see under Policy C5*] I reach the same conclusions regarding this case, namely that it would not be appropriate to identify the matter of wildlife species protection within a policy of this sort; other provisions of this Plan (including the new nature conservation policy which I have earlier recommended [*see under Policy DC1*]) would provide sufficient safeguards.

6.10.11 In relation to the fifth issue, the **GWT** identifies a matter on which I have previously commented, namely the use of the term “unacceptable impact” in a policy. I have concluded before that the appearance of the word “unacceptable” is, in the absence of any explanation in the Plan of its contextual meaning, contrary to national guidance on the wording of policies [*see under Policy DC1 - paragraph 1.4.33*]. For reasons stated there, I consider that the substitution of the word “harmful” for “unacceptable” would remedy this matter.

6.10.12 Turning to the sixth issue, the supporting text confirms that the Council will establish a separate consultation procedure for the designation/deletion of Sites of Importance for Nature Conservation (SINCs) over the Plan period. The **House Builders Federation** contends that no new sites should be added since these will not have been through the same degree of public scrutiny as those now identified in the Plan and therefore should not deserve the same status in terms of policy protection. I disagree. The Council has adopted criteria against which the present SINCs have been assessed; I am told that any new SINCs will be assessed on the same basis. It remains to be seen what form any future public consultation procedure into such new designations will take, but there is no reason why the Plan should not mention this prospect. If there were to be any concern on the part of an interested party that the procedure was in some way deficient then I must presume that this would be aired at that time or at the stage when any future affected development proposal is under consideration.

6.10.13 Regarding the same provision, the **Campaign for the Protection of Rural Wales (CPRW)** calls for the Plan to specify reasons why existing SINC’s might be deleted. Since the exercise which might lead to the deletion of some such sites has as yet neither been completed nor been subject to public consultation, it would seem to be impossible for the Plan to predict the reasons for any deletions; speculation on what justification there might be would serve no purpose.

6.10.14 However I shall endorse PC180 and FPC039 which propose changes to Paragraph 6.40 relating to the use of planning conditions and/or obligations to secure mitigation measures where appropriate. The **Countryside Council for Wales (CCW)** has conditionally withdrawn its objection as a result of the initial change and while the **CPRW** submitted a counter-objection, the further change fully and satisfactorily responds to the points raised therein without affecting the nature of the text so far as the **CCW’s** conditional withdrawal is concerned; albeit that this counter-objection has not been conditionally withdrawn I need examine this matter no further. I am also recommending the adoption of the minor wording change to the policy which is proposed under PC175; this satisfactorily responds to a supplementary point raised by the **GWT**.

RECOMMENDATION

6.10.15 **That:**

(ii) **Policy C10 be modified by the deletion of the word “INTEREST” and the substitution therefor of the word “IMPORTANCE” and the deletion of the word “UNACCEPTABLE” and the substitution therefor of the word “HARMFUL” in accordance with Proposed Change PC175 and my conclusions in paragraph 6.10.11 above;**

(iii) **the supporting text to Policy C10 be modified by the inclusion within Paragraph 6.40 of additional text regarding the use of planning conditions and/or obligations in accordance with Proposed Change PC180 and Further Proposed Change FPC039 and further modified by the inclusion of additional text to explain the distinction between the relative importance of SSSIs as compared with regionally and locally designated sites and to make clear that the test of need would in practice not be so exacting as in the case of Policy C9 sites, taking into account my conclusions in paragraph 6.10.4 above;**

(iv) **no other modification be made to the Plan in response to the objections made by the Country Landowners Association (0921), Mr & Mrs G & A Davies (1242), the Gwent Wildlife Trust (0851), the House Builders Federation (1593), the National Grid Company Plc (0283), H & M Vicary (0730), B & G Williams (0460) and the Campaign for the Protection of Rural Wales (1578).**

POLICY C10

**SITES OF IMPORTANCE FOR NATURE
CONSERVATION**

POLICY C10.9

CEFN GELLIGAER, WEST OF DERI

OBJECTION

LDO/5738/1975 Friends of the Earth

Primary Issue

- 6.11.1 • Should the designation of this site as a SINC be deleted.

Inspector’s Conclusions

6.11.2 The Objector claims that this site is overgrazed and has no value in terms of rare and endangered species. However there is no compelling evidence, for example in the form of survey material or technical assessment, to support this assertion. What evidence there is, which is from the Council’s analysis summarised in Topic Paper 5, demonstrates to my satisfaction that the SINC designation is justified.

RECOMMENDATION

- 6.11.3 **That no modification be made to the Plan in response to this objection.**
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-

POLICY C10

**SITES OF IMPORTANCE FOR NATURE
CONSERVATION**

POLICY C10.12

**CWM-LLWYDREW MEADOWS, SOUTH EAST OF
FOCHRIW**

OBJECTIONS

LDO/5738/1895 Friends of the Earth
LDO/5738/1896 Friends of the Earth

Primary Issue

- 6.12.1 • Should the SINC designation be extended to include additional land in the Darran Valley area.
-

Inspector’s Conclusions

6.12.2 As in the preceding case regarding Policy C10.9, no compelling evidence, for example in the form of survey material or technical assessment, has been presented to support the Objector’s assertion that certain areas of additional land deserve designation. National guidance confirms that local designations should only be applied to sites of substantive nature conservation value. The Council’s assessment, against specified criteria, discloses that the additional land now in question does not possess sufficient interest to meet those criteria and I have no reason doubt this.

RECOMMENDATION

6.12.3 **That no modification be made to the Plan in response to these objections.**

POLICY C10

SITES OF IMPORTANCE FOR NATURE CONSERVATION

POLICY C10.13

NANT BARGOED FLUSH, SOUTH OF FOCHRIW

OBJECTION

LDO/5738/1897 Friends of the Earth

Primary Issue

6.13.1 • Should the SINC designation be extended to include additional land in the Darran Valley area.

Inspector’s Conclusions

6.13.2 As in the preceding case regarding Policy C10.12, no compelling evidence, for example in the form of survey material or technical assessment, has been presented to support the Objector’s assertion that additional land deserves designation. National guidance confirms that local designations should only be applied to sites of substantive nature conservation value. The Council’s assessment, against specified criteria, discloses that the additional land now in question does not possess sufficient interest to meet those criteria and I have no reason doubt this.

RECOMMENDATION

6.13.3 **That no modification be made to the Plan in response to this objection.**

POLICY C10

**SITES OF IMPORTANCE FOR NATURE
CONSERVATION**

POLICY C10.14

YSGWYDD-GWYN-ISAF VALLEY, SOUTH OF DERI

OBJECTION

LDO/5738/1898 Friends of the Earth

Primary Issue

- 6.14.1
- Should the SINC designation be extended to include additional land in the Darran Valley area.

Inspector’s Conclusions

6.14.2 As in the preceding case regarding Policy C10.13, no compelling evidence, for example in the form of survey material or technical assessment, has been presented to support the Objector’s assertion that additional land deserves designation. National guidance confirms that local designations should only be applied to sites of substantive nature conservation value. The Council’s assessment, against specified criteria, discloses that the additional land now in question does not possess sufficient interest to meet those criteria and I have no reason doubt this.

RECOMMENDATION

- 6.14.3 **That no modification be made to the Plan in response to this objection.**
-

POLICY C10

**SITES OF IMPORTANCE FOR NATURE
CONSERVATION**

POLICY C10.15

COED DERI-NEWYDD, DERI

OBJECTION

LDO/5738/1899 Friends of the Earth

Primary Issue

- 6.15.1
- Should the SINC designation be extended to include additional land in the Darran Valley area.
-

Inspector’s Conclusions

6.15.2 As in the preceding case regarding Policy C10.14, no compelling evidence, for example in the form of survey material or technical assessment, has been presented to support the Objector’s assertion that additional land deserves designation. National guidance confirms that local designations should only be applied to sites of substantive nature conservation value. The Council’s assessment, against specified criteria, discloses that the additional land now in question does not possess sufficient interest to meet those criteria and I have no reason doubt this.

RECOMMENDATION

6.15.3 **That no modification be made to the Plan in response to this objection.**

POLICY C10

SITES OF IMPORTANCE FOR NATURE CONSERVATION

POLICY C10.44

LAND SOUTH OF MERTHYR ROAD, PRINCETOWN

OBJECTION

DO/5347/0672 Mrs Jones
(reported under Policy H1.99.72)

Inspector’s Comment

6.16.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy H1.99.72.

POLICY C10

SITES OF IMPORTANCE FOR NATURE CONSERVATION

POLICY C10.52

LAND AT VALLEY VIEW, HENGOED

OBJECTION

DO/5513/1383 The Compton Group
(reported under Policy H1.99.67)

Inspector’s Comment

6.17.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy H1.99.67.

POLICY C10

**SITES OF IMPORTANCE FOR NATURE
CONSERVATION**

POLICY C10.52

LAND AT HENGOED AVENUE, HENGOED

OBJECTIONS

DO/5043/0130 Mrs S Griffiths
DO/5043/0129 Mrs S Griffiths
(registered under Policy C13(16))

Primary Issue

- 6.18.1
- Should this site, due to its present condition, be deleted from the areas designated as a SINC and a Green Wedge.

Inspector’s Conclusions

6.18.2 The objection site is a large area of overgrown land with a noticeable amount of tree cover. It lies on the western side of the valley which separates the settlements of Cefn Hengoed and Fleur-de-Lys. Directly adjoining the westernmost tip of this site is a community building at the edge of the built-up area but in all other directions is open land forming part of this extensive valley.

6.18.3 A small section of this site is the subject of another objection, involving a much larger area, which I have dealt with earlier [*see under Policy H1.99.67*]. For the same reasons as explained there in relation to the southern part of that site, I conclude that the land now in question forms an important element of the open gap which serves to prevent the coalescence of the neighbouring settlements and is thus rightly included within the designated Green Wedge thereby giving it appropriate policy protection.

6.18.4 As for nature conservation considerations, the Objector’s argument centres simply on the fact that some of this site has become a dumping ground for rubbish; there is no compelling evidence presented, for example in the form of survey material or technical analysis, to support her assertion that the Plan is wrong. On the other hand however, the Council’s assessment, which is based on acknowledged nature conservation criteria, demonstrates to my satisfaction that the SINC designation is justified.

RECOMMENDATION

- 6.18.5 **That no modification be made to the Plan in response to these objections.**

POLICY C10

**SITES OF IMPORTANCE FOR NATURE
CONSERVATION**

POLICY C10.53

PENALLTA MEADOWS, WEST OF HENGOED

OBJECTION

DO/5405/0504 Whitchurch Holdings Ltd

Primary Issue

- 6.19.1
- Should the designation of this site as part of a SINC be deleted in view of the allocation of this land for housing purposes or should Policy C10 be modified to allow for such development.

Inspector’s Conclusions

6.19.2 This site bears a dual notation on the Proposals Map. It is part of a SINC but also is allocated under Policy H1. Contrary to the Objector’s belief however, this does not represent an insurmountable conflict. The potential for housing development might well be constrained due to the nature conservation value of this site, but only, according to the terms of Policy C10, to the extent necessary to safeguard the specific features which establish that value; and even then, this consideration might be outweighed by the need to develop the site for housing. These are matters which would be established at a later stage of the planning process.

6.19.3 Given those circumstances, and the fact that there is no compelling technical evidence presented to suggest that the Council’s assessment of the nature conservation value of this site is flawed, I can find nothing to warrant any modification to the Plan. And this conclusion also applies to the call for the policy itself to be modified. It already makes provision for development to be permitted where circumstances justify it; this policy need go no further in order to facilitate housing on the present site.

RECOMMENDATION

- 6.19.4 **That no modification be made to the Plan in response to this objection.**

POLICY C10

**SITES OF IMPORTANCE FOR NATURE
CONSERVATION**

POLICY C10.54

LAND AT WAUNRYDD, GELGIGROES

OBJECTION

DO/5662/1069 Messrs A & P Price
(reported under Policy DC2.99.34)

Inspector’s Comment

6.20.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.34.

POLICY C10

**SITES OF IMPORTANCE FOR NATURE
CONSERVATION**

POLICY C10.63

**BLACKWOOD RIVERSIDE WOODLANDS, NORTH
EAST BLACKWOOD**

OBJECTIONS

DO/5293/0357 Mr H Moggridge
DO/5623/1922 Mr C Taylor

Primary Issue

6.21.1 • Should the SINC designation be extended to include additional land in the Sirhowy Valley area.

Inspector’s Conclusions

6.21.2 These objections concern land within the valley area between the north-eastern tip of Blackwood town centre and the western edge of the built-up area of Oakdale. Primarily this includes an area on the valley floor which is bordered by SINC on both sides, land lying within the defined settlement boundary which is adjoined to the west by a SINC and to the east by housing development, a long stretch of a now disused railway line and part of Woodfield Park.

6.21.3 The Objectors claim that this land has sufficient nature conservation value to justify its designation as a SINC. To support this they rely on, amongst other things, the findings of an ecological survey undertaken in 1994 for the purpose of informing decisions which were to be taken on a proposal for a Blackwood by-pass; reference is also made to the extent of mature woodland and individual trees, especially in Woodfield Park, which provide

important habitat (the presence of bat roosts is highlighted) and to the benefits of including the objection land within the SINC so as to establish a continuous protected corridor.

6.21.4 I am aware that SINC’s have been designated in the Plan on the basis of criteria which are set out in Topic Paper 5 and which generally are well-acknowledged nature conservation indicators appropriate for this purpose. The Council has assessed the objection land against these criteria and has concluded that there is insufficient interest here to justify SINC designation. However it acknowledges that there is some evidence of the presence of bats in the northern part of Woodfield Park and confirms that a further survey undertaken during the summer months would be desirable in order to determine the full extent of their use of this area. I note that the Plan itself refers to the need, and intention, to maintain on-going survey work Borough-wide. The Council also concedes that certain other woodland should be included in the SINC; this was identified in evidence at the Inquiry (LPA PoE 45 Appx 7) and also in a change which has been formally suggested (SC003).

6.21.5 I am in little doubt that the Objectors’ arguments have some merit and that there is a case for designating additional land in this vicinity as a SINC. What is far from certain, however, is the extent of land which might justify this form of policy protection. The technical/expert evidence which the Objectors largely rely on is now rather dated and is not expressly based on the criteria adopted for the rest of the Plan’s SINC designations; their more recent evidence is largely anecdotal and, by their own admission, inexpert.

6.21.6 On the other hand the Council admits that in regard to 2 identified parcels the existing SINC boundary should be revised immediately and that further survey work might well reveal other land hereabouts deserving of such protection.

6.21.7 I am not convinced by the Council’s argument that (apart from in relation to the above-mentioned parcels) the best course would be to adopt the Plan’s SINC designations and wait for any future re-assessment, as part of a Borough-wide exercise, before deciding whether to designate further land in this particular vicinity. There is enough evidence before me to suggest that the objection land should be given urgent priority in any such re-assessment so as to enable any additional designations to be included within the present Plan in order that they receive the protection which they deserve as soon as possible. I intend recommending that the Council do this and for these reasons it is not appropriate, from a purely procedural point of view, for me to recommend formally the adoption of the suggested changes regarding the 2 identified parcels; it is better that these should be included within the re-assessment.

RECOMMENDATION

6.21.8 **That the Council undertakes a detailed survey and re-assessment of the objection land with a view to determining its nature conservation value and that in respect of those areas thereby found to merit designation as a Site of Importance for Nature Conservation the Plan be modified by their designation accordingly, taking into account my conclusions in paragraphs 6.21.4 to 6.21.7 above.**

POLICY C10

**SITES OF IMPORTANCE FOR NATURE
CONSERVATION**

POLICY C10.68

CWM DOWS VALLEY, EAST OF PENMAEN

OBJECTION

DO/5354/0723 Trustees of the George & Molly Stewart
Settlements

Primary Issue

- 6.22.1
- Should this site, due to its present condition, be deleted from the area designated as a SINC.

Inspector’s Conclusions

6.22.2 The Objector claims that this site is mainly semi-improved dry grassland and scrub and that it does not warrant designation. However there is no compelling evidence, for example in the form of survey material or technical assessment, to support this assertion. What evidence there is, which is from the Council’s analysis summarised in Topic Paper 5, demonstrates to my satisfaction that the SINC designation is justified.

RECOMMENDATION

- 6.22.3 **That no modification be made to the Plan in response to this objection.**
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POLICY C10

**SITES OF IMPORTANCE FOR NATURE
CONSERVATION**

POLICY C10.71

**LAND TO THE REAR OF PENNAR LANE,
NEWBRIDGE**

OBJECTION

DO/5354/0716 Trustees of the George & Molly Stewart
Settlements (*reported under Policy DC2.99.65*)

Inspector’s Comment

6.23.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.65.

POLICY C10

**SITES OF IMPORTANCE FOR NATURE
CONSERVATION**

POLICY C10.78

NANT YR ODYN, EAST OF PONTLLANFRAITH

OBJECTIONS

DO/5678/1095	A Dew
DO/5626/1080	H G Edwards
DO/5686/0782	Mr J Hale
DO/5675/1077	Mrs R Hobbs
DO/5628/1791	Mr K Lilley
DO/5677/1087	Mr A Peters
DO/5622/1058	Mrs B S Smith
DO/5685/0771	Mr & Mrs H G Williams
DO/5620/0671	Mr M Williams

Primary Issue

- 6.24.1 • Should the SINC designation be extended to include an adjacent woodland area.

Inspector’s Conclusions

6.24.2 The Objectors claim that adjoining the designated area is a remnant of ancient woodland which provides a natural habitat for a host of fauna (including badgers) and birds. They say that this should be protected by a SINC designation. However this is essentially anecdotal; there is no compelling evidence, for example in the form of survey material or technical assessment, to support the Objectors’ case.

6.24.3 National guidance confirms that local designations should only be applied to sites of substantive nature conservation value. The Council’s assessment, against specified criteria, discloses that the additional land now in question (which is secondary woodland that has developed on the periphery of a quarry and is not identified on the ancient woodland inventory) does not possess sufficient interest to meet those criteria. I have no reason doubt this and hence there is nothing to justify any modification to the Plan.

RECOMMENDATION

- 6.24.4 **That no modification be made to the Plan in response to these objections.**

POLICY C10

**SITES OF IMPORTANCE FOR NATURE
CONSERVATION**

POLICY C10.82

LAND AT HAWTIN PARK, CAERPHILLY

OBJECTION

DO/5596/0487 Hawtin Plc & Norfleet Properties Ltd
(reported under Policy H1.99.84)

Inspector’s Comment

6.25.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy H1.99.84.

POLICY C10

**SITES OF IMPORTANCE FOR NATURE
CONSERVATION**

POLICY C10.84

CROWN ROUNDABOUT MARSH, PONTLLANFRAITH

OBJECTION

LDO/5717/0554 Landsker Developments Ltd
(reported under Policy L99.33)

Inspector’s Comment

6.26.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy L99.33.

POLICY C10

**SITES OF IMPORTANCE FOR NATURE
CONSERVATION**

POLICY C10.86

VICTORIA ROAD SLOPES, FLEUR-DE-LYS

OBJECTION

LDO/5717/0555 Landsker Developments Ltd
(reported under Policy L99.33)

Inspector’s Comment

6.27.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy L99.33.

POLICY C10

**SITES OF IMPORTANCE FOR NATURE
CONSERVATION**

POLICY C10.87

UPPER TRELYN MARSH, SOUTH OF PENGAM

OBJECTION

DO/5170/1961 Mr M D Tams

Primary Issue

- 6.28.1 • Should this site be deleted from the area designated as a SINC.

Inspector’s Conclusions

6.28.2 The Objector claims that the designation of this site as a SINC would frustrate his intention to reclaim this land by a tipping operation with a view to securing a beneficial agricultural after-use; no argument is raised on nature conservation grounds that this designation as such is inappropriate. The only technical evidence available, which the Council presents in the form of a summarised assessment in Topic Paper 5, demonstrates to my satisfaction that the SINC designation is justified. In these circumstances, no modification to the Plan is warranted.

RECOMMENDATION

- 6.28.3 **That no modification be made to the Plan in response to this objection.**
-
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POLICY C10

**SITES OF IMPORTANCE FOR NATURE
CONSERVATION**

POLICY C10.93

ABERBARGOED FIELDS, ABERBARGOED

OBJECTION

LDO/5722/0863 Gwent Wildlife Trust

Primary Issue

- 6.29.1 • Should the SINC designation be extended to include 3 small areas of adjoining land.
-

Inspector’s Conclusions

6.29.2 The Objector claims that land adjoining the existing SINC should be similarly designated since the Marsh Fritillary butterfly, a protected species, is known to exist there. However despite my request for further information, the Objector has not produced any evidence to substantiate its claims in this respect. National guidance confirms that local designations should only be applied to sites of substantive nature conservation value. The Council’s assessment, against specified criteria, discloses that the additional land now in question does not possess sufficient interest to meet those criteria; specifically, it confirms that this land does not support the Marsh Fritillary butterfly. In these circumstances, I find no reason doubt the Council’s assessment and conclude that no modification to the Plan is warranted.

RECOMMENDATION

6.29.3 **That no modification be made to the Plan in response to this objection.**

POLICY C10

SITES OF IMPORTANCE FOR NATURE CONSERVATION

POLICY C10.114

GWYDDON VALLEY AND MYNYDD MAEN, EAST OF NEWBRIDGE

OBJECTION

LDO/5722/0881 Gwent Wildlife Trust

Primary Issue

- 6.30.1
- Should the SINC designation be extended to include the Nant Gwyddon and adjacent land.

Inspector’s Conclusions

6.30.2 There is no compelling evidence, for example in the form of survey material or technical assessment, to support the Objector’s assertion that the identified additional area deserves designation. National guidance confirms that local designations should only be applied to sites of substantive nature conservation value. The Council’s assessment, against specified criteria and based on the Phase 1 Habitat Survey carried out by the Countryside Council for Wales and a subsequent re-survey, discloses that the additional land now in question does not possess sufficient interest to meet those criteria. I have no reason doubt this and accordingly conclude that no modification to the Plan is warranted.

RECOMMENDATION

6.30.3 **That no modification be made to the Plan in response to this objection.**

POLICY C10

SITES OF IMPORTANCE FOR NATURE CONSERVATION

POLICY C10.135

NANT HAFOD TUDOR, EAST OF CWMFELINFACH

OBJECTION

LDO/5722/0885 Gwent Wildlife Trust

Proposed Change

PC179

Primary Issue

- 6.31.1 • Should the SINC designation be extended to include adjoining land where the High Brown Fritillary butterfly is known to exist.

Inspector’s Conclusions

6.31.2 The Council has re-assessed this site in the light of the present objection and agrees that does have sufficient nature conservation interest to merit designation. Accordingly PC179 has been introduced to give effect to this conclusion. Although the **Gwent Wildlife Trust** has not conditionally withdrawn its objection as a result, clearly this change satisfactorily responds to the argument raised and I shall therefore endorse it.

RECOMMENDATION

6.31.3 **That the Proposals Map be modified by the inclusion of the objection site within the designated area of the SINC in accordance with Proposed Change PC179.**

POLICY C10

**SITES OF IMPORTANCE FOR NATURE
CONSERVATION**

POLICY C10.155

TY-SIGN MEADOWS, RISCA

OBJECTION

DO/5397/1874 Mr B D Osment
(reported under Policy H1.31)

Inspector’s Comment

6.32.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy H1.31.

POLICY C10

**SITES OF IMPORTANCE FOR NATURE
CONSERVATION**

POLICY C10.164

**WEST OF CAERPHILLY / GYPSY LANE, SOUTH OF
GROESWEN**

OBJECTION

LDO/5729/1801 Duffryn Ffrwdd (Newtown) Estate Ltd

Primary Issue

6.33.1

- Does this site lack sufficient nature conservation interest to justify its designation as a SINC.

Inspector’s Conclusions

6.33.2 The Objector claims that this site has been affected by farming activities and is of no special nature conservation interest. It is argued that of the species which the Council’s Topic Paper 5 describes as existing here, almost all are common throughout Britain and the remainder are found across Wales and other specified regions of the UK. Since this site is not significantly different from other comparable habitats in the County Borough, it does not warrant special protection. It is further contended that changes in farming practice would alter the character of this land and the flora and fauna which it supports.

6.33.3 I am aware that this site, along with all other designated SINC’s, has been assessed against specified criteria which largely follow nationally acknowledged nature conservation guidelines. The Council maintains that the objection land forms part of a complex of unimproved grassland communities and that habitats of this quality and extent are rare in the County Borough; they have also been identified as priority habitats in the UK Biodiversity Action Plan.

6.33.4 To my mind it is vital, for the sake of the integrity of this Plan, that all SINC designations are assessed on the basis of exactly the same considerations; the Council’s adopted criteria provide this basis. There is no compelling evidence to suggest that the Objector has critically examined the present site as comprehensively and extensively as the Council appears to have done in the course of the preparation of this Plan. Rarity of species is but one criterion amongst many which have been taken into account by the Council, both in this case and in regard to all other SINC’s. Given those considerations, I am satisfied that there are no sound reasons for deleting the objection site from the designated SINC area.

RECOMMENDATION

6.33.5 **That no modification be made to the Plan in response to this objection.**

POLICY C10

SITES OF IMPORTANCE FOR NATURE CONSERVATION

POLICY C10.166

LAND ADJACENT TO CAERPHILLY NORTHERN BY- PASS, CAERPHILLY

OBJECTION

DO/5263/1864 Mr A W Thomas
(reported under Policy DC2.99.43)

Inspector’s Comment

6.34.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.43.

POLICY C10

SITES OF IMPORTANCE FOR NATURE CONSERVATION

POLICY C10.169

WARREN DRIVE MEADOW, SOUTH OF CAERPHILLY

OBJECTION

DO/5460/1934 Greendoorstep (Caerphilly)

Primary Issue

6.35.1 • Should this land, which is largely surrounded by SINC designations, be similarly designated.

Inspector’s Conclusions

6.35.2 The site now in question is an extensive area of land which is effectively surrounded by designated SINC’s on all but its northern side where it adjoins the defined settlement area of Caerphilly. **Greendoorstep (Caerphilly)** contends that in reality there is nothing to distinguish the objection land from the surrounding designated sites and that, given their extent and proximity, it is inevitable that fauna will be traversing the whole of this area.

6.35.3 In support of its case **Greendoorstep** refers primarily to an environmental statement which accompanied a recent planning application prepared by Westbury Homes (Holdings) Ltd. While this provides evidence of the presence of a range of fauna and flora on the application site, that site comprises only a limited section of the area which is now suggested for SINC designation; that site also includes land within the settlement boundary and some of the recorded species were found there. And in any event there is no dispute that Westbury’s survey was not undertaken at the most appropriate time of the year.

6.35.4 **Greendoorstep** also relies on what is described as an ornithologist’s report which lists a wide range of bird species. However the qualifications and expertise of the author are unknown and, perhaps even more importantly, the locations where most of the listed birds were observed are unrecorded; and of the few locations which are identified, most are within existing adjacent SINC’s or otherwise outside the objection site. Moreover, the information provided is simply of sitings of individual species rather than breeding communities.

6.35.5 There is no evidence that either **Greendoorstep** or the authors of the above-mentioned reports have assessed the nature conservation value of the whole, or even selected parts, of the objection site expressly against the criteria which the Council has adopted for the purpose of designating land as SINC’s. And in this context it is worth noting that even Westbury in their environmental statement admit that extending the SINC designation over their application site is not justified. To my mind it is vital, for the sake of the integrity of this Plan, that all SINC designations are assessed on the basis of exactly the same considerations; the adopted criteria provide this basis and only the Council appears to have examined the available information about the objection site in this light. It has concluded that this land does not have sufficient nature conservation interest to justify designation and, in all the circumstances, I see no reason to disagree.

6.35.6 In reaching this conclusion I am mindful that even in the absence of a SINC designation any species that inhabit this site which legally require, or are otherwise worthy of, protection would have the benefit of the safeguarding provisions of certain other policies of this Plan; in particular, the new nature conservation policy which I am recommending [*see under Policy DC1*] would provide suitable controls.

RECOMMENDATION

6.35.7 **That no modification be made to the Plan in response to this objection.**

POLICY C10

**SITES OF IMPORTANCE FOR NATURE
CONSERVATION**

NEW SITE – LAND OFF PENGAM ROAD, PENGAM

OBJECTION DO/5473/0721 Mr A Watkins

Primary Issue

6.36.1 • Should this site be designated as a SINC.

Inspector’s Conclusions

6.36.2 The Objector claims that this site is an ancient meadow with fully established broad-leaved trees and hedgerows and that, accordingly, it should be designated as a SINC. However no other compelling evidence, for example in the form of survey material or technical assessment, is presented to support this argument.

6.36.3 National guidance confirms that local designations should only be applied to sites of substantive nature conservation value. The Council’s assessment, against specified criteria which have been adopted for the purpose of judging matters of this sort, is that this site does not possess sufficient interest to justify designation as a SINC. In all the circumstances, I see no reason to doubt this.

RECOMMENDATION

6.36.4 **That no modification be made to the Plan in response to this objection.**

POLICY C11

SPECIAL LANDSCAPE AREAS

OBJECTIONS

DO/5703/0922	Country Landowners Association
DO/5576/1236	Mr & Mrs G & A Davies
LDO/5738/1881	Friends of the Earth
DO/5638/1589	House Builders Federation
DO/5377/0824	Lafarge Redland Aggregates Ltd
DO/5377/0834	Lafarge Redland Aggregates Ltd
DO/5705/0958	Quarry Products Association
DO/5705/0959	Quarry Products Association
DO/5406/0727	H & M Vicary
DO/5406/0457	B & G Williams

Conditionally Withdrawn

DO/5541/1583 Campaign for the Protection of Rural Wales
DO/5398/0606 Cardiff County Council

Proposed Changes PC183, PC184, PC185

Primary Issues

- 6.37.1
- Whether this policy is over-prescriptive and inconsistent with national guidance.
 - Whether, in the interests of ensuring that appropriate development is not prejudiced or prevented, Special Landscape Areas (SLAs) should be revised so as not to coincide with other designations.
 - Are the provisions of the supporting text concerning minerals development inconsistent with national guidance.
 - Whether there is sufficient justification for the designation of SLAs beyond those areas identified in existing local plans.
 - Should the provisions in the supporting text regarding management initiatives include a reference to “commoners”.

Inspector’s Conclusions

6.37.2 As to the first issue, Policy C11 designates a number of SLAs and stipulates, in effect, that development will only be allowed where no damage is caused to landscape and nature conservation features or to the landscape setting of towns and villages. Several Objectors regard this as over-prescriptive; some call for the deletion of this policy altogether, while others seek revisions to weaken its controls.

6.37.3 National guidance confirms that the quality of the countryside outside statutorily designated areas should be maintained or, where possible, enhanced while allowing for appropriate development to be accommodated. However it strikes a note of caution in specifying that local countryside designations should only be maintained or extended where there is good reason to believe that normal planning policies cannot provide the necessary protection.

6.37.4 The Plan’s designations have to a large extent been brought forward from the 2 existing local plans which cover the County Borough and these were informed by landscape studies undertaken at that time. Further assessment by the Council has led to additional areas being designated in the UDP. While there have been several objections to the designation of individual sites, and these I deal with elsewhere in this report, there appears to be no overwhelming objection to the Plan’s underlying conviction that certain areas within the County Borough are of such a landscape quality that they deserve a level of protection over and above that which applies to the countryside generally. On this basis, there is nothing to justify the deletion of Policy C11 altogether.

6.37.5 Nor do I find any reason why the terms of this policy should be weakened. The whole purpose is to provide a policy which imposes a higher level of constraint over development than the Plan’s general countryside policies would achieve. The present provisions do this, but not to the extent that they mirror the controls which national guidance says should be exercised in statutorily designated areas. To my mind there is no foundation in the charge that this policy is over-prescriptive; there is a sufficient and appropriate measure of flexibility within these provisions, which the supporting text helps to explain.

6.37.6 In reaching those conclusions I have taken into account the views expressed by the **Country Landowners Association (CLA)**, which looks for more parity between the terms of this policy and those of Policy C10, and by the **Quarry Products Association (QPA)** which suggests the inclusion of what would amount to a “needs” test. On the first point, Policies C10 and C11 have different aims and, not unnaturally, impose different levels of constraint. Where land is the subject of both designations then both policies would be applied and a proposed development would have to meet the terms of each one. There is no reason why these policies should be comparable. The **QPA’s** objection aligns very much with its case regarding Policy M5 which I deal with under that policy heading. Given my conclusions there, and the terms of the policy and supporting text which I am recommending, I am satisfied that when Policies C11 and M5 are read together the Plan is clear as to the approach to be taken regarding minerals development in SLAs; and I am equally satisfied that this approach is entirely justified.

6.37.7 Regarding the second issue, **Lafarge Redland Aggregates Ltd** maintains that SLAs should not coincide with other designations which provide protection for another use. Particular concern, in this context, is expressed about Mineral Safeguarding Areas (Policy M6). In a general sense this raises a similar consideration to that of the **CLA’s** objection referred to under the first issue. There will often be situations where 2 or more designations/allocations apply to a site; furthermore there will sometimes be a tension between the provisions of those respective policies. In such circumstances a balanced judgement would have to be made when deciding the merits of a future development proposal; this process is commonplace within the planning system and in general terms there is no reason why the provisions of this Plan should, as a matter of principle, specifically seek to avoid the creation of such a situation.

6.37.8 As for the example highlighted by **Lafarge**, there is express reference in the supporting text to both Policy C11 and Policy M5 to the approach which would be taken to minerals development in SLAs; I have already confirmed in relation to the first issue that this approach is justified. In addition however, it must be borne in mind that an SLA designation would not prejudice the implementation of an extant planning permission. Given those considerations, there is no reason why the Plan should be modified.

6.37.9 In terms of the third issue, Paragraph 6.44 of the supporting text specifies that in cases where a mineral development would harm the SLA then unless it can be shown that the extraction of the mineral from that site is of national importance, the SLA designation will take precedence. The **QPA** argues that this is too high a test for a local landscape designation; it is one which should only apply to a national designation. I have dealt with this point in the context of a similar objection made by the **QPA** in relation to Paragraph 9.17 of the Minerals Chapter [*see under Policy M5*]. Although the Council’s response to these 2 objections is not entirely consistent, I conclude that since SLAs are designated to protect those areas which are considered to be of value to the overall landscape of the County

Borough then they are essentially of local importance. Accordingly I intend recommending a similar modification to Paragraph 6.44 to that which I propose in relation to Paragraph 9.17.

6.37.10 In respect of the fourth issue, I have already identified that the Plan’s SLA designations have to a large extent been brought forward from the 2 existing local plans which cover the County Borough and that these were informed by landscape studies undertaken at that time; also that a further assessment by the Council has now led to additional areas being designated. The **House Builders Federation (HBF)** says that, since no new published studies are known to have been undertaken prior to the designation of these additional areas, the Council should fully justify their designation or alternatively delete them from the Plan.

6.37.11 National guidance specifies that local designations should be soundly based on a formal assessment of the sites’ value; however, understandably it does not go on to explain what might constitute a “formal assessment”. For the purposes of determining the additional areas which the UDP now designates I understand that the Council undertook its own assessment based on the criteria used in the Rhymney Valley Landscape Assessment (RVLA), this being the study which informed the Rhymney Valley District Local Plan. I note that the **HBF** implicitly accepts the findings of that study and must therefore assume that it is content with the selection criteria adopted therein. To my mind the fact that the recent re-assessment was not undertaken by the original authors of the RVLA or any other private landscape consultancy, but was carried out by the Council itself, is of no consequence. From the evidence available I am satisfied that there was sufficient formality about this exercise to enable it to be regarded as being in accordance with the tenor of national guidance.

6.37.12 For these reasons there is no justification for requiring the wholesale deletion of these additional designations. However whether, on an individual site-specific basis, they are worthy of designation is another matter altogether; a number have been the subject of other objections and I deal with them elsewhere in this report.

6.37.13 There is one associated matter which arises regarding this issue. The supporting text implies that all of the current designations stem from the RVLA. Of course this is incorrect. The Council rectifies this under the terms of PC184 which explains the more recent re-assessment. I shall endorse this change since it responds, at least in part, to the **HBF**’s criticism.

6.37.14 As to the fifth issue, the supporting text describes the value of countryside management initiatives and refers to the involvement of certain individuals and groups. Some Objectors say that commoners should be identified here, given that they have ancient statutory rights regarding common land. As I understand it, the reference to those involved in this process is not intended to be exhaustive; the Council confirms that in practice commoners would be among those to be consulted and that further detail is contained in its Countryside Strategy. To my mind the Plan needs no modification in this respect.

6.37.15 There is however one matter which I again find it necessary to raise. I have commented before on the question of the use of the term “unacceptable impact”; this appears once more in the present policy. I have previously concluded that the appearance of the word “unacceptable” is, in the absence of any explanation in the Plan of its contextual meaning, contrary to national guidance on the wording of policies [*see under Policy DC1 - paragraph 1.4.33*]. For reasons stated there [*and elaborated under Policy E5 - paragraph 3.22.4*] I consider that the substitution of the word “harmful” for “unacceptable” would remedy this.

6.37.16 Lastly I shall endorse PC183 and PC185 which propose modest changes to the policy and the supporting text; these, respectively, have led to the conditional withdrawal of objections made by **Cardiff County Council** and the **Campaign for the Protection of Rural Wales** and have not been contested.

RECOMMENDATION

6.37.17 **That:**

(i) **Policy C11 be modified by the deletion of the word “UNACCEPTABLE” and the substitution therefor of the word “HARMFUL” and by the revision of Criterion B so as to read “THE LANDSCAPE SETTING OF NEARBY SETTLEMENTS” in accordance with my conclusions in paragraph 6.37.15 above and Proposed Change PC183;**

(ii) **the supporting text to Policy C11 be modified by the inclusion within Paragraphs 6.42 and 6.45 of additional text in accordance with Proposed Changes PC184 and PC185 and by the deletion from Paragraph 6.44 of the words “NATIONAL IMPORTANCE” and the substitution therefor of the words “OTHER THAN LOCAL IMPORTANCE”;**

(iii) **no other modification be made to the Plan in response to the objections made by the Country Landowners Association (0922), Mr & Mrs Davies (1236), the House Builders Federation (1589), Lafarge Redland Aggregates Ltd (0834), the Quarry Products Association (0958), H & M Vicary (0727) and B & G Williams (0457).**

POLICY C11

SPECIAL LANDSCAPE AREAS

POLICY C11.5

GELLIGAER COMMON

OBJECTIONS

LDO/5738/1880 Friends of the Earth
LDO/5738/1893 Friends of the Earth

Primary Issue

- 6.38.1
- Should this area, by reason of its present condition, be deleted from the SLA designation.

Inspector’s Conclusions

6.38.2 The Objector claims that Gelligaer Common is a working agricultural area which has been overgrazed and is therefore not of sufficient landscape value to justify designation as an SLA; in this respect the Rhymney Valley Landscape Strategy (RVLS) was deeply flawed. It is further argued that the application of this policy would, in these circumstances, be unduly onerous and stifle the local economy.

6.38.3 The SLA designation of this area has been carried through from the Rhymney Valley District Local Plan which was based on what appears to me to have been a thorough and comprehensive landscape study, the RVLS; I am told that a further assessment was carried out in advance of the UDP. From what I have seen of Gelligaer Common its designation is entirely warranted. It is an extensive and most attractive area which makes a very important contribution to the rural landscape in the western part of the County Borough and to the setting of nearby settlements. As for the level of constraint which this policy imposes, I have already concluded that it contains a sufficient and appropriate measure of flexibility and is consistent with national guidance [*see under Policy C11*]; thus its application to Gelligaer Common is fair, reasonable and necessary.

RECOMMENDATION

6.38.4 **That no modification be made to the Plan in response to these objections.**

POLICY C11

SPECIAL LANDSCAPE AREAS

POLICY C11.8

MYNYDD EGLWYSILIAN

OBJECTION

DO/5350/0874 Rhondda Cynon Taff County Borough
Council

Primary Issue

6.39.1 • Should this SLA be extended so as to be contiguous with land which is similarly designated in the local plans of the adjoining authority.

Inspector’s Conclusions

6.39.2 This is an extensive SLA, sections of which stretch up to the County Borough boundary. **Rhondda Cynon Taff County Borough Council (RCT)** considers that additional land to the north and south should be included within the SLA so as to coincide with the boundary of the area which is similarly designated in its own local plans. **RCT** argues, quite rightly in my opinion, that special landscape areas do not stop at administrative boundaries and designations should, where appropriate extend across such boundaries.

National guidance acknowledges this as does Strategic Planning Guidance for South East Wales which expressly states that neighbouring authorities should aim to co-ordinate and agree designations which overlap or are close to authority boundaries.

6.39.3 There are 2 relevant local plans within **RCT**’s area, both of which are being progressed to adoption having reached a very advanced stage of that process. Both define SLAs which in combination extend for a considerable distance along the administrative boundary shared with Caerphilly County Borough. The Council claims that at the time those plans were on deposit it received no proper consultation from **RCT**; hence the inconsistency now with the UDP designations. However, the evidence presented to me shows the Council having responded regarding one of those local plans to the effect that no objections were raised but that “during preparation of the Caerphilly Borough UDP officers should re-assess the extent of the SLA designations on the border with RCT County Borough with a view to achieving boundaries which coincide with that Authority’s future proposals”. Nor, I understand, were any objections regarding landscaping designations raised to the other of **RCT**’s local plans.

6.39.4 It is regrettable that, despite the encouragement given in national and strategic guidance that neighbouring authorities should consult on their development plan landscaping proposals and co-ordinate their approach to such designations, the problem now before me should have arisen; this is especially so given the Council’s express intention at the time of the **RCT** local plans to enter into such an arrangement. It appears that apart from the general statutory consultation about the UDP as a whole, no special consultation was pursued in relation to landscape designations and **RCT** was left to object formally to this provision of the Plan. The Council’s position now is that no modification to the SLA designation is deemed to be justified, not least since this has been carried through from the Rhymney Valley District Local Plan and the Rhymney Valley Landscape Strategy. I observe that both the Local Plan and the Strategy pre-dated the Council’s aforementioned expression of intent.

6.39.5 In these circumstances, I have examined carefully the areas which **RCT** wants designated in order to judge their landscape qualities in comparison with those of the adjacent SLAs on each side of the administrative boundary. On this basis, and taking into account the principles and criteria which the Council says were applied to its own re-assessment of the SLAs as part of the UDP preparation, I conclude that some modification of the Plan is justified. And in reaching this conclusion I am also mindful of the desirability of defining designation boundaries by reference to physical and natural features wherever possible and appropriate.

6.39.6 In the northerly area the quality and character of the landscape is for the most part virtually indistinguishable from that of the SLAs to the south (in Caerphilly) and to the west across the County Borough boundary; given those considerations it would, with the exception of one site, be entirely sensible to include this land (up to the A472 in the north and Llanfabon Road to the east) within the SLA. The single exception concerns the site of the electricity sub-station. This is a massive installation consisting of numerous tall pylons and other apparatus as well as a network of overhead lines; its scale and visual impact is such that its inclusion within a landscape designation would be wholly inappropriate. Accordingly this site and the narrow fringe areas up to the roads to the north and south should remain undesignated; for the avoidance of doubt the SLA designation should extend to the eastern site boundary.

6.39.7 As for the southerly area, I reach a generally different conclusion. Here a distinction between the quality of the landscape and that of the adjoining SLAs is evident; amongst other things, it is far less spectacular and prominent. However, again there is one exception to my principal conclusion. At the northernmost tip of the objection area is a small irregular shaped piece of land lying between the County Borough boundary and the narrow lane leading north from the junction with Eglwysilan Road. The adjoining SLA boundary follows an arbitrary line along the north-eastern edge of this parcel and there is no evident difference in landscape terms between the land on each side. In these circumstances, this small area up to the lane should be included within the SLA.

RECOMMENDATION

6.39.8 **That the Proposals Map be modified by the extension of the Special Landscape Area designation to include (i) land between the County Borough boundary and Llanfabon Road but excluding the electricity sub-station site and (ii) land between the County Borough boundary and the lane leading north from the junction with Eglwysilan Road taking into account my conclusions in paragraphs 6.39.6 and 6.39.7 above.**

POLICY C11

SPECIAL LANDSCAPE AREAS

POLICY C11.9

LAND AT LLAN-FACH ROAD, ABERCARN

OBJECTIONS

DO/5541/1877 Campaign for the Protection of Rural Wales
DO/5655/1426 E A Bond Contractors Ltd
(reported under Policy DC2.99.68)

Primary Issue

6.40.1 • Should the name of this SLA be changed to Mynydd Maen Common.

Inspector’s Conclusions

6.40.2 Policy C11 describes this SLA as “Mynydd Maen”. The **Campaign for the Protection of Rural Wales** contends that the word “Common” should be added. However the Council points out that the designation covers a wider area than just the extent of the recognised common and, in these circumstances, I see no reason why the name should be modified.

RECOMMENDATION

- 6.40.3 **That no modification be made to the Plan in response to the objection made by the Campaign for the Protection of Rural Wales (1877).**
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POLICY C11

SPECIAL LANDSCAPE AREAS

POLICY C11.13

MYNYDD MACHEN

OBJECTION

DO/5375/1879 Hanson Aggregates

Primary Issue

- 6.41.1 • Whether land with planning permission for quarrying should be deleted from the SLA designation.

Inspector’s Conclusions

6.41.2 Ochr Chwith Quarry lies within an extensive SLA. The Objector maintains that it should be deleted from this designation in recognition of the fact that although this quarry is classified as dormant it has a valid planning permission. The Council’s position generally is that until such time as extant planning permissions are implemented, it is inappropriate to amend SLA boundaries prior to works being carried out.

6.41.3 From what I have seen of this site I have no quarrel with the Council’s approach. The quarry, having revegetated, is an important and attractive part of the landscape and its designation is warranted. In reaching this conclusion I am conscious that the Plan in this regard cannot interfere with the implementation of the extant planning permission. Therefore the prejudice which the Objector seems to fear is groundless. Also, my conclusions and recommendation elsewhere in this report concerning the approach to be taken on minerals development in SLAs [*see under Policy M5*] should provide further comfort in this respect.

RECOMMENDATION

- 6.41.4 **That no modification be made to the Plan in response to this objection.**
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POLICY C11

SPECIAL LANDSCAPE AREAS

POLICY C11.14

NORTH OF TRETTHOMAS AND MACHEN

OBJECTION DO/5375/0585 Hanson Aggregates

Proposed Change PC182

Primary Issue

- 6.42.1
- Whether land with planning permission for quarrying should be deleted from the SLA designation.

Inspector’s Conclusions

6.42.2 Machen Quarry lies within an extensive SLA. However the Plan excludes from the formally designated area that part of the quarry which has been worked. The Objector maintains that the rest should also be deleted from this designation in recognition of the fact that it has a valid planning permission for quarrying. The Council now acknowledges that an additional area of the workings should also be excluded from the SLA and a change is proposed to this effect (PC182). As for the remainder though, the Council’s position is that until such time as the extant planning permission is implemented, it is inappropriate to further amend the SLA boundary prior to works being carried out.

6.42.3 I support this approach. As things stand, the remaining area is an important part of the landscape and its designation is warranted. In reaching this conclusion I am conscious that the Plan in this regard cannot interfere with the implementation of the extant planning permission. Therefore the prejudice which the Objector seems to fear is groundless. Also, my conclusions and recommendation elsewhere in this report concerning the approach to be taken on minerals development in SLAs [*see under Policy M5*] should provide further comfort in this respect.

RECOMMENDATION

6.42.4 **That:**

- (i) **the Proposals Map be modified by the deletion of land from the designated Special Landscape Area in accordance with Proposed Change PC182;**
- (ii) **no other modification be made to the Plan in response to this objection.**

POLICY C11

SPECIAL LANDSCAPE AREAS

POLICY C11.16

LAND AT GWERN-Y-DOMEN, CAERPHILLY

OBJECTION

DO/5421/0642 Alfred McAlpine Developments Ltd
(reported under Policy H1.99.19)

Inspector’s Comment

6.43.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy H1.99.19.

POLICY C11

SPECIAL LANDSCAPE AREAS

POLICY C11.16

CEFN MABLY WOODS

OBJECTION

DO/5651/1195 Forest Enterprise (Wales)

Primary Issue

6.44.1

- Whether this site, by reason of its commercial woodland nature, should be deleted from the designated SLA.

Inspector’s Conclusions

6.44.2 The area the subject of this objection consists of a large coniferous woodland which is grown for commercial purposes. The Objector describes this as alien to the wider area and not sufficiently special to warrant the degree of policy protection which the Plan seeks to provide. This level of control over development could hinder commercial forestry operations which are carried out here. I am not convinced.

6.44.3 The Plan describes the Rudry and Machen policy area, within which Cefn Mably Woods are situated, as a mixed agricultural and woodland landscape. Topic Paper 5 provides more detail. It says that this area is unique in the County Borough in that it contains two landscape types not found elsewhere; again the nature and extent of woodland areas is highlighted. From that analysis it is clear to me that these woods, because of their scale and nature, contribute to the very feature which helps make this SLA unique and therefore worthy of the special attention which the Plan proposes to provide.

6.44.4 This objection appears to be driven as much by concern over the effect that Policy C11 could have on commercial forestry operations as by the intrinsic landscape merits

of the area. However it is worth noting here that the Plan confirms that this policy is not intended to preclude development which is consistent with other policies of the Plan and that it gives express encouragement to countryside management initiatives including woodland management. In my judgement the Objector’s fears are not well founded.

6.44.5 From my inspection I saw that these woods are a conspicuous feature of these attractive rural surroundings and, given all the foregoing circumstances, I can find nothing to justify any modification to the Plan in response to this objection.

RECOMMENDATION

6.44.6 **That no modification be made to the Plan in response to this objection.**

POLICY C11

SPECIAL LANDSCAPE AREAS

POLICY C11.16

SOUTH OF RUDRY AND MACHEN

OBJECTION

DO/5375/0588 Hanson Aggregates

Primary Issue

- 6.45.1
- Whether land at Cwmleyshon Quarry should, by reason of its status as an Active Phase 1 mineral site, be deleted from the SLA designation.

Inspector’s Conclusions

6.45.2 This quarry lies within an extensive SLA. It is described elsewhere in the Plan (as changed) as currently non-operational; I understand that it has not been worked since 1985. Notwithstanding its formal status as an Active Phase 1 site, given the foregoing circumstances and the fact that it has revegetated, I accept the justification for the Council’s approach to this quarry; namely that until such time as extant planning permissions are implemented, it is inappropriate to amend SLA boundaries prior to works being carried out.

6.45.3 As things currently stand, this quarry forms an important part of the SLA and the longer it remains non-operational the more mature its vegetation will become thereby enhancing the character and attractiveness of these surroundings.

RECOMMENDATION

6.45.4 **That no modification be made to the Plan in response to this objection.**

POLICY C11

SPECIAL LANDSCAPE AREAS

POLICY C11.16

LAND AT GLENDALE, VAN ROAD, CAERPHILLY

OBJECTION

DO/5509/1358 Westbury Homes (Holdings) Ltd
(reported under Policy DC2.99.50)

Inspector’s Comment

6.46.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.50.

POLICY C11

SPECIAL LANDSCAPE AREAS

POLICY C11.16

**LAND SOUTH AND NORTH OF THE FORMER
SAWMILL SITE, DRAETHEN**

OBJECTIONS

DO/5509/1969 Westbury Homes (Holdings) Ltd
(reported under Policy DC2.99.40)
DO/5509/1949 Westbury Homes (Holdings) Ltd
(reported under Policy DC2.99.60)

Inspector’s Comment

6.47.1 These objections are fully considered, and are the subject of an appropriate recommendation, under Policy DC2.99.40 and Policy DC2.99.60 respectively.

POLICY C11

SPECIAL LANDSCAPE AREAS

POLICY C11.17

CAERPHILLY MOUNTAIN

OBJECTIONS

DO/5460/0828 Greendoorstep (Caerphilly)
DO/5460/1932 Greendoorstep (Caerphilly)

Primary Issue

6.48.1

- Whether the designated SLA should be extended to include Caerphilly Golf Course.

Inspector’s Conclusions

6.48.2 This golf course covers a sizeable area of land on the northern side of Caerphilly Mountain. Adjoining to the north is the urban settlement, while the area to the south is designated as an SLA. The Objector argues that the golf course is an attractive and important visual backdrop to the town and deserves the sort of protection which Policy C11 can provide.

6.48.3 I acknowledge the prominence of this site from many public vantage points, including from across the town, and accept that it forms part of the attractive setting of the urban area. However its designation as an extension to the SLA is not appropriate. Notwithstanding its close relationship with the existing designated area, it is completely different in terms of appearance and character. This site has the typical manicured appearance of a golf course; the areas of heath and woodland cannot disguise this. By contrast, the rest of Caerphilly Mountain is a most impressive natural landscape and possesses a quality which in my view the golf course is unable to match.

6.48.4 The Plan’s designation of SLAs were mostly carried through from the Rhymney Valley District Local Plan which in turn was informed by the Rhymney Valley Landscape Strategy (RVLS) which provided a thorough and comprehensive assessment of the area’s landscape quality. Golf courses were not, I understand, one of the numerous landscape types which the RVLS defined. The Council has since re-assessed the earlier SLAs and still maintains the view that the designation of this golf course would be inappropriate and, indeed, damaging to the integrity of the Plan. For the reasons explained above, so do I. There are, contrary to the Objector’s belief, several other policies in this Plan which would provide a suitable level of control over the development of this site.

RECOMMENDATION

6.48.5 **That no modification be made to the Plan in response to these objections.**

POLICY C11

SPECIAL LANDSCAPE AREAS

POLICY C11.17

FORMER NESS TAR PLANT, CAERPHILLY

OBJECTION

DO/5509/1258 Westbury Homes (Holdings) Ltd
(reported under Policy DC2.99.37)

Inspector’s Comment

6.49.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.37.

POLICY C12

TREES, WOODLANDS AND HEDGEROWS

OBJECTIONS

DO/5541/1547	Campaign for the Protection of Rural Wales
DO/5541/1592	Campaign for the Protection of Rural Wales
DO/5696/1493	Countryside Council for Wales
DO/5651/1174	Forest Enterprise (Wales)
LDO/5722/0842	Gwent Wildlife Trust
DO/5541/1584	Campaign for the Protection of Rural Wales

Further Proposed Changes FPC040, FPC219

Primary Issues

- 6.50.1
- Should the policy include provisions encouraging the improvement and extension of woodlands, especially ancient semi-natural woodlands.
 - Should the policy expressly acknowledge that there are other countryside features apart from trees, woodlands and hedgerows which are worthy of specific protection.
 - Is the policy provision regarding mitigating measures sufficiently clear.
 - Whether nature conservation should be an express policy consideration.
 - Should the supporting text confirm that there is no intention to prejudice or interfere with the management of commercial woodlands and also indicate that commercial forestry operators will be consulted on the Council’s Woodland Strategy.

Inspector’s Conclusions

6.50.2 As to the first issue, the Council accepts the merits of including a provision in the Plan aimed at encouraging management schemes for ancient semi-natural woodlands. Accordingly it has introduced a change (FPC040) to Paragraph 6.48 of the supporting text, which already refers to woodland management generally, emphasising this particular type of woodland (*in this respect I observe that the Council, in error, formally asks me to recommend FPC041 which relates to a leisure policy*). To my mind this is a suitable and adequate response to the present objection and I shall endorse it. The inclusion of such a provision within the policy itself, as called for by the **Countryside Council for Wales**, would be over-prescriptive and inappropriate.

6.50.3 The **Campaign for the Protection of Rural Wales (CPRW)** raises an associated matter concerning the phraseology of the provision on woodland management schemes in the supporting text; it argues that the reference to such schemes enhancing and preserving the value of the landscape lacks clarity. However, to my mind there can be no real uncertainty about the meaning and purpose of this statement and it serves to support the policy perfectly well.

6.50.4 Regarding the second issue, this policy is explicitly aimed at protecting trees, woodlands and hedgerows of significant amenity value. The **CPRW** considers that this should be widened to refer to other countryside features including watercourses, ponds and wetlands. I acknowledge the Council’s point that there are other policies in the Plan which in combination provide protection for the features to which the **CPRW** refers; thus an express provision within Policy C12 would amount to an unnecessary duplication. However there is merit in the Council’s proposal to change the text supporting Policy DC1 to include reference to these features and to the need to protect nature conservation interests generally (FPC219) since this issue is especially germane to Criterion J of that policy. I shall therefore endorse this change.

6.50.5 In terms of the third issue, this policy refers to the grant of permission in circumstances where “acceptable mitigating measures can be provided”. The **CPRW** considers this provision to be a weakness and wants it linked to a test of overriding need for the proposed development. I disagree. If a scheme were to include mitigating measures which would successfully offset the harm which would otherwise be caused by the loss of trees, woodlands and/or hedgerows then it is self-evident that the aim of the policy would be met in terms of safeguarding the site and its surroundings from environmental damage. In those circumstances there would be no justification in additionally requiring an overriding need for the development to be demonstrated.

6.50.6 The **Gwent Wildlife Trust (GWT)** says that the meaning of the word “acceptable” should be clarified; it is proposed that alternative terms such as “equivalent” or “like for like basis” should be used. Given the context of this policy which is expressly concerned about development proposals which involve the loss of specific natural features, common-sense suggests that acceptable mitigating measures are very likely to consist of replacement planting of a scale and nature such as to protect the amenities of the area from any harm which might otherwise arise from the development. I therefore see no reason why the terms of the policy itself need to be modified. However, contrary to the views of the Council which says that the disputed word should be interpreted afresh in each individual case, in my judgement the Plan must provide guidance on this matter. National guidance confirms the importance of clear and unambiguous expression of policies and at present Policy C12 is lacking in this respect.

6.50.7 Given those considerations, the supporting text should explain broadly what the Council would generally be likely to regard as acceptable mitigating measures referring, I anticipate, to the provision of replacement planting of a scale and nature sufficient to enable the development to be accommodated without causing environmental damage to the area; any other potential landscaping or landform remodelling should also be specified. Also reference should be made to the means (for example, planning conditions or obligations) by which those measures would be secured. I shall recommend accordingly.

6.50.8 Turning to the fourth issue, this policy seeks to protect features which are of significant amenity value; the **GWT** asks that nature conservation be included as a further specified consideration. Although the supporting text makes reference to the importance of these features as a habitat for wildlife, for the most part it concentrates on their value as a visual amenity. In these circumstances, I consider that the use of the simple term “amenity value” strongly suggests that this policy is directed at safeguarding the appearance and character of an area; it does not convey the message about nature conservation interests which the Council says is intended. For these reasons I agree that the term “nature conservation” should be included for the sake of completeness and certainty. Additionally,

this would help overcome concerns which I have earlier expressed about the Plan’s coverage of nature conservation considerations [see under Policy DC1].

6.50.9 Regarding the fifth issue, this policy is centred on the effects of development proposals in general. It seems to me that the majority of operations involved in the management of commercial woodlands either would not constitute development at all or would be permitted development; in neither case would the provisions of this policy apply. If permission were required however, Policy DC2 identifies forestry-related development as one of the exceptions to the broad presumption against development in the countryside and Policy C12 itself allows development for which there is a need that outweighs the importance of any natural features which would be lost. These provisions need no further elaboration or qualification.

6.50.10 As to the matter of the Council’s Woodland Strategy, this is referred to in the supporting text essentially for information purposes only. It is not part of the Plan and there is no reason why reference should be made here to the administrative procedures through which this strategy would pass.

RECOMMENDATION

6.50.11 **That:**

- (i) **Policy C12 be modified by the insertion after the word “amenity” of the words “AND/OR NATURE CONSERVATION”;**
- (ii) **the supporting text to Policy C12 be modified by the inclusion in Paragraph 6.48 of the phrase “PARTICULARLY ANCIENT SEMI-NATURAL WOODLANDS” and by the inclusion of additional text explaining broadly what would be likely to be regarded as acceptable mitigating measures including referring to the provision of replacement planting of a scale and nature sufficient to enable the development to be accommodated without causing environmental damage to the area as well as any other potential landscaping or landform remodelling and also referring to the means by which those measures would be secured, in accordance with Further Proposed Change FPC040 and taking into account my conclusions in paragraphs 6.50.6 and 6.50.7 above;**
- (iii) **the supporting text to Policy DC1 be modified by the inclusion in Paragraph 1.27 of references to nature conservation interests and streams and wetlands in accordance with Further Proposed Change FPC219;**
- (iv) **no other modification be made to the Plan in response to these objections.**

POLICY C13

GREEN WEDGES

OBJECTIONS

DO/5703/0924	Country Landowners Association
DO/5696/1496	Countryside Council for Wales
DO/5638/1608	House Builders Federation
DO/5567/0865	Mr R J Hughes

Primary Issues

- 6.51.1
- Is the overall coverage of Green Wedge designations excessive and prejudicial to possible long-term growth requirements and should some designations in urban areas be replaced by an amenity open space policy.
 - Does this policy give appropriate recognition to the economic and social needs of existing communities.
 - Should the Plan acknowledge the need to take into account National Park policy considerations in relation to proposals on land adjoining the Brecon Beacons National Park.

Inspector’s Conclusions

6.51.2 As for the first issue, the express aim of Policy C13 in defining Green Wedges is to prevent coalescence between and within settlements. The supporting text goes on to explain that “there is a need to define and maintain open spaces and gaps of *open countryside* between settlements” that “it is intended that an open nature and *rural character* should be maintained” and that “(development) should ensure that the *rural quality* of the Green Wedge is not eroded or destroyed”. I have emphasised certain key terms in order to draw attention to the Council’s failure in many instances to follow the Plan’s own guidance on what the Green Wedge designation is intended to achieve.

6.51.3 Many objections have come before me which demonstrate clearly that a good deal of land which cannot conceivably be regarded as open countryside with a rural character and rural quality has been designated as a Green Wedge; and there are some which simply do not serve to prevent the coalescence of settlements. I deal with those objections elsewhere and need only generalise for the purposes of examining the present issue.

6.51.4 Having said that, I have no quarrel with the concept of Green Wedges, nor with the terms of Policy C13 in principle. I therefore do not share the **House Builders Federation’s (HBF)** view that these provisions should be modified so as to make allowance for any long-term growth requirement. In any event, this policy and its designations last only as long as this Plan remains operative; it is not in that sense the equivalent of a Green Belt designation which, under the provisions of national guidance, should be protected for longer than the development plan period and be altered only in exceptional circumstances. Employed properly, this policy approach is a perfectly legitimate means of preventing the coalescence of settlements and consequential harm to the countryside. But to use this particular planning tool so liberally as the Plan currently does is inappropriate; moreover it damages the integrity of the whole policy.

6.51.5 On a number of occasions elsewhere in this report I have recommended the exclusion of a site from a designated Green Wedge. An alternative solution which I have decided is appropriate in several cases is the application of a policy which is less restrictive but tailored to the circumstances of the site, namely an urban open space policy which would be applicable to land within settlement boundaries. The **HBF** refers to this sort of policy. I have found that many of those objection sites lie within distinctly urban surroundings and serve no anti-coalescence purpose. While it is wholly inappropriate for them to be designated as part of a Green Wedge, because of their appearance/nature/open character they are nonetheless highly beneficial to the local environment and deserve some form of policy protection. All are open to public view but not necessarily to public access; some are in key locations and help establish the character of the settlement or contribute to the setting of a significant building or group of buildings; and some, apart from their visual amenity, provide an environmental buffer between housing and another land use which potentially could interfere with nearby residents’ living standards.

6.51.6 For those reasons I intend recommending an appropriate policy. However this should not necessarily be confined simply to those sites which I have concluded should be designated as an urban open space. I would urge the Council to re-assess other parts of the various Green Wedges in the light of all my foregoing conclusions with a view to establishing whether other land should be re-designated under this new policy and, as a consequence, be included within a settlement boundary.

6.51.7 In terms of the second issue, contrary to the views expressed by the **Country Landowners Association** and **Mr Hughes**, I see no reason why this policy should unreasonably frustrate development which would serve the economic and social needs of existing communities. While urban development will not be permitted within Green Wedges, the Plan confirms that agricultural, forestry, recreational and other uses which involve no substantial new building and have no unacceptable landscape impact will be allowed. And of course the Plan’s general countryside policies would also be applicable and these too allow for certain limited forms of development. To my mind these provisions strike an appropriate balance between protecting Green Wedges for the purposes intended and enabling a measure of necessary and beneficial development to take place.

6.51.8 Regarding the third issue, the Brecon Beacons National Park lies directly beyond the northern boundary of the County Borough. The **Countryside Council for Wales** says that this Plan should include a statement confirming that, in accordance with national guidance, account would need to be taken of National Park purposes when dealing with proposals which adjoin and might affect that area.

6.51.9 The Council maintains that this is unnecessary since the Plan’s countryside policies provide adequate protection for the National Park. While in practice this might prove to be the case, I consider that the Plan should go further in terms of acknowledging the implications for the Council of national guidance regarding the adjoining National Park. Circular 13/99 confirms that all relevant authorities have a general duty to have regard to the purposes of the Parks when coming to decisions affecting land within them; it goes on to refer specifically to the activities of neighbouring authorities which may have an impact within the Park.

6.51.10 For these reasons the Plan should refer briefly to this guidance and confirm that the Council will take this into account when making decisions on proposals which might have an impact on the adjoining National Park. However since, as I understand it, the land

adjoining the Park is designated as an SLA, and the nearest Green Wedge is some distance away, it would seem to be more appropriate to include this additional provision in the text supporting Policy C11.

RECOMMENDATION

6.51.11 **That:**

(i) **the Plan be modified by the inclusion of the following policy:-**

“WITHIN THE AREAS DEFINED ON THE PROPOSALS MAP AS URBAN OPEN SPACES DEVELOPMENT WILL ONLY BE PERMITTED WHERE IT WOULD HAVE NO HARMFUL IMPACT ON THE OPEN CHARACTER AND APPEARANCE OF THE AREA AND ON ITS CONTRIBUTION TO THE SETTING OF ITS SURROUNDINGS AND WHERE THE EROSION OF OPEN SPACE WOULD NOT LEAD TO A LOSS OF AMENITY FOR NEIGHBOURING RESIDENTIAL OCCUPIERS”;

(ii) **the Plan be modified by the inclusion of text supporting the foregoing policy to explain that the designated areas are, because of their appearance, nature, open character and location, beneficial to the local environment and deserve protection from development which would result in their loss or erosion and to confirm that all are open to public view, that some are in key locations and help establish the character of the settlement or contribute to the setting of a significant building or group of buildings and that some, apart from their visual amenity, provide an environmental buffer between housing and another land use which potentially could interfere with nearby residents’ living standards, taking into account my conclusions in paragraph 6.51.5 above;**

(iii) **the Council undertakes a re-assessment of the Green Wedge designations with a view to modifying the Plan by the re-designation of land where appropriate as Urban Open Space taking into account my conclusions in paragraphs 6.51.3, 6.51.5 and 6.51.6 above;**

(iv) **the supporting text to Policy C11 be modified by the inclusion of provisions acknowledging the implications for the Council of national guidance regarding the adjoining National Park and confirming that the Council will take this into account when making decisions on proposals which might have an impact on the Park, taking into account my conclusions in paragraphs 6.51.9 and 6.51.10 above;**

(v) **no other modification be made to the Plan in response to the objections made by the Country Landowners Association (0924) and Mr Hughes (0865).**

POLICY C13

GREEN WEDGES

POLICY C13.8

LAND AT PENGAM ROAD, BEDWELLTY

OBJECTION

DO/5339/1873 R E Phillips & Partners
(reported under Policy DC2.99.10)

Inspector’s Comment

6.52.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.10.

POLICY C13

GREEN WEDGES

POLICY C13.8

BARN HILL INDUSTRIAL ESTATE

OBJECTION

DO/5033/0184 Mr C Soroko

Primary Issue

6.53.1

- Should this site, due to its present nature, be excluded from the designated Green Wedge.

Inspector’s Conclusions

6.53.2 The objection site lies at the western edge of the built-up settlement of Cefn Fforest and is designated as part of the Green Wedge separating that area and the northernmost part of Pengam. This site falls into 2 distinctly different sections. In the northern part is a small group of industrial buildings with parking areas and open storage; it is surrounded by fencing. The southern section is largely overgrown and partly tree-covered. There is a public footpath between these 2 areas.

6.53.3 There is open land to the north, west and south, all of which is part of the Green Wedge. There is further open ground immediately to the east but this is included within the defined settlement boundary; a little way beyond is an extensive housing area.

6.53.4 Given the amount and nature of development in the northern part of the objection site, it is wholly inappropriate to include this within the Green Wedge. It is neither open in nature nor rural in appearance and character; it contributes nothing to the sense of separation which there is between Cefn Fforest and Pengam. Its boundaries are well defined and it clearly has much more affinity with the adjacent settlement. For these reasons the

Green Wedge designation covering this part of the objection site should be deleted and this land should instead, as a consequence, be included within a realigned settlement boundary.

6.53.5 However I reach a different conclusion regarding the rest of this site. The southern part is open in character and relates well to other such land in this vicinity. I am satisfied that it performs a Green Wedge function and thus its designation is justified.

RECOMMENDATION

6.53.6 **That:**

- (i) **the Proposals Map be modified by the deletion of the northern (developed) part of the objection site from the Green Wedge and the realignment of the settlement boundary so as to include this land within the defined settlement area;**
- (ii) **no other modification be made to the Plan in response to this objection.**

POLICY C13

GREEN WEDGES

POLICY C13.8

LAND AT THE ROCK, BLACKWOOD

OBJECTION

DO/5501/1381 Mr & Mrs D Bawn
(reported under Policy H1.99.71)

Inspector’s Comment

6.54.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy H1.99.71.

POLICY C13

GREEN WEDGES

POLICY C13.9

LAND AT CWM GELLI, BLACKWOOD

OBJECTION

DO/5623/3351 Mr C Taylor

Primary Issue

- 6.55.1
- Should the Green Wedge designation be extended to include this site.

Inspector’s Conclusions

6.55.2 This site comprises a sizeable area of farmland, including the farmhouse and buildings complex, fronting the A4048 just north of the urban settlement of Blackwood. There is an area of housing just south-west of this site but in all other directions is mainly open countryside.

6.55.3 Due to its scale and open nature, this site forms an integral part of the rural fringe around this part of Blackwood and in physical terms it is within the stretch of countryside which separates this settlement from Argoed to the north. Yet curiously this site, unlike the land directly behind it and to its north, is not designated by the Plan as part of the Green Wedge between those settlements; this is especially surprising given that this site, being prominently located on the main road frontage and adjacent to the built-up area, is to my mind potentially more vulnerable to inevitable pressures for development than the designated land.

6.55.4 On the basis of the Council’s belief that there is a need for a Green Wedge between Blackwood and Argoed, it would be logical and entirely appropriate to include the objection site within the designated area. I shall recommend accordingly.

RECOMMENDATION

6.55.5 **That the Proposals Map be modified by the inclusion of the objection site within the designated Green Wedge.**

POLICY C13

GREEN WEDGES

POLICY C13.10

BLACKWOOD GOLF COURSE, BLACKWOOD

OBJECTION

DO/5507/1369 Blackwood Golf Club
(reported under Policy DC2.99.49)

Inspector’s Comment

6.56.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.49.

POLICY C13

GREEN WEDGES

POLICY C13.11

SOUTH WEST OF OAKDALE

OBJECTIONS

DO/5293/0358 Mr H Moggridge
DO/5330/0893 Mr T A Morgan
DO/5623/1066 Mr C Taylor

Primary Issues

- 6.57.1
- Whether additional land between Blackwood and Oakdale should be included within the Green Wedge designation.
 - Should this Green Wedge be listed in the policy as “Woodfield Park”.

Inspector’s Conclusions

6.57.2 As to the first issue, the northern part of the urban area of Blackwood is separated from the built-up edge of Oakdale by a relatively narrow stretch of open land consisting mainly of the Sirhowy River Valley. In the Plan only the area known as Woodfield Park and an adjoining woodland in the southernmost section of this stretch is designated as a Green Wedge. The present objections, in combination, seek the extension of this designation so as to embrace a substantial length of the valley and further adjacent woodland. In this respect I confirm for the avoidance of any doubt, and in view of the dispute between the parties of which I am aware, that I am addressing the plan contained in the Council’s proof (ref PoE45) at Appendix 3 which I am told by the Council represents the duly-made objection.

6.57.3 The Council argues that, because there is no built-up area immediately to the west of the objection land, a Green Wedge here would not serve the acknowledged purpose of preventing the coalescence of neighbouring settlements. However the Council seems to overlook the fact that along the north-east/south-west axis the objection land occupies much of the open gap between a spur of the defined Oakdale settlement and the tip of Blackwood’s built-up area. This is an important stretch of open land strategically set between 2 substantial urban settlements and to my mind this is just the sort of area at which the Plan should be looking to designate as a Green Wedge. After all, in its present state it performs just the same function as Woodfield Park in the sense that it prevents the coalescence of neighbouring parts of Oakdale and Blackwood; and in terms of its configuration, orientation and juxtaposition with the settlements which it separates, it compares very favourably with a number of other Green Wedges, a prime example being the one directly to the north-west on the opposite side of the main road (Blackwood/Argoed).

6.57.4 For these reasons I conclude that the designation of further land within this area would be entirely consistent with the principles on which Policy C13 is founded. However I do not intend recommending the precise area which the Objectors propose. There are 3 reasons for this. First, some of the objection land (adjacent to the Policy R3(2) retail allocation and also to the south-west of Oakdale School) lies within the defined settlement

boundaries and must therefore be excluded from any Green Wedge extension. Secondly, elsewhere in this report I am recommending the realignment of those boundaries so as to include additional land within the settlement area [see under Policies DC2.99.9 and DC2.99.61] and, if the Plan is modified accordingly, this land too cannot be designated as part of the Green Wedge. And thirdly, the Objectors’ proposals do not go quite far enough. There is an area of land to the north of the line of the Sirhowy Enterprise Way link road up to the northernmost tip of the defined Blackwood settlement which the Objectors exclude, but which in my opinion should realistically be covered by the extended designation in order to establish a sensible, cohesive and fully justifiable Green Wedge with physically defined boundaries; and for exactly the same reasons the area to the north of the objection land between the planned route of the Sirhowy Enterprise Way and the B4251 should also be designated.

6.57.5 In respect of the second issue, **Mr Morgan** contends that this Green Wedge should be described in the policy as “Woodfield Park” since this would more clearly identify its location. However even in the Deposit Draft Plan the designated area extends beyond the boundaries of Woodfield Park; and the extended area which I am recommending obviously goes much further. In these circumstances, the Plan’s present description is satisfactory.

RECOMMENDATION

6.57.6 **That:**

- (i) **the Proposals Map be modified by the extension of the designated Green Wedge to include an additional area between Blackwood and Oakdale comprising primarily the objection land, but revised by the deletion and addition of certain land, all in accordance with my conclusions in paragraph 6.57.4 above;**
- (ii) **no other modification be made to the Plan in response to these objections.**

POLICY C13

GREEN WEDGES

POLICY C13.13

LAND SOUTH EAST OF PLYNLIMON AVENUE, CROESPENMAEN

OBJECTION

DO/5339/1973 R E Phillips & Partners
(reported under Policy DC2.99.77)

Inspector’s Comment

6.58.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.77.

POLICY C13

GREEN WEDGES

POLICY C13.14

LAND AT WAUNRYDD, GELLIGROES

OBJECTION

DO/5662/1072 Messrs A & P Price
(reported under Policy DC2.99.34)

Inspector’s Comment

6.59.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.34.

POLICY C13

GREEN WEDGES

POLICY C13.15

LAND AT COMMERCIAL STREET, GELLIGAER

OBJECTIONS

DO/5674/1213 Mr W M James
DO/5674/1217 Mr W M James
DO/5674/1218 Mr W M James
(all reported under Policy DC2.99.39)

Inspector’s Comment

6.60.1 These objections are fully considered, and are the subject of an appropriate recommendation, under Policy DC2.99.39.

POLICY C13

GREEN WEDGES

POLICY C13.15

**LAND AT THE ENTRANCE TO PENALLTA
INDUSTRIAL ESTATE**

OBJECTION

LDO/5715/0550 Mr K Lewis
(reported under Policy DC2.99.71)

Inspector’s Comment

6.61.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.71.

POLICY C13

GREEN WEDGES

POLICY C13.16

LAND AT VALLEY VIEW, HENGOED

OBJECTION

DO/5513/1394 The Compton Group
(reported under Policy H1.99.67)

Inspector’s Comment

6.62.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy H1.99.67.

POLICY C13

GREEN WEDGES

POLICY C13.16

LAND AT HENGOED AVENUE, HENGOED

OBJECTION

DO/5043/0129 Mrs S Griffiths
(reported under Policy C10.52)

Inspector’s Comment

6.63.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy C10.52.

POLICY C13

GREEN WEDGES

POLICY C13.16

LAND OFF OAKS END CLOSE, GLYNGAER FARM

OBJECTION

DO/5220/0061 Mrs Rees
(reported under Policy H1.99.11)

Inspector’s Comment

6.64.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy H1.99.11.

POLICY C13

GREEN WEDGES

POLICY C13.17

LAND SOUTH WEST OF BLACKWOOD

OBJECTION

DO/5573/0714 Mr S Courtenay

Primary Issue

- 6.65.1
- Should this site, due to its present condition and permitted use, be excluded from the designated Green Wedge or alternatively should the supporting text to Policy C13 confirm that existing uses would be allowed to develop without undue constraint.

Inspector’s Conclusions

6.65.2 This is a relatively small site which is somewhat overgrown although there is evidence of areas of hardstanding with rubble and other tipped materials strewn about. It is surrounded by open land. To the north-west the land lies within the settlement boundary but this is allocated as part of a sizeable school site under Policy CF6(5) and I anticipate that this would be likely to remain fairly open in appearance. The rest of the surrounding land is designated as a Green Wedge.

6.65.3 The objection site is located centrally within this open area which provides a measure of separation between the built-up settlements which surround it; to my mind the Plan should do what it can to preserve this sense of openness. This site is but a small element of this designated area and it is appropriate that it should be treated by the Plan in the same way. While the Council may choose to consider this Green Wedge as a potential candidate for re-designation as an Urban Open Space in accordance with my earlier conclusions on this matter [*see under Policy C13*], as things currently stand, this site is part of a Green Wedge and in my opinion should remain so.

6.65.4 In reaching those conclusions I have borne in mind the extant planning permission relating to this site; the Plan of course cannot interfere with the implementation of that permission but, in the circumstances of this case, its existence does not alone justify any modification to the present policy designation.

6.65.5 As for the Objector’s alternative proposition, I have previously reached conclusions on a similar point raised in relation to this policy [*see under Policy C13*]. For the reasons explained there I am satisfied that these provisions strike an appropriate balance between protecting Green Wedges for the purposes intended and enabling a measure of necessary and beneficial development to take place; thus no modification is warranted.

RECOMMENDATION

6.65.6 **That no modification be made to the Plan in response to this objection.**

POLICY C13

GREEN WEDGES

POLICY C13.17

LAND TO THE REAR OF OAK TERRACE, FLEUR-DE-LYS

OBJECTIONS

DO/5175/0260 Mr B Dimambro
DO/5176/0264 Mrs S Dimambro
DO/5174/0257 Mr H Howells
DO/5197/0097 Mr A Sheehan
DO/5198/0100 D Sheehan
DO/5170/0252 Mr M D Tams
DO/5170/2012 Mr M D Tams
DO/5171/0254 J P Tams
(all reported under Policy H1.99.41)

Inspector’s Comment

6.66.1 These objections are fully considered, and are the subject of an appropriate recommendation, under Policy H1.99.41.

POLICY C13

GREEN WEDGES

POLICY C13.18

CROWN ROUNDABOUT MARSH, PONTLLANFRAITH

OBJECTION

LDO/5717/1942 Landsker Developments Ltd
(reported under Policy L99.33)

Inspector’s Comment

6.67.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy L99.33.

POLICY C13

GREEN WEDGES

POLICY C13.18

**LAND TO THE REAR OF BEILI GLAS HOUSE, FLEUR-
DE-LYS**

OBJECTIONS

DO/5340/0603 Mrs G Mullins
DO/5341/0607 Mr R J Owens
(both reported under Policy DC2.99.4)

Inspector’s Comment

6.68.1 These objections are fully considered, and are the subject of an appropriate recommendation, under Policy DC2.99.4.

POLICY C13

GREEN WEDGES

POLICY C13.19

**LAND AT CWMBRYNNAR COTTAGES,
PONTLLANFRAITH**

OBJECTION

DO/5432/0435 Cwmbrynnar Estate
(reported under Policy DC2.99.12)

Inspector’s Comment

6.69.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.12.

POLICY C13

GREEN WEDGES

POLICY C13.19

**LAND AT GILWERN HOUSE, NEWBRIDGE ROAD,
PONTLLANFRAITH**

OBJECTION

DO/5251/0236 Mr N James
(reported under Policy DC2.99.12)

Inspector’s Comment

6.70.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.12.

POLICY C13

GREEN WEDGES

POLICY C13.21

MAESYCWMMER AND YSTRAD MYNACH

OBJECTION

DO/5567/0860 Mr R J Hughes

Primary Issue

- 6.71.1
- Should this site be excluded from the designated Green Wedge in order to enable the expansion of the existing business.

Inspector’s Conclusions

6.71.2 This is large site which lies within an extensive Green Wedge that separates the settlements of Maesycwmmmer and Ystrad Mynach. A small part which fronts on to the A472 is occupied by a petrol filling station and car sales premises; the remainder consists of fields and woodland. This site, overall, is primarily open in character and it makes an important contribution to the Green Wedge. Its deletion would reduce the protected gap between these settlements to a fragile and fairly worthless narrow strip of land thereby negating the value of the rest of the designated area hereabouts.

6.71.3 In my judgement it is entirely right that the Plan should seek to prevent the coalescence of these settlements and, in all these circumstances, there is nothing to justify the modification which this objection proposes.

RECOMMENDATION

- 6.71.4 **That no modification be made to the Plan in response to this objection.**
-

POLICY C13

GREEN WEDGES

POLICY C13.25

LAND AT THE RISE, LLANBRADACH

OBJECTION

DO/5658/1146 Mrs S Suter & Mrs S Jones
(reported under Policy DC2.99.41)

Inspector’s Comment

6.72.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.41.

POLICY C13

GREEN WEDGES

POLICY C13.25

**LAND AT BIRCHWOOD BUNGALOW,
LLANBRADACH**

OBJECTION

DO/5282/0290 Messrs H & D Evans
(reported under Policy DC2.99.31)

Inspector’s Comment

6.73.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.31.

POLICY C13

GREEN WEDGES

POLICY C13.28

LAND AT TY SIGN, RISCA

OBJECTION

DO/5351/0685 Welsh Development Agency
(reported under Policy H1.99.9)

Inspector’s Comment

6.74.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy H1.99.9.

POLICY C13

GREEN WEDGES

POLICY C13.29

**LAND ADJACENT TO CAERPHILLY NORTHERN BY-
PASS, CAERPHILLY**

OBJECTION

DO/5263/1865 Mr A W Thomas
(reported under Policy DC2.99.43)

Inspector’s Comment

6.75.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.43.

POLICY C13

GREEN WEDGES

POLICY C13.31

LAND AT HENDREDDENY, CAERPHILLY

OBJECTION

DO/5355/0726 K S Jenner
(reported under Policy DC2.99.62)

Inspector’s Comment

6.76.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.62.

POLICY C13

GREEN WEDGES

POLICY C13.32

LAND WEST OF CAERPHILLY/GYPSY LANE, SOUTH OF GROESWEN

OBJECTION

LDO/5729/1802 Duffryn Ffrwdd (Newtown) Estate Ltd

Primary Issue

6.77.1

- Should this site be excluded from the designated Green Wedge on the grounds that it does not serve the purpose for which this policy is intended.

Inspector’s Conclusions

6.77.2 This site forms a substantial part of a stretch of open countryside which is designated as a Green Wedge on the western side of the urban settlement of Caerphilly. In this instance it is appropriate first to examine the justification for the entire Green Wedge designation because this determines the merits of the Objector’s case. The long eastern boundary of the Green Wedge is marked by the Caerphilly By-Pass and there is a school and a housing estate (both within the defined settlement area) to the north-east. However in all other directions there is generally open countryside although a little distance away to the south-west is a large industrial development.

6.77.3 The express aim of Policy C13 is to prevent the coalescence of settlements; the supporting text clarifies this by referring to the need to prevent the coalescence of urban areas and to maintain the integrity of communities and neighbourhoods. Yet on this occasion the designated area serves no such purposes. The Plan confirms in its Guiding Principles that the settlements concerned are those with boundaries defined under Policy DC2. In this context the only neighbouring settlement in the present case is Caerphilly which extends

around the eastern and north-eastern sides of the designated area. The Council’s argument is that this Green Wedge serves to prevent the coalescence of Caerphilly and Groeswen which lies to the west. However Groeswen consists of no more than a few sporadic dwellings, a church and a public house; to my mind it cannot even reasonably be regarded as a village in the commonly-accepted sense, let alone an urban settlement of the sort with which Policy C13 is concerned. The Plan, not surprisingly, does not define a settlement boundary around Groeswen and thus this area is subject to the normal countryside policies of restraint over development; accordingly it can be expected to remain largely unchanged during the lifetime of this Plan.

6.77.4 I fully recognise that the designated area, like any other land on the fringe of a major settlement, will inevitably come under pressure for development; in these circumstances it is not unreasonable that the Council should seek to protect this land from the encroachment of the urban area. However the Plan already provides adequate and appropriate protection in the form of its general countryside policies and I am convinced that it is quite wrong and unnecessary to attempt to impose yet another layer of policy control which patently, as now, is designed for a specific and completely different purpose.

6.77.5 In reaching those conclusions I have taken into account the views expressed by the Inspector who conducted the Inquiry into the Rhymney Valley District Local Plan in 1995. I acknowledge that he supported the designation of a Green Wedge in this location; however there are noticeable differences between the former and present policies in terms of their specified reasoned justification and the Local Plan Inspector undertook to interpret the definition of “settlement” more widely than the UDP now allows. Nor am I aware of the full evidence available at that time which led to his decision. In any event the production of the present Plan provides the opportunity to consider policies and proposals afresh in the light of current circumstances and this, of course, I have done.

6.77.6 Given all the foregoing considerations, it is clear to me that the objection site does not serve the specified purposes of a Green Wedge and thus its designation as such should be deleted. I shall recommend accordingly. I would also urge the Council to consider the merits of deleting the rest of this Green Wedge designation; not to do so would seriously damage the credibility of this policy.

RECOMMENDATION

6.77.7 **That:**

- (i) **the Proposals Map be modified by the exclusion of the objection site from the designated Green Wedge;**
- (ii) **the Council gives serious consideration to the merits of deleting from the Plan the remainder of this Green Wedge designation taking into account my conclusions in paragraphs 6.77.3, 6.77.4 and 6.77.6 above.**

POLICY C13

GREEN WEDGES

POLICY C13.99

**NEW SITE - LAND SOUTH OF ST DAVID’S ROAD,
PENGAM**

OBJECTION

DO/5434/0455 The Bathers
(reported under Policy H1.18)

Inspector’s Comment

6.78.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy H1.18.

POLICY C13

GREEN WEDGES

POLICY C13.99

NEW SITE - PONTYWAUN FARM, CWMCARN

OBJECTIONS

DO/5318/0381 Mr D Llewellyn
DO/5063/1963 Mr W H Phillips
(both reported under Policy DC2.99.19)

Inspector’s Comment

6.79.1 These objections are fully considered, and are the subject of an appropriate recommendation, under Policy DC2.99.19.

POLICY C13

GREEN WEDGES

POLICY C13.99

NEW SITE - LAND OFF PENGAM ROAD, PENGAM

OBJECTION

DO/5473/2088 A Watkins

Proposed Change

PC187

Primary Issue

- 6.80.1 • Should the designated Green Wedge be extended to include this site.

Inspector’s Conclusions

6.80.2 This is a small area of overgrown land on the western side of the main road through the urban settlement of Pengam. There is housing development on 3 sides although directly to the east, beyond the road, is a narrow stretch of open ground. The Council has accepted the Objector’s claim that this site should be designated as part of a Green Wedge and a change (PC187) to this effect is proposed (*erroneously the Council has formally asked me to recommend PC186*). However I do not support this change.

6.80.3 Earlier in this report I have concluded that the Plan’s designation of land on the opposite side of the road as part of a Green Wedge should be deleted [*see under Policy HI.99.41*]. For directly comparable reasons I reach effectively the same conclusions about the present site. Bearing in mind the express purposes of the Plan’s Green Wedge policy there is, in my judgement, no justification for any such designation here. This site cannot be described as countryside and it does not possess the true characteristics of openness. It is simply a small patch of ground located within an urban environment and is dominated by the presence of housing development on 3 sides. It does not perform the function of separating 2 or more settlements given that the built-up area which surrounds it is continuous, nor does it assist in maintaining the integrity of any settlement.

6.80.4 Nor even, in my judgement, does it merit consideration as an Urban Open Space under the terms of the new policy which I am recommending [*see under Policy C13*]; this small parcel of open ground serves no useful environmental purpose at all. The Plan was right in the first place to leave it unallocated and it should remain so.

RECOMMENDATION

- 6.80.5 **That no modification be made to the Plan in response to this objection nor in relation to Proposed Change PC187.**

POLICY OMISSION

PROTECTION AND ENHANCEMENT OF ENDANGERED SPECIES

OBJECTION

LDO/5738/1890 Friends of the Earth

Conditionally Withdrawn

DO/5696/1461 Countryside Council for Wales

Proposed Change

PC030

Further Proposed Changes FPC003, FPC008, FPC009

Primary Issue

- 6.81.1 • Whether there is a need for a new policy regarding the protection and enhancement of endangered species.

Inspector’s Conclusions

6.81.2 In response to these objections the Council accepts that there is merit in including in the Plan specific provisions regarding endangered species. However rather than including a separate new policy, it proposes that changes should be made to Criterion D of Policy DC1 (PC030 and FPC003).

6.81.3 I have previously concluded that Criterion D should be deleted and that the Plan should include instead a new separate nature conservation policy [*see under Policy DC1*]. In my judgement the combined provisions of this policy, Policy C9 and Policy C10 provide perfectly well the safeguards which the present Objectors seek. There is accordingly no need for any further policy provisions regarding this matter.

6.81.4 However it would be useful to include in the Plan the references to the European Union Habitat Directive which is contained in FPC008 and FPC009. Those references were proposed to be attached to the text supporting Criterion D which obviously, in the light of my recommendation for its deletion, would no longer be possible. Rather than including these references after each of the specified nature conservation policies, it would be appropriate and more practical to incorporate them within the introductory text to the Countryside and Nature Conservation Chapter where brief information is given about the Plan’s nature conservation policies.

RECOMMENDATION

6.81.5 **That:**

- (i) **the Plan be modified by the inclusion in the introductory text to the Countryside and Nature Conservation Chapter of additional text regarding the European Union Habitat Directive taking into account my conclusions in paragraph 6.81.4 above;**
- (ii) **no other modification be made to the Plan in response to these objections nor in relation to Proposed Change PC030 and Further Proposed Changes FPC003, FPC008 and FPC009.**

POLICY OMISSION

**CONSERVATION OF FEATURES OF NATURE
CONSERVATION INTEREST WITHIN ALL NEW
DEVELOPMENTS**

OBJECTION

DO/5696/1777 Countryside Council for Wales

Primary Issue

- 6.82.1
- Whether there is a need for a new policy regarding the protection of features of nature conservation interest within all developments.

Inspector’s Conclusions

6.82.2 As with the preceding case, there is no need for any further policy provisions regarding this matter. I have previously recommended the adoption of a new separate nature conservation policy [*see under Policy DC1*] and these provisions, coupled with those of Policies C9 and C10, cover quite adequately the concerns which the Objector expresses.

RECOMMENDATION

- 6.82.3 **That no modification be made to the Plan in response to this objection.**
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POLICY OMISSION

**ENCOURAGEMENT FOR THE POSITIVE
MANAGEMENT OF LANDSCAPE FEATURES OF
MAJOR IMPORTANCE FOR NATURE
CONSERVATION**

OBJECTION

DO/5696/1487 Countryside Council for Wales

Further Proposed Change FPC007

Primary Issue

- 6.83.1
- Whether there is a need for a new policy encouraging the positive management of landscape features of nature conservation importance.

Inspector’s Conclusions

6.83.2 In response to this objection the Council proposed a change to the text supporting Policy DC1 which added provisions encouraging the management of specified

features of nature conservation interest as part of development proposals and identifying means by which this could be secured (FPC007). As a result of this change the **Countryside Council for Wales** agreed to conditionally withdraw its objection.

6.83.3 However I have previously concluded that the criteria to which these additional provisions were expressly intended to support should be deleted [*see under Policy DC1*]. I accept nonetheless that these provisions should still appear in the Plan but in support of the policies to which now they are better related. Necessarily this will involve including similar provisions in explanation of both Policy DC1 Criterion J and Policy C12 since these together, in the form which I am recommending, are concerned with safeguarding the various features which FPC007 identifies.

6.83.4 I am convinced that the Plan, if modified in this way, would satisfactorily address the points raised by this objection.

RECOMMENDATION

6.83.5 **That:**

- (i) **the Plan be modified by the inclusion in the supporting text to Policy DC1 (Criterion J) and Policy C12 of additional provisions of the nature contained in Further Proposed Change FPC007, but revised appropriately so as to reflect the subject-matter of the 2 policies, taking into account my conclusions in paragraph 6.83.3 above;**
- (ii) **no other modification be made to the Plan in response to this objection.**

POLICY OMISSION

PROVISIONS OF ECOLOGICAL BUFFER ZONES

OBJECTION

LDO/5738/1900 Friends of the Earth

Primary Issue

- 6.84.1
- Whether there is a need for a new policy regarding ecological buffer zones under the terms of European Union Habitats Directive 1.

Inspector’s Conclusions

6.84.2 I agree with the Council that there is no justification for the inclusion of a policy of this nature. At present there are no sites within the County Borough which have been designated under the EU Habitats Directive 1; if any were to be designated in the future then there is adequate legislation in place to afford them proper protection until such time as the Plan is reviewed.

RECOMMENDATION

6.84.3 **That no modification be made to the Plan in response to this objection.**

OMISSION

IDENTIFICATION OF COMMON LAND ON THE PROPOSALS MAP

OBJECTION DO/5541/1774 Campaign for the Protection of Rural Wales

Primary Issue

6.85.1 • Should all common land be identified on the Proposals Map.

Inspector’s Conclusions

6.85.2 UDP(Wales) 2001 confirms that the Proposals Map should illustrate each of the detailed policies and proposals in the Plan’s written statement, defining sites for particular developments or land uses and the areas to which specified development control policies will be applied. Since there are no policies or proposals specifically concerning common land, there is no justification for their identification on the Proposals Map.

RECOMMENDATION

6.85.3 **That no modification be made to the Plan in response to this objection.**

OMISSION

IDENTIFICATION OF SITES OF SPECIAL SCIENTIFIC INTEREST ON THE PROPOSALS MAP

OBJECTION DO/5696/1475 Countryside Council for Wales

Primary Issue

6.86.1 • Should Sites of Special Scientific Interest (SSSIs) be identified on the Proposals Map.

Inspector’s Conclusions

6.86.2 The Council maintains that there is no need for SSSIs to be specifically shown on the Proposals Map since existing provisions of the Plan identify them satisfactorily. I disagree.

6.86.3 PG(Wales) 1999 says that statutorily designated sites such as SSSIs should be identified in development plans; to my mind the UDP does not do this sufficiently well and is therefore in conflict with this guidance. The SSSIs are the subject of Policy C9 yet they are shown on the Proposals Map in exactly the same way as the regionally and locally important nature conservation sites which are the subject of Policy C10; and even more confusingly they are given a Policy C10 reference. This makes it impossible readily to distinguish them. The only way to establish from the Plan which of the 200 or so nature conservation sites are SSSIs is to trawl through the list in Appendix 7. This is laborious, inconvenient and open to misinterpretation.

6.86.4 Accordingly the Proposals Map should adopt another form of notation which would enable SSSIs to be readily distinguished from the Policy C10 sites.

RECOMMENDATION

6.86.5 **That the Proposals Map be modified by the adoption of a new notation for SSSIs (Policy C9 sites) so as to distinguish them from Policy C10 sites taking into account my conclusions in paragraphs 6.86.3 and 6.86.4 above.**

OBJECTIONS TO OTHER COUNTRYSIDE AND NATURE CONSERVATION POLICIES

OBJECTIONS

Conditionally Withdrawn

DO/5541/1544	Campaign for the Protection of Rural Wales
DO/5703/0919	Country Landowners Association
DO/5656/1464	Harmer Partnership
DO/5694/0724	National Assembly for Wales (The)
DO/5541/1566	Campaign for the Protection of Rural Wales
DO/5371/0540	S G & K A Price
DO/5371/0547	S G & K A Price
DO/5541/1546	Campaign for the Protection of Rural Wales
DO/5698/1607	Environment Agency Wales

RECOMMENDATION

6.87.1 **That the Plan be modified in accordance with Proposed Changes PC172, PC173, PC177, PC178, PC181 and Further Proposed Changes FPC035**, FPC036, FPC219** *[also previously recommended under Policy C12]*.

**Note: I have also been asked to recommend Proposed Change PC171 which has led to the conditional withdrawal of objections 1544, 0919 and 1464; however there is no purpose in doing so since Further Proposed Change FPC035 supersedes that change.

TOPIC 7

LEISURE

INTRODUCTION

PARAGRAPHS 7.1 - 7.3

OBJECTIONS

DO/5541/1758 Campaign for the Protection of Rural Wales

Conditionally Withdrawn

DO/5541/1757 Campaign for the Protection of Rural Wales

DO/5584/1318 Sports Council for Wales

Proposed Changes

PC189, PC190, PC191

Primary Issue

7.1.1 • Are the provisions of Paragraph 7.2 contradictory.

Inspector’s Conclusions

7.1.2 The provisions of this part of the introductory text are expressed clearly and reflect the tenor of national guidance regarding support for the development of sport and recreation. There is nothing to warrant any modification in this respect.

7.1.3 However I shall endorse PC189, PC190 and PC191 which propose certain changes to other parts of the introductory text since these have led to the conditional withdrawal of objections made by the **Campaign for the Protection of Rural Wales** and the **Sports Council for Wales** and have not been contested.

RECOMMENDATION

7.1.4 **That:**

(i) **the Plan be modified by the inclusion in Paragraphs 7.1 and 7.3 of revised text in accordance with Proposed Changes PC189, PC190 and PC191;**

(ii) **no other modification be made to the Plan in response to the objection made by the Campaign for the Protection of Rural Wales (1758).**

POLICY L1

PROTECTION OF LEISURE FACILITIES

OBJECTION

DO/5029/0210 E M Cooke

Primary Issue

- 7.2.1
- Should the Plan acknowledge that the provisions of this policy cannot always be implemented.

Inspector’s Conclusions

7.2.2 It is a statutory requirement that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore proposals in respect of which Policy L1 is relevant, namely those involving the loss of an existing leisure facility or land last used for leisure, should be judged against its provisions and there is no compelling evidence before me to suggest that this would, in fact, not be the case.

7.2.3 This objection appears to stem from a past decision to permit development on a particular site. It is not for me to examine that decision. However it is worth emphasising that this is a criteria-based policy which expressly allows the loss of a leisure facility or land in specified circumstances; the Council maintains that the policy criteria were met in the identified case.

RECOMMENDATION

- 7.2.4 **That no modification be made to the Plan in response to this objection.**
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POLICY L2

PROTECTION OF AMENITY OPEN SPACE

OBJECTIONS

DO/5656/1467 Harmer Partnership
PCO/5638/3166 House Builders Federation
PCO/5460/3173 Greendoorstep (Caerphilly)

Conditionally Withdrawn

DO/5694/0737 The National Assembly for Wales
PCO/5541/3145 Campaign for the Protection of Rural Wales
PCO/5541/3148 Campaign for the Protection of Rural Wales
PCO/5541/3149 Campaign for the Protection of Rural Wales
PCO/5541/3146 Campaign for the Protection of Rural Wales

Proposed Changes PC193, PC194, PC195, PC196
Further Proposed Changes FPC041, FPC042, FPC043, FPC044, FPC045, FPC046,
FPC047, FPC048

Primary Issues

- 7.3.1
- Is Criterion C unnecessary on the grounds that other provisions of the Plan would serve the same purpose for which this is intended.
 - Whether the term “accessible to the public” is inconsistent with national guidance.
 - Is the definition of “open space” too broad and therefore likely to lead to a conflict between this policy and the objective of making full and effective use of urban land.
 - Whether there is any justification for the specified open space standard.

Inspector’s Conclusions

7.3.2 As to the first issue, the Deposit Draft version of Policy L2 states that proposals for development of areas of amenity open space within settlements will only be permitted where specified criteria are met; Criterion C is that “the site is not required for another beneficial purpose”. To my mind this is far too vague and is left completely unexplained in the supporting text. I agree with the **Harmer Partnership** that other policy provisions of the Plan would satisfactorily serve the purpose of enabling competing uses to be examined.

7.3.3 However the Council has since introduced a number of changes which significantly alter the original policy and its supporting text. Its latest version of Criterion C requires that where land is in public ownership alternative community uses should be investigated before the site is released for development. This adequately explains these provisions and limits their scope to an acceptable degree; I intend endorsing this change (FPC043).

7.3.4 Regarding the second issue, the proposed changes alter the subject of this policy from amenity open space to public open space. Among the provisions introduced was the definition of open space as being land accessible to the public. **Greendoorstep (Caerphilly)** objects to this provision on the basis that it is not consistent with national guidance. The Council accepts this point and has now offered a further change deleting this phrase (FPC045); this is associated with others which delete references to public open space from the initially changed policy. There is no reason why this change, which clearly meets **Greendoorstep’s** objection, should not be adopted.

7.3.5 In respect of the third issue, the **House Builders Federation (HBF)** claims that the Plan as initially changed adopts too broad a definition of open space. I agree that in literal terms the specified definition offers almost limitless scope for protecting open space; yet this policy must be read as a whole and when proper account is taken of the criteria and the rest of the supporting text it is clear that in practice the application of these provisions

would not be so prejudicial to other important planning considerations as the **HBF** fears. In particular the tests of adequacy of open space and significance of value for recreation or visual amenity align closely with the terms of national guidance regarding the protection of open space. However there is no necessity for the reference to wildlife habitats in this policy; this issue is adequately covered by other nature conservation policies and no purpose would be served by duplicating it here. I shall therefore recommend its deletion from Criterion B.

7.3.6 Turning to the fourth issue, the proposed changes included the introduction of an open space standard which would be used to determine whether the test of adequacy in Criterion A would be met. In response to the **HBF**’s criticism that the specified threshold is excessive, arbitrary and unexplained the Council now offers a further change (FPC046); this sets out a standard which mirrors that of Policy L9 concerning open space provision in new developments. The **HBF** particularly calls for consistency between the standards in Policies L2 and L9 and this, it seems, has now been achieved. As for the request that explicit cross-references to Policies 1B and H2 should be included in the Plan, I accept the Council’s point that since Policy L2 is concerned with more than just housing development there is no justification for highlighting Policy H2; I also agree with the Council that a reference to the Plan’s primary policy regarding brownfield sites would be beneficial and accordingly I shall endorse FPC047 which deals with this matter.

7.3.7 Additionally I intend recommending certain other changes which have led to the conditional withdrawal of objections made by **The National Assembly for Wales** and the **Campaign for the Protection of Rural Wales**; these involve revisions to the policy text and title as well as substantially altering the supporting text. For the avoidance of doubt I confirm that I am not formally recommending PC193, PC194 and PC195 since these have been wholly superseded by FPC041, FPC042 and FPC043.

RECOMMENDATION

7.3.8 **That:**

(i) **Policy L2 be modified by the revision of its text so as to read:-**

“PROPOSALS FOR DEVELOPMENT OF AREAS OF OPEN SPACE WITHIN SETTLEMENTS WILL ONLY BE PERMITTED WHERE:-

A THE AMOUNT OF OPEN SPACE REMAINING IN THE NEIGHBOURHOOD WOULD STILL BE ADEQUATE TO SERVE LOCAL NEEDS.

B THE SITE HAS NO SIGNIFICANT VALUE AS A RECREATIONAL RESOURCE OR AN AREA OF VISUAL AMENITY.

C WHERE THE LAND IS IN PUBLIC OWNERSHIP ALTERNATIVE COMMUNITY USES SHOULD BE INVESTIGATED BEFORE THE LAND IS RELEASED FOR DEVELOPMENT.”

in accordance with Further Proposed Changes FPC042 and FPC043 and my conclusions in paragraph 7.3.5 above;

(ii) the title of Policy L2 be modified so as to read “PROTECTION OF OPEN SPACE” in accordance with Further Proposed Change FPC041;

(iii) the supporting text to Policy L2 be modified by the revision of Paragraph 7.9 (including the deletion of the reference to wildlife habitats) in accordance with Proposed Change PC196, Further Proposed Changes FPC044, FPC045, FPC046, FPC047 and FPC048 and my conclusions in paragraph 7.3.5 above;

(iv) no other modification be made to the Plan in response to the objection made by the House Builders Federation (3166).

POLICY L4

ALLOCATIONS FOR LEISURE FACILITIES

POLICY L4.2

SOUTH OF THORNCOMBE ROAD, BLACKWOOD

OBJECTIONS

DO/5357/1872 Mrs J Jenkins
LDO/5717/0561 Landsker Developments Ltd
DO/5208/0022 S M Owen
(all reported under Policy R4.1)

Inspector’s Comment

7.4.1 These objections are fully considered, and are the subject of an appropriate recommendation, under Policy R4.1.

POLICY L4

ALLOCATIONS FOR LEISURE FACILITIES

L4.99.1

NEW SITE FOR A CONCERT HALL

OBJECTION

DO/5067/0267 This/That Services

Primary Issue

7.5.1

- Should the Plan allocate a site for a concert hall.

Inspector’s Conclusions

7.5.2 This is an extremely vague proposition which neither provides any evidence of a need for such facility nor identifies a possible location. In these circumstances there is nothing to warrant a specific allocation for such development. If scheme were to be submitted in the future there are suitable and adequate provisions in the Plan to enable a proper judgement to be made as to its merits.

RECOMMENDATION

7.5.3 **That no modification be made to the Plan in response to this objection.**

POLICY L4

ALLOCATIONS FOR LEISURE FACILITIES

L4.99.15

NEW SITE AT PENGAM ROAD, YSTRAD MYNACH

OBJECTIONS

DO/5383/0935 A Cole
DO/5381/0930 Mrs C Cole
(both reported under Policy R3.4)

Inspector’s Comment

7.6.1 These objections are fully considered, and are the subject of an appropriate recommendation, under Policy R3.4.

POLICY L4

ALLOCATIONS FOR LEISURE FACILITIES

L4.99.28/29/30

NEW SITE - LAND AT PENRHOS, CAERPHILLY

OBJECTIONS

LDO/5729/1803 Duffryn Ffrwdd (Newtown) Estate Ltd
LDO/5729/1804 Duffryn Ffrwdd (Newtown) Estate Ltd
(reported under Policy H1.99.75)
LDO/5729/1805 Duffryn Ffrwdd (Newtown) Estate Ltd

Primary Issues

7.7.1 • Should this site be identified in the Plan as having the benefit of planning permission for leisure purposes.

- Should part of this site be allocated for the purposes of a hotel.

Inspector’s Conclusions

7.7.2 As for the first issue, the present site is the subject of a series of objections all effectively calling for the Plan to allocate this land for mixed-use development. I have dealt with those objections earlier and concluded that no modification in those terms should be made [*see under Policy H1.99.75*]; one of the suggested mix of uses is leisure.

7.7.3 In the present case the Objector makes a separate proposition that the Proposals Map and the supporting text should give formal recognition to this site as a leisure commitment in order to reflect an extant planning permission for such a development including a golf course. However with the sole exception of housing commitments, which are identified for the very good reason that their existence is a crucial part of the housing provision exercise that in turn has a fundamental bearing on so many of the Plan’s policies and proposals, I can find no reason why land with planning permission should as a rule be identified. After all, the Plan’s purpose is to provide a policy framework for future development so as to guide, encourage and facilitate particular land uses when there would otherwise be uncertainty; it would not be helpful to clutter the Plan with provisions that simply reflect decisions which have already been made and which in themselves create certainty. No modification should be made in this respect.

7.7.4 In regard to the second issue, the Objector seeks the allocation of a small area of the whole site for hotel purposes. To my mind this would not be an appropriate course of action. There is no dispute that the overall site is suitable for development in principle as my earlier conclusions confirm [*see under Policy H1.99.75*]. To allocate formally a piece of this site for a specific land use could prejudice the future comprehensive mixed-use development of this whole area and thereby conflict with the desirable aim of making the fullest and most effective use of urban brownfield land. There is also the added problem about the genuine availability of this land due to the acknowledged ground contamination which led to my conclusions about the inappropriateness of allocating the site as a whole.

RECOMMENDATION

7.7.5 **That no modification be made to the Plan in response to these objections.**

POLICY L5

FORMAL RECREATION

OBJECTIONS

DO/5460/1941 Greendoorstep (Caerphilly)
DO/5460/1651 Greendoorstep (Caerphilly)
DO/5460/1931 Greendoorstep (Caerphilly)
(*registered under Policy L5.99(21)*)

Proposed Change

PC218

Primary Issues

- 7.8.1
- Whether the Plan should adopt the National Playing Fields Association (NPFA) upper limit in determining the adequacy of existing leisure provision.
 - Whether the Plan makes sufficient provision for leisure space in the Caerphilly Basin.
 - Whether additional sites within the St Martins Ward of Caerphilly should be allocated for recreational use.

Inspector’s Conclusions

7.8.2 Regarding the first issue, national guidance confirms that the planning system should ensure that adequate land and water resources are allocated both for organised sport and for recreation taking full account of the need for recreational space and current levels of provision and deficiencies, as well as the impact on the location. It goes on to say that authorities should consider including in their plans their own standards of provision for sport and recreation based on their assessment of need. TAN (Wales) 16 reinforces this message by confirming that the Government does not prescribe national standards of recreational provision. It refers to the NPFA standards but these are said to be for illustrative purposes only in order to help authorities in formulating their own standards; it states that the extent to which a standard is acceptable in an area is a matter for the authority.

7.8.3 The Council has undertaken an assessment of outdoor recreational space provision in the County Borough based on the NPFA lower level of the minimum standard and also the local demand for space. This approach does not conflict with national guidance. While **Greendoorstep (Caerphilly)** is critical of the scale of provision which the Plan makes, based on its assertion that this is deficient so far as the Caerphilly Basin is concerned, it presents no compelling evidence to suggest that the Plan’s approach is wrong in principle. Moreover it is notable that the Sports Council for Wales expressly commends the Council for the recreational elements of the Plan. Accordingly there is no reason why the Plan should be modified in response to this particular objection issue.

7.8.4 As for the second issue, there is no dispute that there is a deficiency of playing field provision in the Caerphilly Basin when compared with the NPFA minimum standard. **Greendoorstep** assesses this shortfall to be in the order of 54ha although this is not, in my view, a scientific or robust analysis; it further claims that there are large areas of resident population which have no access to recreational space within walking distance. In general terms it contends that the Plan fails to address the needs of the existing population.

7.8.5 The Council calculates the shortfall as being some 27ha but concedes that some over-estimation and double counting of existing provision may have occurred. However it argues that any actual resultant over-estimation is compensated by the over-estimation of the NPFA standard arising from the adopted calculation methodology.

7.8.6 Whatever the true figure might be, and I do not have sufficient information to be able to establish it with confidence, it is clear that a noticeable shortfall exists; and,

equally, in regard to the Caerphilly Basin area the Plan does not make sufficient provision to address it fully.

7.8.7 Yet this is not such an unacceptable situation as **Greendoorstep** imagines. The Council is making some new provision which the Plan does not identify because this involves improvements to existing pitches and recreational land rather than changes of land use; the more intensive use of other sports facilities, including schools pitches, is also envisaged thereby helping further to address the perceived shortfall. And there are to my knowledge at least 2 major sites within the Caerphilly settlement area which for justifiable reasons are unallocated in the Plan but which, if they were to come forward for development, could realistically be expected to provide a reasonable measure of recreational space. That apart, it is evident that land within the Caerphilly Basin is under considerable pressure for development; national guidance confirms that plans need to justify the amount and location of new sport and recreation provision against those competing pressures and the NPFA acknowledges that often where land is scarce its minimum standards might not be capable of being met within a development plan period.

7.8.8 While it is a matter of regret that the shortfall in provision within this particular part of the County Borough has not been fully addressed by the Plan, the reasons for this are understandable. I am convinced that the Council, both through the present policies and proposals of this Plan and by way of measures under its other responsibilities, is taking whatever steps it reasonably can to resolve this problem and in all the circumstances, including the consideration of financial constraints which the Council inevitably is under, realistically the Plan itself can go no further at this stage. Thus, other than to endorse the change which the Council proposes to the supporting text (PC218) acknowledging the specified shortfall, no modification is warranted.

7.8.9 In terms of the third issue, **Greendoorstep** identifies the St Martin’s Ward in the south of Caerphilly as being especially deficient in recreational provision. However I reach the same conclusion about this area as in the case of the whole Caerphilly Basin as described under the preceding issue.

7.8.10 In forming this view I have taken into account the sites which **Greendoorstep** suggests should be allocated (and, where necessary, purchased by the Council) for recreational purposes. However of those sites the evidence discloses that 2 lie outside the Plan area, one (adjoining the Miners Hospital) is known to be under active consideration for other purposes and the other 2 are the subject of objections proposing their allocation for development (these are the 2 unallocated sites to which I refer in paragraph 7.8.7 above and in respect of which I have concluded elsewhere that a specific leisure allocation would not be appropriate [*see under Policy L4.99.28/29/30 and Policy D1.28*]). In accordance with national guidance the Plan’s proposals must be realistic if it is to avoid creating uncertainty and the risk of blight. In view of those circumstances and given the acknowledged limitations on the Council’s resources, there is nothing to justify the allocations now being sought.

RECOMMENDATION

7.8.11 **That:**

- (i) **the supporting text to Policy L5 be modified by the inclusion in Paragraph 7.18 of a reference to the shortfall of playing space provision within the Caerphilly Basin in accordance with Proposed Change PC218;**
 - (ii) **no other modification be made to the Plan in response to these objections.**
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POLICY L5

FORMAL RECREATION

POLICY L5.5

PONT BREN, DERI

OBJECTION

LDO/5738/1883 Friends of the Earth

Primary Issue

- 7.9.1
- For nature conservation reasons should the allocation of this site for recreational purposes be deleted.

Inspector’s Conclusions

7.9.2 The Objector claims that this site is part of the habitat of an endangered species and that accordingly another location should be found for the proposed playing pitches. The Council is aware of the nature conservation interest in this site and maintains that through careful design and siting of the proposed pitches the habitat would not be affected. There is no compelling evidence to the contrary from the Objector and in these circumstances I see no reason why the Plan should be modified.

7.9.3 The Council has asked me, however, to recommend a change (PC210) which is unrelated to this objection and which proposes the deletion of a section of the allocation site. Given that this does not arise from any objection which is before me for consideration, I have no remit to deal with it and must leave it for the Council to pursue this change as it sees fit.

RECOMMENDATION

7.9.4 **That no modification be made to the Plan in response to this objection.**

POLICY L5

FORMAL RECREATION

POLICY L5.6

**LAND SOUTH WEST OF THE CHERRY TREES,
MARKHAM**

OBJECTIONS

List of objections attached at Appendix 1

Proposed Changes

PC205, PC211

Further Proposed Change

FPC050

Primary Issue

- 7.10.1 • Should the allocation of this site for recreational purposes be deleted.

Inspector’s Conclusions

7.10.2 In the Deposit Draft Plan this site is allocated for the purposes of the development of playing pitches. In response to a single objection from **Ms S Williams**, who argues that this land is required for agricultural purposes, the Council proposed changes to the Plan which deleted the initial allocation site and replaced it with another nearby (PC205 and PC211). While this led to the conditional withdrawal of **Ms Williams’** objection, it gave rise to the submission of numerous counter-objections on various grounds including traffic safety and parking congestion, poor drainage, loss of residential amenity and impact on nature conservation interests.

7.10.3 On further consideration in the light of those counter-objections the Council decided to delete the changed allocation site too (FPC050). All but one of those objections, from **Mr and Mrs Williams**, has since been conditionally withdrawn. Clearly though, the further change satisfactorily responds to the remaining outstanding objection.

7.10.4 In all the circumstances, I shall endorse the above-mentioned changes.

RECOMMENDATION

7.10.5 **That the Plan be modified by the deletion of the allocation site as first identified in the Deposit Draft Plan and also as revised in the subsequent Proposed Changes in accordance with Proposed Changes PC205 and PC211 and Further Proposed Change FPC050.**

POLICY L5

FORMAL RECREATION

POLICY L5.11

UPPER TRELYN, BLACKWOOD

OBJECTIONS

DO/5633/1500 P J English
DO/5372/0553 Mr J James

Primary Issue

- 7.11.1
- Whether for nature conservation and residential amenity reasons, and in order to preserve the current grazing use, the allocation of this site for recreational purposes should be deleted.

Inspector’s Conclusions

7.11.2 This is a small site which lies at the edge of a housing area. Although **Mr James** asserts that this land has a nature conservation value, he provides no evidence to substantiate this and neither has the Council any information in this regard. Nor am I persuaded that the use of this site for recreational purposes would necessarily have any serious adverse impact on the living standards of adjoining occupiers. It is appropriate that land like this which is intended to serve the resident population should be within the urban area and I accept the Council’s point that with careful design and suitable management the future use of this space should ensure that the amenities of nearby residents are not harmed.

7.11.3 As for the matter of the existing grazing use, I understand that this is an unauthorised activity (on Council owned land). This site is needed to address a shortfall of recreational land in this area and in all the circumstances I find no reason why this allocation should be deleted.

RECOMMENDATION

- 7.11.4 **That no modification be made to the Plan in response to these objections.**

POLICY L5

FORMAL RECREATION

POLICY L5.13

**LAND TO THE REAR OF OAKDALE TERRACE,
PENMAEN**

OBJECTION

DO/5571/1302 V Pearson

Primary Issue

- 7.12.1
- For nature conservation, drainage and visual amenity reasons, should the allocation of this site for recreational purposes be deleted.

Inspector’s Conclusions

7.12.2 This site lies at the edge of the settlement of Oakdale. While the adjoining land is designated as a Site of Importance for Nature Conservation (SINC), there is no compelling evidence to suggest that this interest extends across the present site. The Council also says that drainage works which would be required to enable the site to be used for its allocated recreational purpose would not affect the SINC; nor does the Objector put forward any technical argument as to why there should be any problem in draining this site. And lastly there is nothing to support his claim that the use of this land as playing pitches would damage the appearance of these surroundings.

7.12.3 The Council confirms that, contrary to the Objector’s belief, there is a shortfall of recreational provision in this area which the present site would help address and, given all the foregoing considerations, I conclude that this allocation deserves support.

RECOMMENDATION

- 7.12.4 **That no modification be made to the Plan in response to this objection.**
-

POLICY L5

FORMAL RECREATION

POLICY L5.14

THE FORMER LANDFILL SITE, TRINANT

OBJECTION

LDO/5736/1850 F I Walters

Proposed Change

PC213

Primary Issue

- 7.13.1 • Is the boundary of the former tip site, which is now allocated for recreation purposes, correctly shown on the Proposals Map.

Inspector’s Conclusions

7.13.2 In response to this objection the Council accepts that the allocation site boundary erroneously extends beyond the limits of the former tip and takes in adjoining farmland. A change is proposed which rectifies this matter (PC213). The Objector has declined my request to confirm that this change is satisfactory but, as I understand it, the site is now accurately defined. I shall therefore endorse this change.

7.13.3 As for other supplementary matters which the Objector raises, I agree with the Council that these are not within the scope of planning control and the Plan cannot address them.

RECOMMENDATION

7.13.4 **That:**

- (i) **the Proposals Map be modified by the realignment of the allocation site boundary in accordance with Proposed Change PC213;**
- (ii) **no other modification be made to the Plan in response to this objection.**

POLICY L5

FORMAL RECREATION

POLICY L5.15

FORMER COLLIERY WASTE TIP, PANTSIDE

OBJECTION

DO/5099/0214 Mr D Taylor

Proposed Changes

PC215, PC222, PC228

Further Proposed Change FPC094

Primary Issue

- 7.14.1 • For nature conservation reasons should the allocation of the woodland part of this site for recreational purposes be deleted and should it instead be designated as a Special Landscape Area (SLA).

Inspector’s Conclusions

7.14.2 In response to this objection the Council concedes that it has never been the intention to develop the woodland area for formal recreation purposes and that only the open plateau should be allocated for such use under Policy L5. Accordingly a proposed change has been introduced which limits this allocation to the plateau area (PC215) - *(I note that the Council erroneously refers to this in its representations as PC214 which is concerned with a different alteration to the allocation boundary, one which I have already recommended elsewhere [see under Policy H1.99.86]).*

7.14.3 As for the Objector’s proposal that this woodland should instead be included within an extension to the adjoining SLA, I agree with the Council’s assessment that this land does not possess the same landscape qualities which distinguish the neighbouring stretch of countryside. National guidance confirms that local landscape designations should be soundly based on a formal assessment of the qualities of the countryside and should only be applied where there is good reason to believe that normal planning policies cannot provide the necessary protection from inappropriate development. The designation of the adjoining land derives from the Islwyn Landscape Strategy which informed the Islwyn Local Plan; this study did not regard the objection land as sufficiently special to warrant extra policy protection and, in all the circumstances, there is no reason at this time to reach a different conclusion.

7.14.4 However the Council considers it appropriate that this woodland should be allocated for informal recreation purposes under the terms of Policy L7; this area, it is envisaged, could include waymarked paths, picnic sites and ancillary facilities. These changes are embodied in PC222 *(yet again, the Council erroneously refers to this as PC225 which concerns a change to a different allocation site)*, PC228 and FPC094. While the Objector expresses concern over the potential adverse impact which such use might have on existing flora and fauna, if this land were sensitively laid out and properly managed as the Council intends then in my view this woodland area has the potential to be a notable attraction benefiting from whatever nature conservation interest it might have rather than detracting from it. There is an additional much smaller area at the southern tip of the original formal recreation allocation site which is also now proposed for informal recreation.

7.14.5 Given all the foregoing considerations, I intend endorsing each of the above-mentioned changes.

RECOMMENDATION

7.14.6 **That:**

- (i) **the Proposals Map be modified by the deletion of the Formal Recreation designation from the objection land in accordance with Proposed Change PC215;**

- (ii) **Policy L7 be modified by the inclusion of an additional site “15. FORMER COLLIERY WASTE TIP, PANTSIDE” in accordance with Proposed Change PC222;**
 - (iii) **the Proposals Map be further modified by the designation of the objection land for Informal Recreation in accordance with Proposed Change PC228;**
 - (iv) **Appendix 8 be modified by the inclusion of a site description in regard to Policy Ref: L7(15) in accordance with Further Proposed Change FPC094;**
 - (v) **no other modification be made to the Plan in response to this objection.**
-
-

POLICY L5

FORMAL RECREATION

POLICY L5.17

**LAND WEST OF COMMERCIAL STREET,
SENGHENYDD**

OBJECTION

DO/5186/0060 S.A.L.T.

Proposed Change

PC216

Primary Issue

- 7.15.1
- Should the formal recreation allocation be extended to include the objection site.

Inspector’s Conclusions

7.15.2 Land at the edge of the settlement of Senghenydd is allocated for playing pitches. The Objector seeks the inclusion of an adjoining area of former allotments and the Council agrees; a change to this effect is proposed (PC216) and in all the circumstances I shall endorse it.

RECOMMENDATION

- 7.15.3 **That the Proposals Map be modified by the inclusion of the objection land within the allocation site in accordance with Proposed Change PC216.**

POLICY L5

FORMAL RECREATION

POLICY L5.19

**LAND AT THE FORMER NESS TAR PLANT,
CAERPHILLY**

OBJECTIONS

List of objections attached at Appendix 1

Proposed Changes

PC209, PC217, PC372

Primary Issue

- 7.16.1 • Whether this site should be allocated for playing pitches.

Inspector’s Conclusions

7.16.2 In the Deposit Draft Plan the former tar plant site, together with land to the east, is allocated for the development of playing pitches. **Westbury Homes (Holdings) Ltd** objects to this although it does propose that a smaller area of land at the eastern end should be allocated for such purposes. This is part of a broader objection proposing the extension of the settlement boundary and the allocation of land for housing purposes; I have dealt with those matters elsewhere and concluded that no such modification should be made [*see under Policy DC2.99.37*].

7.16.3 The Council has since proposed changes to the Plan whereby the leisure allocation has been deleted altogether (PC209 and PC217) and reference to the recreation after-use in Appendix 9 under Policy Ref: D1.28 has correspondingly been removed (PC372). These changes have attracted a considerable number of counter-objections essentially on the grounds that there is a need for more leisure space/facilities in Caerphilly and that the Plan should provide no opportunity, explicit or implied, for this site to be developed for other purposes, especially not for housing.

7.16.4 In essence these objections, including **Westbury’s**, are directly comparable to those raised in relation to Policy D1.28 concerning the identification of the former tar plant site as being appropriate for reclamation treatment. I report on those objections under that policy heading. My conclusions there are that the formal recreation allocation should be deleted and that this site should not be allocated for any other development purpose; also I am endorsing the proposed changes to which I refer in the preceding paragraph.

7.16.5 Those conclusions are similarly applicable to the present case and there is no need for me to repeat them here. However it is appropriate, for the sake of completeness, that I should again make a formal recommendation regarding the relevant modifications which arise from my consideration of the present objections.

RECOMMENDATION

7.16.6 **That:**

- (i) **Policy L5 be modified by the deletion of “19. FORMER TAR PLANT, CAERPHILLY” in accordance with Proposed Change PC209;**
- (ii) **the Proposals Map be modified by the deletion of the Policy L5(19) allocation in accordance with Proposed Change PC217;**
- (iii) **Appendix 9 be modified by the deletion from the description of the Policy D1.28 site of the first sentence in accordance with Proposed Change PC372;**
- (iv) **no other modification be made to the Plan in response to these objections.**

POLICY L5

FORMAL RECREATION

L5.99.11

NEW SITE – LAND AT VIRGINIA PARK, CAERPHILLY

OBJECTIONS

DO/5309/0359 Mr J Llewellyn
DO/5402/0426 Mr K Warren

Primary Issue

- 7.17.1
- Should this site be allocated for recreational purposes.

Inspector’s Conclusions

7.17.2 The objection site lies within the urban settlement and is surrounded by housing, a supermarket, employment buildings, a recreation ground, a leisure centre and an area of open ground. It was formerly occupied by industrial premises but is now largely vacant and derelict. This site is the subject of other objections which propose its allocation for retail or employment purposes; I deal with those cases elsewhere in this report and conclude that neither allocation would be appropriate [*see under Policies R4.99.5 and E4.99.13*].

7.17.3 As to the present objections, the Council refers in very general terms to the matter of ground contamination and the need for certainty about the true availability and suitability of the site before making any positive allocation; yet it fails, in my judgement, to

provide a convincing argument against the allocation of this land for recreational purposes. Of course the question of contamination has to be given serious consideration; however, unlike in the preceding case concerning the former Ness Tar Plant site, there appears to be little evidence available to the Council about the extent and nature of the contamination of the objection land to enable it to say with confidence that a recreational use would not be a realistic proposition within the lifetime of this Plan. And in this respect it is important to note that there is an acknowledged shortfall of playing pitch provision in the Caerphilly Basin as other evidence demonstrates [see under Policy L5].

7.17.4 I recognise that it might be the case that the costs of restoration would be prohibitive simply to accommodate a recreational use, while the fact that other parties clearly have an interest in developing this site for potentially more financially rewarding purposes could also act as a further barrier to the achievement of such a use. But the Council does not seem to have addressed those considerations; and certainly it has not weighed them against the need for further playing pitches in this area. I do not have any firm evidence which would justify a formal recommendation in favour of the Objectors’ proposal; but nor am I convinced that the Council’s case, as presented to me, merits support. I therefore intend recommending the Council to give further, and much more thorough, consideration to these objections in the light of the acknowledged shortfall of playing pitch provision in this area with a view to reaching a sound judgement on whether the allocation of this site for formal recreation purposes would be justified.

RECOMMENDATION

7.17.5 **That the Council undertakes a thorough assessment of the circumstances of this site in the light of the acknowledged shortfall of playing pitch provision in this area with a view to reaching a sound judgement on whether the allocation of this site for formal recreation purposes is merited and, if established, modifying the Plan accordingly taking into account my conclusions in paragraphs 7.17.3 and 7.17.4 above.**

POLICY L5

FORMAL RECREATION

L5.99.21

NEW SITE - CAERPHILLY

OBJECTION

DO/5460/1931 Greendoorstep (Caerphilly)
(reported under Policy L5)

Inspector’s Comment

7.18.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy L5.

POLICY L5

FORMAL RECREATION

PARAGRAPH 7.18

OBJECTION PCO/5838/3182 Mr C Elsbury

Primary Issue

- 7.19.1 • Is there a conflict between the additional provisions proposed for inclusion in Paragraph 7.18 and the proposed change to this policy which deletes the allocation of the former tar plant site.

Inspector’s Conclusions

7.19.2 The additional text introduced by PC218 refers to the shortfall of playing pitch provision in Caerphilly; I have previously recommended its adoption [*see under Policy L5*]. This is simply stating an acknowledged fact and no conflict arises between this provision and the proposed change (PC209) which deletes the allocation of the former tar plant site. The reasons for deleting that allocation are site-specific in nature and have nothing to do with the question of need; I have endorsed this change too [*see under Policy L5.19*]. In these circumstances, there is nothing to warrant any modification in response to the present objection.

RECOMMENDATION

7.19.3 **That no modification be made to the Plan in response to this objection.**

POLICY L6

PARK DEVELOPMENT

POLICY L6.2

WERN CRESCENT, NELSON

OBJECTIONS DO/5086/0199 Dealcompac Limited
(reported under Policy H1.8)
DO/5298/0331 Mr & Mrs B C Hunt
(reported under Policy H1.8)
DO/5206/0030 Mr D Lewis

PCO/5392/3272 Nelson Community Council
(reported under Policy H1.8)

Conditionally Withdrawn

DO/5300/0334 Mr P K Read
(reported under Policy H1.8)

Primary Issue

- 7.20.1 • Having regard to National Playing Fields Association (NPFA) standards, does the Plan make sufficient provision for recreational facilities in Nelson.

Inspector’s Conclusions

7.20.2 The Council acknowledges that Nelson is deficient in playing pitch provision when judged against the NPFA’s minimum standards. It identifies a shortfall of 3.18ha. However under the terms of Policy L6 some 4.15ha of land at Wern Crescent is allocated for the purposes of a town park and the Council maintains that within this area the local playing pitch deficiency could be remedied.

7.20.3 **Mr Lewis** however is not concerned with just playing pitch provision; he identifies a shortfall in overall provision of outdoor space. The Council does not provide a breakdown of the position in these terms so the precise extent of any shortfall is unknown; certainly **Mr Lewis** presents no such evidence. However it is clear that the park allocation, apart from improving the playing pitch situation, would also go some way to increasing the amount of overall recreational space in Nelson.

7.20.4 As for **Mr Lewis’** supplementary suggestion that the former Welfare Ground should be reinstated, I observe that this is allocated in the Plan for employment development; and in this respect I am mindful of national guidance that plans need to justify the amount and location of new sport and recreation provision against the competing pressures for the use of land.

7.20.5 Given those circumstances, and bearing in mind the NPFA’s acknowledgement that often where land is scarce its minimum standards might not be capable of being met within a development plan period, I conclude that the Plan goes as far as it reasonably can in improving provision in this settlement.

RECOMMENDATION

- 7.20.6 **That no modification be made to the Plan in response to the objection made by Mr D Lewis (0030).**

POLICY L6

PARK DEVELOPMENT

L6.99.22

NEW SITE – LAND AT MILL FARM, MACHEN

OBJECTION

DO/5650/1096 Mrs Pembridge
(reported under Policy DC2.99.57)

Inspector’s Comment

7.21.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.57.

POLICY L6

PARK DEVELOPMENT

L6.99.23

NEW SITE – LAND AT THE RISE, LLANBRADACH

OBJECTION

DO/5658/1150 Mrs S Suter & Mrs S Jones
(reported under Policy DC2.99.41)

Inspector’s Comment

7.22.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.41.

POLICY L6

PARK DEVELOPMENT

L6.99.31

NEW SITE – FAIR VIEW AND CEFN FFOREST

OBJECTION

DO/5016/1918 Fair View & Cefn Fforest Community Forum

Primary Issue

- 7.23.1 • Should this site be allocated for the purposes of an ecopark.

Inspector’s Conclusions

7.23.2 The objection land lies to the north of the settlement of Pengam within an open area which is designated in the Plan as part of a Green Wedge. Policy C13 is aimed at protecting such areas from any development which would prejudice the open nature of the land and lead to the coalescence of neighbouring settlements. The supporting text goes on to explain that within Green Wedges the Council will encourage measures which will sustain their contribution to the environment of the urban fringe. It seems to me therefore that the concept of an ecopark, as the Objector describes it, is such that a proposal of this sort would in principle be acceptable in this location.

7.23.3 Given those circumstances, and since there is no evidence to suggest that proposals for such a scheme are sufficiently certain of materialising within the lifetime of this Plan to justify a positive allocation in this respect, I see no reason for any modification in response to this objection.

RECOMMENDATION

7.23.4 **That no modification be made to the Plan in response to this objection.**

POLICY L7

INFORMAL RECREATION

POLICY L7.5

LAND ADJACENT TO THE RHYMNEY RIVER, TIRYBERTH

OBJECTION

LDO/5741/1991 Pontypool Park Estate

Further Proposed Change FPC051

Primary Issue

- 7.24.1 • Due to the location of this site and its potential suitability for housing development, should its allocation for informal recreational purposes be deleted.

Inspector’s Conclusions

7.24.2 The allocation site comprises open ground between the River Rhymney and a narrow lane which leads to a small group of houses. It is situated in the midst of an urban

area. The southern, much narrower, section of this site is well treed and mown and is apparently maintained for informal recreation purposes. The whole site however is allocated for such purposes.

7.24.3 The Objectors claim that this allocation is inappropriate given that as owners of this land they have no intention of disposing of it for such purposes; and additionally this site is, having regard to the adjoining housing, potentially suitable for residential development.

7.24.4 The Council admits that it does not have funds available to purchase this land and develop it for recreation within the Plan period. It has therefore decided to delete the current allocation and instead designate the southern section of this site and a very narrow riverside strip in the northern section, together with a parcel of additional land further to the north, as protected open space/parkland under the provisions of Policy L8 (FPC051).

7.24.5 Insofar as this change leaves the majority of the northern section of the objection site unallocated, and since under the terms of Policy H2 housing development would in principle be allowed here, the Objectors’ argument has been met. Thus to my mind this aspect of the proposed change merits support. However I am not convinced that the Council’s revised proposals for the rest of this site are appropriate. At this point I must stress that my considerations are confined to the land comprising the remainder of the original Policy L7 site. I shall refer to the additional area to the north later.

7.24.6 The Deposit Draft version of Policy L8 is concerned with the protection of public open space; at the proposed changes stage this was altered to the protection of key areas of open space and parkland (PC234). The supporting text describes the designated spaces as being such intrinsically important elements in the townscape of a settlement that they should be protected from development. During my travels around the County Borough I have seen the majority of the Policy L8 sites and all are identifiable on the Proposals Map. Almost all are substantially larger than the remaining part of the present site and are in prominent locations within settlements; even those of a smaller scale are in key locations. The circumstances of those sites graphically demonstrate the intentions of this policy which, as I see it, are to protect open spaces of significance in townscape terms. The remainder of the present site does not fall into that category. It is very small, inconspicuously located and plays no evident role in the townscape of the wider settlement. For these reasons it should not be designated under Policy L8.

7.24.7 However it does deserve protection as an existing informal recreation resource; this is a pleasant riverside location and this part of the site, in its managed state, is an attractive space. Given those circumstances, I consider that the Plan was right in the first place to allocate this particular area under the provisions of Policy L7 and I shall accordingly recommend that it remains so.

7.24.8 As for the parcel of additional land further to the north which the Council proposes should be changed from unallocated land to a designated open space/parkland under the provisions of Policy L8, this change has not arisen directly from an objection before me nor is it the subject of a counter-objection. Thus, I must leave it for the Council to pursue this, or not, at the modification stage as it sees fit.

RECOMMENDATION

7.24.9 **That:**

- (i) **the Proposals Map be modified by the deletion of the informal recreation (Policy L7) allocation from the northern section of the objection site in accordance with part only of Further Proposed Change FPC051 and with my conclusions in 7.24.5 to 7.24.7 above;**
- (ii) **no other modification be made to the Plan in response to this objection.**

POLICY L7

INFORMAL RECREATION

POLICY L7.6

LAND ADJACENT TO THE RIVER RHYMNEY, HENGOED

OBJECTION

DO/5409/0529 Mr A Roberts

Primary Issue

- 7.25.1
- Given that this is prime agricultural land and is part of a Green Wedge, should the allocation of this site for informal recreational purposes be deleted.

Inspector’s Conclusions

7.25.2 This objection concerns a large tract of open land alongside the River Rhymney. This land has long been identified for recreational purposes, having been similarly allocated in the Rhymney Valley District Local Plan, and to my mind it is entirely appropriate for the UDP to continue to pursue the opportunity which this site provides. According to the uncontested evidence of the Council there is a need for additional recreational provision in this locality. The riverside section of this site is part of the long-distance walk which the Plan safeguards and the present allocation is complementary to that proposal. Furthermore most of this land is already owned by the Council.

7.25.3 As for the Objector’s main arguments, I am satisfied that there would be no significant agricultural loss; I am told that this is Grade 3 land which is partly used for grazing and I saw for myself that much of the overall site is tree covered or overgrown. Nor would there be any conflict with the Plan’s designation of this site as part of a Green Wedge.

Policy C13 is aimed at protecting such areas from any development which would prejudice the open nature of the land and lead to the coalescence of neighbouring settlements. The supporting text goes on to explain that within Green Wedges the Council will encourage measures which will sustain their contribution to the environment of the urban fringe. It seems clear to me that any open form of recreational use would in principle be acceptable in this location. Lastly, the Objector’s concern about his fishing rights is not a matter for the Plan.

RECOMMENDATION

7.25.4 **That no modification be made to the Plan in response to this objection.**

POLICY L7

INFORMAL RECREATION

POLICY L7.9

OAKDALE COLLIERY SITE

OBJECTION

DO/5073/0178 G B Engineering (Wales) Ltd

Primary Issue

- 7.26.1 • Should the allocation of this site for informal recreational purposes be deleted on the grounds of absence of need and that the land is suitable for housing development.

Inspector’s Conclusions

7.26.2 This site is an area of grazing land on the north side of the main road through the settlement of Oakdale. It is a relatively small part of a sizeable recreational allocation on the southern fringe of the Oakdale employment area. To the north is the open embankment of a substantial area of reclaimed land, the plateau of which is allocated in the Plan for employment development. To the east is a site used for open storage, while on the other side is a public house; south of the road is a large housing area.

7.26.3 The Council explains that the justification for the allocation of this site and adjoining land for recreational purposes is the need for the maintenance of a buffer zone between the existing and future development on the employment site and the housing areas to the south; I observe that this approach was previously adopted by the Islwyn Local Plan. It would be suitable for fairly passive recreational use.

7.26.4 Given the massive scale of the planned industrial/business area and its undoubted potential to impact on the residential environment of this northern fringe of the existing built-up settlement, I fully support the “buffer zone” approach. While I have some reservations about whether an informal recreation allocation is the most appropriate means of

securing this bearing in mind the express intentions behind Policy L7, since the large majority of this particular allocation has not been challenged it is appropriate for the Plan to treat the objection site in the same way. Perhaps the more important point in the context of this objection is that this site should be kept open and undeveloped; in practice the present allocation would achieve this objective. For these reasons I conclude that no modification should be made to the Plan.

RECOMMENDATION

7.26.5 **That no modification be made to the Plan in response to this objection.**

POLICY L7

INFORMAL RECREATION

POLICY L7.10

LAND ADJACENT TO VERNON PLACE, CROESPENMAEN

OBJECTIONS

DO/5315/0375 Mrs L Edmunds
LDO/5713/0534 Mr & Mrs J & A Jones
LDO/5711/0525 Residents of Croespenmaen
DO/5085/0172 A M Smith

Primary Issue

7.27.1 • Whether the informal recreation allocation should be extended to include land on the road frontage.

Inspector’s Conclusions

7.27.2 Policy L7 allocates an area of open land in the middle of Croespenmaen for informal recreational purposes. However this allocation excludes a broad strip along the road frontage of the existing planted green space and it is this section which is of concern to the Objectors. All this open space is owned by the Council and the reason for the omission from the allocation area of the frontage strip was that this was earmarked for development with a neighbourhood shop which the Council saw as beneficial to the wider community. It is significant that since the publication of the Deposit Draft Plan, permission has been granted for the shop premises.

7.27.3 In these circumstances, no useful purpose would be served in examining this case further. Whatever the Plan might have to say about the frontage land, it cannot affect the implementation of the planning permission. However I am mindful that there is no argument from Objectors that this settlement is so deficient in recreational provision that the loss of this small piece of open space is crucial; their main concern is more about the impact of the shop proposal and the risk of the rest of the open space being developed.

RECOMMENDATION

7.27.4 **That no modification be made to the Plan in response to these objections.**

POLICY L7

INFORMAL RECREATION

POLICY L7.19

LAND NORTH OF PENDINAS AVENUE, CROESPENMAEN

OBJECTIONS

PCO/5855/3168 Mr D Jones
PCO/5751/3001 Mr J W Palfrey
(both reported under Policy H1.14)

Inspector’s Comment

7.28.1 These objections are fully considered, and are the subject of an appropriate recommendation, under Policy H1.14.

POLICY L7

INFORMAL RECREATION

L7.99.3

NEW SITE – TRINITY FIELDS, YSTRAD MYNACH

OBJECTION

DO/5291/0323 Mrs M Anstee
DO/5097/0213 Mr R Anstee

Primary Issue

7.29.1 • Should this site be allocated for informal recreational purposes in order to protect it from development.

Inspector’s Conclusions

7.29.2 This land consists of allotments and school playing fields. The Plan already provides protection for existing leisure facilities like these under the terms of Policy L1;

those provisions accord with the tenor of national guidance and I see no reason for any further controls in relation to the present site.

RECOMMENDATION

7.29.3 **That no modification be made to the Plan in response to these objections.**

POLICY L7

INFORMAL RECREATION

L7.99.10

NEW SITE – TAFARNAUBACH, RHYMNEY

OBJECTION

DO/5306/0344 Mrs J Williams

Primary Issue

7.30.1 • Whether land allocated by the Plan for employment development should be allocated instead for informal recreational purposes.

Inspector’s Conclusions

7.30.2 Policy E1 allocates 2 parcels of land on the Tafarnbauch Industrial Estate for industrial and business development. I have previously dealt with other objections seeking the deletion of these allocations and concluded that no such modification should be made [*see under Policy E1.1*]. Given the location of this land and its appropriateness for employment development, there is nothing to justify any alternative allocation as now sought.

RECOMMENDATION

7.30.3 **That no modification be made to the Plan in response to this objection.**

POLICY L7

INFORMAL RECREATION

L7.99.13

NEW SITE – FORMER CONCRETE WORKS, DERI

OBJECTIONS

DO/5316/0939 Deri Regeneration Committee
(*reported under Policy H1.6*)

Inspector’s Comment

7.31.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy H1.6.

POLICY L7

INFORMAL RECREATION

L7.99.14

NEW SITE – SOUTH OF ST DAVID’S ROAD, PENGAM

OBJECTION

DO/5362/0756 J Bennett
(reported under Policy H1.18)

Inspector’s Comment

7.32.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy H1.18.

POLICY L7

INFORMAL RECREATION

L7.99.26

**NEW SITE – LAND NORTH OF NEWBRIDGE ROAD,
PONTLLANFRAITH**

OBJECTIONS

DO/5604/1844 Miss P Chubb
DO/5517/1845 Mrs D J Jones
(both reported under Policy E1.13)

Inspector’s Comment

7.33.1 These objections are fully considered, and are the subject of an appropriate recommendation, under Policy E1.13.

POLICY L7

INFORMAL RECREATION

L7.99.32

NEW SITE – LAND EAST OF LLYS CAMBRIA

OBJECTION

DO/5275/1923 Llanbradach & Pwll-y-Pant Community

Council

Primary Issue

- 7.34.1 • Whether this site should be allocated for informal recreational purposes.

Inspector’s Conclusions

7.34.2 Land to the east of the built-up area of Llanbradach, but within the defined settlement boundary, is unallocated in the Plan. However it has the benefit of planning permission for housing development. The Council though, in recognition of certain short-term constraints on the development of this site, has decided to lease the land for a period of 5 years to the **Llanbradach & Pwll-y-Pant Community Council** for recreational purposes. The **Community Council** now asks that the Plan should allocate this site for these purposes.

7.34.3 To my mind the Council has made its position quite clear. It has granted permission thereby establishing the appropriateness of this land for housing development. It has admitted to there being a short-term problem regarding actually building the permitted scheme and has accordingly allowed the **Community Council** the use of this site in the meantime. And since it expects that a housing development will be carried out during the lifetime of this Plan it has taken what I deem to be the only sensible course open to it, namely leaving this site unallocated. In all these circumstances, I find no reason why the Plan should be modified.

RECOMMENDATION

- 7.34.4 **That no modification be made to the Plan in response to this objection.**
-

POLICY L8

PROTECTION OF PUBLIC OPEN SPACE

POLICY L8.9

LAND AT HAWTIN PARK, CAERPHILLY

OBJECTION

DO/5596/0492 Hawtin Plc & Norfleet Properties Ltd
(reported under Policy H1.99.84)

Inspector’s Comment

7.35.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy H1.99.84.

POLICY L8

PROTECTION OF PUBLIC OPEN SPACE

POLICY L8.29

**LAND EAST OF MORNINGTON MEADOWS,
CAERPHILLY**

OBJECTION

DO/5646/1743 Councillor P Bevan

Proposed Change

PC237

Primary Issue

- 7.36.1
- Whether the area allocated for key open space/parkland purposes should be extended to include this land.

Inspector’s Conclusions

7.36.2 The Plan allocates an area of mainly open grassland at Mornington Meadows for key open space/parkland purposes. The Objector proposes that 2 additional adjoining parcels of land should be similarly allocated. One is an overgrown site at the western tip of the allocation area; it is surrounded by roads and housing which effectively physically divorce it from the main area. The Council resists any such change to the Plan and I agree. The size, configuration and location of this site would seem to make it wholly unsuitable for the purposes for which Policy L8 (as changed) is intended.

7.36.3 The Council takes a different view in regard to the other site. I do not however. This is a narrow strip of land between houses which front Rudry Road. Of itself it is too limited in size and, in terms of its character and appearance, too dominated by the presence of the adjoining dwellings to be of any value for Policy L8 purposes which the supporting text describes as being to protect key areas which are intrinsically important elements in the townscape of a settlement. Its only conceivable virtue in these respects is that it could provide an access to the allocation land which lies at the rear. Yet only a very short distance to the east the allocation area has an extensive frontage to Rudry Road which provides a much more attractive and convenient option for access purposes. To my mind allocating such land in these circumstances seriously weakens the credibility of Policy L8. Therefore I am not endorsing PC237 which proposes the allocation of this strip of land for key open space/parkland purposes. It should be left as a small unallocated site within the settlement boundary.

RECOMMENDATION

- 7.36.4 **That no modification be made to the Plan in response to this objection nor in relation to Proposed Change PC237.**

POLICY L9

OPEN PLAY SPACE PROVISION

OBJECTIONS

DO/5460/1162 Greendoorstep (Caerphilly)
DO/5656/1469 Harmer Partnership
DO/5638/1603 House Builders Federation
PCO/5460/3175 Greendoorstep (Caerphilly)
PCO/5638/3165 House Builders Federation

Conditionally Withdrawn

DO/5541/1698 Campaign for the Protection of Rural Wales

Proposed Change PC238
Further Proposed Changes FPC053, FPC055, FPC056
Suggested Change SC004

Primary Issues

- 7.37.1
- Whether the terms of this policy are too prescriptive and inconsistent with national guidance in regard to the specification of open space provision and site size thresholds.
 - Whether the provisions concerning commuted payments conflict with national guidance on planning obligations.

Inspector’s Conclusions

7.37.2 As to the first issue, Policy L9 essentially says that new developments of 10 or more houses must include open space based on a requirement of 14% of the total site area; alternatively a commuted sum will be sought for off-site provision where appropriate. The Council responded to the initial objections made by the **Harmer Partnership** and the **House Builders Federation (HBF)**, to the effect that these provisions are over-prescriptive and inconsistent with national guidance, by revising Policy L9 and introducing an additional policy regarding outdoor sport provision in large (over 25 dwellings) developments (PC238); subsequently further changes to the text supporting both policies were proposed (FPC053 and FPC056). Both Objectors maintain their original objections; in fact the **HBF** raises counter-objections to both the changed policy and the additional policy. While I would confirm at the outset that I have no quarrel in principle with the splitting of these provisions into 2 separate policies, in my judgement the Objectors’ arguments are generally well founded.

7.37.3 The Council itself seems to recognise the merits of those arguments. In its evidence it claims that these policies do not seek blanket requirements but are intended to provide simply a guide to developers. The Council emphasises that the supporting text to Policy L9 explains that the precise requirement for each site, if any is deemed necessary, would be the subject of agreement with the developer based on individual circumstances; I also note that the specified justification for the new policy includes the caveat “if needed” thereby demonstrating that here too a flexible approach would be taken to the application of these provisions. Unfortunately the Council’s intended approach in both cases is not reflected in the terms of the policies themselves. Both stipulate an express *requirement* in all cases for the provision of a specified amount of space within new developments or funding towards equivalent off-site provision. Such contradictions create uncertainty and are inappropriate in a UDP; the supporting text should explain and justify a policy, not undermine and conflict with its express terms.

7.37.4 Essentially it is the policies which are at fault, not the intended approach to their implementation. National guidance says that plans should make clear that provision for open space, which is reasonably related in scale and location to the development, will be expected. The Council contends that adherence to the guidance in Circular 13/97 will ensure that unreasonable provision would not be sought. But again the express terms of these policies do not accommodate such a flexible and “reasonable” approach.

7.37.5 In my judgement the most appropriate solution is to delete from the policies themselves the reference to the specified standard requirement. This should be confined instead to the supporting text where it can be read directly in conjunction with the guidance about the flexibility which the Council intends should be exercised in the application of these provisions. The inclusion within Policy L9 of the term “adequate provision” would give the Council sufficient strength to secure open space provision where necessary and appropriate; the preamble of the new policy already contains a similar term, namely “sufficient outdoor sport provision”, but the inclusion of “adequate provision” in Criterion B would be beneficial. Qualifications of this sort are acceptable in these cases because the supporting text, in the form which I am recommending, explains their meaning.

7.37.6 As for the development size thresholds, the **HBF** says these should be raised to 50 dwellings in respect of both policies. National guidance refers to the need for open space provision in association with proposals for substantial new housing; while it seems to me that what might reasonably be regarded as “substantial” will vary from one plan area to another, it is inconceivable that a scheme for as little as 10 dwellings could be described in those terms. It would for example include every site allocated under Policy H1 and every identified housing commitment were those permissions to come up for renewal. Moreover in my experience developments of that limited size are normally fairly self-sufficient in play and amenity space in the form of domestic gardens and frontage areas. And of course sites of only 5 fewer units are commonly regarded as small for the purposes of housing land studies; a mere 5 dwelling step from “small” to “substantial” is simply not credible.

7.37.7 Given those considerations and bearing in mind that the Council provides no evidence to justify its chosen threshold of 10 dwellings, I conclude that the 25 dwelling threshold which appears in the new outdoor space policy would be more appropriate for Policy L9 and that correspondingly the new policy, which the Council accepts should be confined to larger developments, should adopt a 40 dwelling threshold. In conjunction with the raising of those thresholds, the modifications which I am recommending to the policies and supporting text in both cases create a measure of flexibility which eliminates the risk of

unreasonable requirements being imposed on developments. Overall, in my opinion these modified provisions would bring the Plan into line with national guidance.

7.37.8 In reaching the foregoing conclusions I have taken into account the objections made by **Greendoorstep (Caerphilly)** which argues primarily for a greater proportion of development sites to be set aside for open space provision and a figure of 20% is called for; this, it is contended, should include provision for community facilities (such as allotments, churches and community centres) as well. Also that in the case of large developments the outdoor space requirement of the new policy should be in addition to that figure. I note that in respect of the latter request the Council proposes a change to this effect (FPC055).

7.37.9 It is not appropriate, other than in regard to FPC055 and also SC004 which responds to another minor aspect of the present objection, to modify the Plan in the way **Greendoorstep** proposes. The aim of these 2 policies is to provide open space which is for amenity, play and sports purposes. Community facilities are dealt with under the provisions of other policies in another chapter of the Plan; furthermore the new policy on planning obligations which I am recommending [*see under General Development Chapter - Policy Omission*] provides an appropriate opportunity for such facilities to be sought where necessary in conjunction with new development. As for allotments, I am told that there is a substantial surplus of provision in the County Borough; there is accordingly nothing to warrant a general policy requirement for land for such purposes.

7.37.10 Regarding the second issue, the **HBF** criticises the absence from the Plan of any information about the basis on which commuted sums would be calculated. In terms of Policy L9, to my mind the changed supporting text provides an appropriate explanation of the commuted sums provisions. However regarding the text supporting the new policy, I agree with the **HBF**'s objection to the reference to a requirement for a commuted sum even where the existing recreation space provision in the catchment area of a site would continue to exceed the minimum guideline after development; this is contrary to several of the acknowledged tests in Circular 13/97 and should be deleted.

7.37.11 Furthermore, I observe that exactly the same provision is included in the additional text proposed by FPC056. For the same reasons this should not be adopted; and since the remaining additional text is directly related to the provision in question, it is not appropriate that any part of it should find its way into the Plan. I am therefore not endorsing this change.

7.37.12 Lastly I shall endorse those provisions of PC238, regarding the Policy L9 text, which have led to the conditional withdrawal of the objection made by the **Campaign for the Protection of Rural Wales** and which have not been contested.

RECOMMENDATION

7.37.13 **That:**

(i) **Policy L9 be modified by the revision of its text so as to read as follows:-**

“NEW DEVELOPMENTS OF 25 OR MORE HOUSES WILL BE REQUIRED TO INCLUDE ADEQUATE PROVISION FOR WELL

DESIGNED OPEN SPACE AND APPROPRIATE CHILDREN’S PLAY FACILITIES. ALTERNATIVELY A CONTRIBUTION OF A COMMUTED SUM WILL BE SOUGHT FOR PROVISION OFF-SITE.”

in accordance with Proposed Change PC238 and my conclusions in paragraphs 7.37.5 to 7.37.7 above;

(ii) the supporting text to Policy L9 be modified by the inclusion of additional and revised text in accordance with Proposed Change PC238, Further Proposed Change FPC053 and Suggested Change SC004 but further modified by the inclusion of text emphasising the need for flexibility in application and consistency with national guidance about developments of a substantial nature being expected to make provision for open space so as to reflect my conclusions in paragraphs 7.37.5 to 7.37.7 and my recommendation in (i) above;

(iii) the Plan be modified by the inclusion of a new policy regarding Outdoor Sport Provision in the following terms:-

“DEVELOPMENT OF LARGE HOUSING SITES WILL BE REQUIRED TO ENSURE THAT THERE WILL BE SUFFICIENT OUTDOOR SPORT PROVISION TO MEET THE NEEDS OF THE PROPOSED DEVELOPMENT AS FOLLOWS:-

A FOR DEVELOPMENTS OF 40-199 HOUSES THE DEVELOPER WILL BE REQUIRED TO MAKE AN APPROPRIATE CONTRIBUTION TO THE CREATION OF OR IMPROVEMENT TO EXISTING RECREATION SPACE IN THE CATCHMENT AREA OF THE SITE;

B FOR DEVELOPMENTS OF 200 HOUSES AND OVER ADEQUATE PROVISION OF LAND FOR OUTDOOR SPACE WILL BE REQUIRED.”

in accordance with Proposed Change PC238 and my conclusions in paragraphs 7.37.5 to 7.37.7 above;

(iv) the Plan be modified by the inclusion in the Leisure Chapter of text supporting the foregoing policy in accordance with Proposed Change PC238 and Further Proposed Change FPC055 but further modified by the inclusion of text emphasising the need for flexibility in application and consistency with national guidance about developments of a substantial nature being expected to make provision for open space and by the deletion of the sentence which reads “HOWEVER WHERE THE PROVISION OF RECREATION SPACE IN THE CATCHMENT AREA OF THE SITE WOULD CONTINUE TO EXCEED THE MINIMUM GUIDELINE AFTER THE DEVELOPMENT HAS TAKEN PLACE THE DEVELOPER SHOULD MAKE A CONTRIBUTION, IF NEEDED, TO THE IMPROVEMENT OF EXISTING RECREATION SPACE IN THE CATCHMENT AREA OF THE SITE” so as to reflect

my conclusions in paragraphs 7.37.5 to 7.37.11 and my recommendation in (iii) above;

(v) no other modification be made to the Plan in response to these objections nor in relation to Further Proposed Change FPC056.

POLICY L10

LEISURE ACTIVITIES IN THE COUNTRYSIDE

OBJECTIONS

DO/5427/0708 British Horse Society
DO/5541/1188 Campaign for the Protection of Rural Wales
DO/5541/1203 Campaign for the Protection of Rural Wales

Conditionally Withdrawn

DO/5541/1699 Campaign for the Protection of Rural Wales
DO/5703/0925 Country Landowners Association
DO/5584/1319 Sports Council for Wales
PCO/5541/3150 Campaign for the Protection of Rural Wales

Proposed Changes PC239, PC240, PC241
Further Proposed Change FPC057

Primary Issues

- 7.38.1
- Should this Plan give encouragement to the provision of better facilities for horse riders.
 - Should the supporting text list all appropriate policies against which proposals would be judged, or alternatively none.
 - Should the Plan refer to the desirability of developing golf courses on land in need of reclamation.

Inspector’s Conclusions

7.38.2 In terms of the first issue, while I of course accept the **British Horse Society’s** argument that horse riding is a countryside leisure activity, there is no justification for making express reference to this pursuit. It is one of many such activities, not all of which realistically can be listed in the Plan; nor should they be. In the supporting text only those few which are commonly regarded as being potential nuisance activities or involve a substantial land-take are identified. Specifically the supporting text expresses general encouragement for other outdoor sports which do not cause noise and disturbance and that, to my mind, is far as the Plan reasonably needs to go.

7.38.3 As for the second issue, this arises from the inclusion in Paragraph 7.31 of a list of other policies against which proposals for leisure activities would be judged. The

Council confirms that this list is not meant to be exhaustive but simply identifies those policies which are most likely to be relevant. I agree with the general thrust of the objection made by the **Campaign for the Protection of Rural Wales (CPRW)** that the inclusion of a list comprising just a selection of policies creates confusion and is not especially helpful. It is well accepted that development proposals must be judged against the provisions of the Plan as a whole; thus automatically all relevant policies would be taken into account and, as the Council says, what might be relevant will vary from case to case. The specified list takes the reader no further forward. It should be deleted.

7.38.4 Regarding the third issue, there is nothing to justify the **CPRW’s** call for the inclusion of a reference to land reclamation sites in the context of golf course development. Elsewhere the Plan identifies a considerable number of such sites under Policy D1 and describes appropriate after-uses for them in Appendix 9. This would be the place to refer to any which have potential for golf course provision and I observe that some include recreation or leisure uses. However the **CPRW** does not suggest that any specific site should be identified as suitable for a golf course development and the fairly general statement which it does propose would not be beneficial.

7.38.5 Finally, I shall endorse PC239, PC240 and PC241 as well as FPC057 which propose various changes to the policy and its supporting text; these changes have led to the conditional withdrawal of objections made by the **CPRW**, the **Country Landowners Association** and the **Sports Council for Wales** and they are not the subject of any outstanding counter-objections.

RECOMMENDATION

7.38.6 **That:**

- (i) **Policy L10 be modified by the inclusion in Criterion A of the words “OR LIGHT POLLUTION” after the word “noise” and by the deletion from Criterion B of the word “INAPPROPRIATE” in accordance with Proposed Changes PC239 and PC240;**
- (ii) **the supporting text to Policy L10 be modified by the inclusion in Paragraph 7.30 of additional text in accordance with Proposed Change PC241 and Further Proposed Change FPC057 and by the deletion from Paragraph 7.31 of the text which appears after the word “policies” in the final sentence;**
- (iii) **no other modification be made to the Plan in response to the objections made by the British Horse Society (0708) and the Campaign for the Protection of Rural Wales (1203).**

TOURISM FACILITIES PARAGRAPH 7.33

OBJECTION DO/5541/1208 Campaign for the Protection of Rural Wales

Primary Issue

- 7.39.1
- Is the Plan correct in specifying that long-distance off-road cycling has little impact on the environment.

Inspector’s Conclusions

7.39.2 Paragraph 7.33 which precedes a series of tourism policies identifies a number of activities, including long-distance off-road cycling, which it says have little environmental impact. I do not accept the Objector’s argument that track surfacing and signage necessarily would cause harm to the character and appearance of the countryside; they can be, and in my experience usually are, provided in a manner which is sympathetic to their surroundings and I therefore see no reason why this provision, which is simply part of a general introduction to the tourism policies, should be modified.

RECOMMENDATION

- 7.39.3 **That no modification be made to the Plan in response to this objection.**
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POLICY L12

STATIC DEVELOPMENT CRITERIA

OBJECTIONS

DO/5541/1229 Campaign for the Protection of Rural Wales

Conditionally Withdrawn

DO/5703/0926 Country Landowners Association

DO/5651/1815 Forest Enterprise (Wales)

Proposed Changes

PC245, PC246, PC247

Primary Issue

- 7.40.1
- Whether the reference in the supporting text to permitting well-screened developments should be deleted.

Inspector’s Conclusions

7.40.2 The **Campaign for the Protection of Rural Wales** considers that the reference to permitting developments which are screened within a woodland location is potentially confusing since other considerations are ignored. I disagree. It is well accepted that other material considerations, including other Plan policies, will always have to be taken

into account in determining development proposals. The disputed statement must be read in the context in which it appears, namely in support and explanation of one particular policy. I am satisfied that in these circumstances it is entirely appropriate and creates no confusion. No modification should therefore be made in response to this objection.

7.40.3 However I shall recommend the adoption of PC245 which deletes Criterion D from the policy and has resulted in the conditional withdrawal of objections made by the **Country Landowners Association** and **Forest Enterprise (Wales)** and has not been challenged. Additionally, I shall endorse PC246 which proposes a consequential change to the supporting text. However I do not support PC247, another consequential change, which refers to applications being required to conform with Policy DC1 and all other relevant Plan policies. This, as I mention in the preceding paragraph, is a statement of acknowledged fact; it applies in reality to every other policy in the Plan and it is unnecessary expressly to include it here.

RECOMMENDATION

7.40.4 **That:**

- (i) **Policy L12 be modified by the deletion of Criterion D in accordance with Proposed Change PC245;**
- (ii) **the supporting text to Policy L12 be modified by the deletion from Paragraph 7.36 of the second sentence in accordance with Proposed Change PC246;**
- (iii) **no other modification be made to the Plan in response to the objection made by the Campaign for the Protection of Rural Wales (1229) nor in relation to Proposed Change PC247.**

Note: *There is no section numbered 7.41.1 etc - omitted from the skeleton report.*

POLICY L14

DEVELOPMENT OF LISTED BUILDINGS

OBJECTION DO/5541/1703 Campaign for the Protection of Rural Wales

Proposed Change PC250

Primary Issue

- 7.42.1
- Whether this policy should be reworded to confirm that enhancement of a listed building might not always be necessary.
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Inspector’s Conclusions

7.42.2 This policy encourages tourism or leisure development proposals which preserve and enhance listed buildings and structures. The Objector contends that since enhancement might not always be necessary this policy would be better reworded as follows:-

“Where listed buildings and structures are in need of repair, tourism and leisure development proposals that contribute to their preservation and enhancement will be permitted.”

7.42.3 The Council concedes that the policy as currently drafted does not accurately reflect the aims and intentions described in the supporting text. It proposes a change to the wording, but not in the form which the Objector suggests (PC250). While I agree that the Objector’s policy is not entirely suitable, I am not prepared to endorse the Council’s latest version either because it is not wholly consistent with legislation and national guidance regarding listed buildings.

7.42.4 Elsewhere in the Plan the Council has generally sought to employ the language of national guidance in the framing of policies concerning listed buildings, and rightly so in my opinion. Yet on this occasion both the Deposit Draft and the changed versions refer to preserving and enhancing such buildings/structures, whereas national guidance confines itself in this context simply to preservation; also neither policy version includes a provision concerning the setting of a listed building despite the appearance of this consideration in national guidance. Naturally this guidance mirrors the express provisions of listed buildings (and conservation areas) legislation.

7.42.5 The Council, in its evidence, insists that the reference to enhancement is consistent with national guidance on listed buildings but it appears to have confused this with the corresponding advice on conservation areas. It also seeks to justify the inclusion of this provision in Policy L14 by referring to the appearance of the same terms in Policy HE2; while there are no objections formally before me regarding that policy, I feel compelled in the circumstances to make the observation that this too is not wholly consistent with the above-mentioned guidance.

7.42.6 Given those considerations, I shall recommend modifications to the changed policy which would bring it into line with national guidance. This will also overcome the primary concerns of the Objector. Furthermore, for the reasons explained in the preceding paragraph, I would encourage the Council to consider modifying Policy HE2 as well.

RECOMMENDATION

7.42.7 **That:**

(i) **Policy L14 be modified by the revision of its text so as to read:-**

“TOURISM OR LEISURE PROPOSALS THAT ENABLE NECESSARY REPAIRS OR RESTORATION TO LISTED BUILDINGS

OR STRUCTURES WILL BE PERMITTED WHERE THEY PRESERVE THE BUILDING AND/OR ITS SETTING.”;

(ii) **the Council gives serious consideration to the merits of modifying Policy HE2 by the deletion of the words “OR ENHANCE”;**

(iii) **no other modification be made to the Plan in response to this objection nor in relation to Proposed Change PC250.**

POLICY L15

TOURISM SITE ALLOCATIONS

POLICY L15.2

HENGOED VIADUCT

OBJECTION

DO/5047/0131 Mrs A Markiw

Primary Issue

- 7.43.1
- Whether, in order to protect the amenities of local residents from the increased use of this site for tourism purposes, this allocation should be deleted.

Inspector’s Conclusions

7.43.2 The Council regards this site as suitable for tourism-related development in view of its location close to the River Rhymney and the Hengoed Viaduct as well as the planned national cycle route and a long-distance riverside walk. However what the Council envisages appears to be fairly low-key in nature. And in any event, any development proposals would need to be judged in the light of material planning considerations and, in an urban location like this, these would almost certainly include the potential effect on nearby residents’ amenities. It is also worth noting that there is a considerable measure of local support registered in relation to this allocation.

7.43.3 In all the circumstances, there is no justification for any modification to the Plan in response to this objection.

RECOMMENDATION

7.43.4 **That no modification be made to the Plan in response to this objection.**

POLICY L15

TOURISM SITE ALLOCATIONS

POLICY L15.6

RHYMNEY RIVERSIDE WALK

OBJECTIONS	DO/5363/0949	Newbridge Construction Ltd
	DO/5498/1417	D J Perkins
	DO/5263/1867	Mr A W Thomas
	DO/5413/0427	Trustees of the Estate of Mr J Thomas Davies (Deceased)

Primary Issue

- 7.44.1
- In the interests of safeguarding land which is suitable for housing and protecting agricultural land and existing farming activities, should certain sections of the riverside walk be deleted.

Inspector’s Conclusions

7.44.2 Policy L15 allocates the Rhymney Riverside Walk for tourism development purposes. This is an extensive route which passes through stretches of countryside and settlement areas. **Newbridge Construction Ltd** and the **Trustees of the Estate of Mr J Thomas Davies (Deceased)** are concerned with a site at the edge of Llanbradach which they claim is suitable for housing albeit that their original objections calling for its allocation for such purposes have since been unconditionally withdrawn. Notwithstanding that this land lies within the settlement boundary and is thus regarded by the Plan as suitable for development in principle, any such scheme could in my view easily accommodate the allocated riverside walk which follows the eastern edge of this site; indeed this section of the walk aligns with an existing well-used pathway.

7.44.3 **Mr Perkins** and **Mr Thomas** claim that the planned route would interfere with existing farming activities in 2 separate locations. The Council acknowledges that there is a potential conflict in these respects but maintains that this could be overcome within the design of the proposals or through agreement with the owners/farmers. It seems to me that the provision of a continuous riverside walk would represent a valuable tourist and leisure attraction which deserves the support which the Plan provides; there is no evidence to suggest that this matter is not capable of being resolved in the way the Council proposes.

7.44.4 Given those considerations, I am satisfied that none of these objections provides an overwhelming reason for modifying the Plan in a manner which would prevent this project from being achieved.

RECOMMENDATION

- 7.44.5 **That no modification be made to the Plan in response to these objections.**

L15.99.17

**NEW SITE – LAND SOUTH OF LLANCAIACH FAWR,
NELSON**

OBJECTIONS

PCO/5541/3123 Campaign for the Protection of Rural Wales

Conditionally Withdrawn

DO/5460/1143 Greendoorstep (Caerphilly)

Proposed Changes

PC251, PC252

Primary Issue

- 7.45.1
- Whether the map relating to the proposed change is correctly titled.

Inspector’s Conclusions

7.45.2 In response to the objection made by **Greendoorstep (Caerphilly)** the Council has proposed a change which allocates an additional site under the terms of Policy L15 (PC251); an accompanying plan identifies the site in question for inclusion on the Proposals Map (PC252). The **Campaign for the Protection of Rural Wales** objects to this plan on the grounds that its key describes this as a leisure site, rather than a tourism site. However the key is only for information at the present stage of the Plan process; it will not appear in the Proposals Map which has its own key covering all notations which are represented. I am confident that in the adopted Plan the correct notation will be applied to this site. No modification, beyond those covered by the Proposed Changes, is necessary.

RECOMMENDATION

7.45.3 **That:**

- (i) **the Plan be modified by the inclusion in Policy L15 of a new allocation site “8 LAND SOUTH OF LLANCAIACH FAWR, NELSON” and that the Proposals Map be modified accordingly all in accordance with Proposed Changes PC251 and PC252;**
- (ii) **no other modification be made to the Plan in response to the objection made by the Campaign for the Protection of Rural Wales (3123).**

OMISSION

LACK OF LEISURE FACILITIES

CROESPENMAEN, CEFN HENGOED, NELSON

OBJECTIONS	DO/5085/0177	A M Smith
	DO/5111/0244	Mrs D Madhavan
	DO/5193/0089	Mrs S J Lewis

Primary Issue

- 7.46.1 • Whether there is a lack of leisure facilities in the specified settlement areas which justifies the allocation of additional land for such purposes.

Inspector’s Conclusions

7.46.2 These Objectors raise much the same argument in relation to the 3 specified settlement areas. However in each case their assertions that there is a lack of suitable leisure/recreational provision are not supported by any compelling evidence. What evidence there is, which is presented by the Council and derives from a detailed assessment of current provision and need, demonstrates to my satisfaction that the Plan (in conjunction with other measures which the Council is pursuing) is taking appropriate steps to remedy any noticeable deficiencies which exist in Croespenmaen, Cefn Hengoed and Nelson. Accordingly there is nothing to warrant any modification to the Plan.

RECOMMENDATION

- 7.46.3 **That no modification be made to the Plan in response to these objections.**
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OMISSION

NEW LEISURE SITE

BRYN ROAD, BLACKWOOD

OBJECTIONS	DO/5140/2026	Mr & Mrs G & C Davies
	DO/5154/2034	Mrs S J Evans
	DO/5142/2027	M Fowler
	DO/5150/2031	Mr L J Head
	DO/5129/2025	Mr L W Higgs
	DO/5444/0507	Mr D Jones
	DO/5148/2030	Mr M J Lewis
	DO/5157/2035	W A Millett
	DO/5153/2033	Mr A Noel
	DO/5743/2039	P C Owens
	DO/5146/2029	Mr & Mrs A E Pritchard
	DO/5592/2038	Councillor G Simmonds
	DO/5159/2036	Mr & Mrs C Swain
	DO/5437/0462	Councillor N Turner
	DO/5152/2032	Mr & Mrs Wright

Primary Issue

- 7.47.1
- Should this site be allocated for leisure purposes.

Inspector’s Conclusions

7.47.2 The Plan allocates this site for housing purposes. I deal with numerous objections to that allocation elsewhere in this report [*see under Policy HI.20*]. For the reasons identified there, not least the fact that planning permission has now been granted for the residential development of this land, there is no justification for any allocation for an alternative use. However in addition I note that the Council’s evidence, which derives from a detailed assessment of current provision and need, discloses that in terms of the adopted guidelines there is, contrary to the assertions made by several Objectors, in fact no deficiency of provision in this locality and therefore no necessity for this site to be allocated for leisure purposes. Thus I conclude that no such modification should be made to the Plan.

RECOMMENDATION

- 7.47.3 **That no modification be made to the Plan in response to these objections.**
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OMISSION

LACK OF ALLOTMENT PROVISION

OBJECTION

DO/5460/1656 Greendoorstep (Caerphilly)
DO/5460/1871 Greendoorstep (Caerphilly)

Conditionally Withdrawn

DO/5460/1870 Greendoorstep (Caerphilly)

Proposed Changes

PC342, PC347

Primary Issue

- 7.48.1
- Should land in the Caerphilly area be allocated for allotments purposes.

Inspector’s Conclusions

7.48.2 These objections initially called for the allocation of 3 sites in the south-western part of the urban area of Caerphilly for allotments purposes. It is argued that at present there are no such facilities in this locality within easy walking distance and that there is a demand which the Plan should seek to satisfy.

7.48.3 However one of the suggested sites, land adjacent to Cwrt Rawlin School, is now proposed to be allocated for community and school use under the terms of Policies CF3 and CF6 and as a result of these changes (PC342 and PC347) this objection has been conditionally withdrawn. I support these changes. Furthermore the Objector concedes that another of the sites, near Blackrock Lane, is too small to provide a useful facility. Thus the only site being seriously pursued concerns land which is owned by the Council adjoining the Miners Hospital. However the evidence before me discloses that this site is under consideration for other purposes. Part is required for the provision of a bus link road and is safeguarded by the Plan for this purpose (Policy T7.4), while a proposal that the rest be used as hospital car parking is currently under review.

7.48.4 There is in any event no compelling evidence of a need for further allotments provision in the Caerphilly area where there is an assessed spare capacity of over 16% on existing sites; the vacancy rate Borough-wide is even greater. While for some people the existing facilities are perhaps not easily accessible on foot, there is no formal planning guidance on acceptable distances to allotment sites.

7.48.5 Given all the foregoing considerations, there is nothing to justify the allocation of the Miners Hospital site for allotments purposes. In reaching this conclusion I am mindful that other legislation places a responsibility on the Council to provide allotments if it is of the opinion that there is an unmet demand.

RECOMMENDATION

7.48.6 **That:**

- (i) **the Proposals Map be modified by the allocation of land for community use (Policy CF3) and school use (Policy CF6) in accordance with Proposed Changes PC342 and PC347;**
- (ii) **no other modification be made to the Plan in response to these objections.**

OMISSION

GOLF COURSE SITE

POLICY L99.24

LAND AT GWAUN FRO, PENPEDAIRHEOL

OBJECTION

DO/5663/1053 Messrs Powell & Price
(reported under Policy DC2.99.64)

Inspector’s Comment

7.49.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.64.

OMISSION

LEISURE/HOTEL SITE

POLICY L99.33

CROWN ROUNDABOUT, PONTLLANFRAITH

OBJECTION

LDO/5717/3352 Landsker Developments Ltd
LDO/5717/0554 Landsker Developments Ltd
(registered under Policy C10.84)
LDO/5717/0555 Landsker Developments Ltd
(registered under Policy C10.86)
LDO/5717/1942 Landsker Developments Ltd
(registered under Policy C13.18)

Primary Issue

- 7.50.1
- Whether the designation of this land as part of a Green Wedge and as a Site of Importance for Nature Conservation (SINC) should be deleted and be replaced by an allocation for hotel/leisure purposes.

Inspector’s Conclusions

7.50.2 These objections concern 2 parcels of land in close proximity situated on the north side of the A472 between the built-up settlements of Pontllanfraith and Maesycwmmmer. They consist largely of open grassland with some tree cover. They form an integral part of the extensive stretch of open land which separates those neighbouring settlements and I see no reason to question the Plan’s designation of this area as a Green Wedge; this clearly fulfils the declared anti-coalescence function of such land.

7.50.3 As for the SINC designation, the Objector produces no evidence at all to challenge this. The Council, on the other hand, relies on the findings of a detailed and systematic study of these sites and it demonstrates to my satisfaction that there is sufficient nature conservation interest here to warrant the protection which Policy C10 provides.

7.50.4 The main plank of the Objector’s case is the claim that these sites are suitable for development for hotel/leisure purposes. While it is conceivable that some limited form of development could be accommodated without damaging the nature conservation features of

this land, any built development would be likely to harm significantly the open character of these sites and erode the gap which presently exists between Pontllanfraith and Maesycwmmmer. Thus it would clearly conflict with aims and intentions of the Green Wedge policy.

7.50.5 It would also be unacceptable in a more general sense. This is a particularly conspicuous and environmentally sensitive stretch of land being situated close to a major roundabout on the main road through this part of the County Borough. The limits of the adjoining built-up areas are well defined on the ground and accurately represented by the settlement boundaries on the Proposals Map. Development here would have the effect of extending the urban settlements into this important countryside fringe thereby causing serious harm to the character and appearance of these surroundings.

RECOMMENDATION

7.50.6 **That no modification be made to the Plan in response to these objections.**

OBJECTIONS RELATING TO OTHER LEISURE POLICIES

OBJECTIONS

Conditionally Withdrawn

DO/5541/1695	Campaign for the Protection of Rural Wales
DO/5696/1501	Countryside Council for Wales
DO/5541/1696	Campaign for the Protection of Rural Wales
DO/5541/1759	Campaign for the Protection of Rural Wales
DO/5541/1760	Campaign for the Protection of Rural Wales
DO/5541/1761	Campaign for the Protection of Rural Wales
DO/5276/0280	Rhymney Community Council
PCO/5698/3289	Environment Agency Wales
DO/5727/1665	Islwyn Indoor Bowls Association
DO/5727/2080	Islwyn Indoor Bowls Association
DO/5727/2081	Islwyn Indoor Bowls Association
LDO/5720/1819	Councillor P Bailie
DO/5684/0762	Mr & Mrs D & J Evans
DO/5064/0163	Mr R Haines
	<i>(reported under Policy H1.99.86)</i>
DO/5188/0066	B Lloyd
DO/5314/0372	Aber Valley Community Council
PCO/5698/3288	Environment Agency Wales
DO/5584/1308	Sports Council for Wales
DO/5541/1697	Campaign for the Protection of Rural Wales
DO/5541/1700	Campaign for the Protection of Rural Wales
DO/5694/0742	The National Assembly for Wales
DO/5541/1223	Campaign for the Protection of Rural Wales
DO/5541/1702	Campaign for the Protection of Rural Wales

RECOMMENDATION

7.51.1 **That the Plan be modified in accordance with Proposed Changes PC096 [also previously recommended under Other Employment Policy Objections and Other Retailing and Town Centres Policy Objections], PC188, PC197, PC198, PC199, PC200, PC201, PC202, PC203, PC204, PC206, PC212, PC223, PC224, PC229, PC230, PC233, PC235, PC242, PC243, PC244, PC248** and Further Proposed Changes FPC092, FPC096, FPC213.**

**Note: I have also been asked to recommend Proposed Change PC249. However this has not arisen from any objection which is before me and accordingly I shall leave this for the Council to pursue as it sees fit.

TOPIC 8

HISTORIC ENVIRONMENT

POLICY HE1

PRESERVATION AND ENHANCEMENT

OBJECTIONS

DO/5541/1230 Campaign for the Protection of Rural Wales

Conditionally Withdrawn

DO/5541/1765 Campaign for the Protection of Rural Wales

Proposed Change

PC254

Primary Issue

- 8.1.1
- Whether the word “normally” should be deleted from the supporting text and should the reference to “developers” be widened to include “householders”.

Inspector’s Conclusions

8.1.2 While the word “normally” should not appear in policies given that it would create uncertainty, there is no reason why it should not be used in supporting text as in this case. It serves to confirm that there would be an element of flexibility in the Council’s approach to the practical application of this policy; it need not be deleted.

8.1.2 As for the other point in dispute, the generic term “developers” is used here to describe any applicant for planning permission; naturally this would include householders. No modification to the Plan is therefore warranted.

8.1.2 However I shall endorse PC254 which makes a modest change to the text of Policy HE1; this has led to the conditional withdrawal of the second objection made by the **Campaign for the Protection of Rural Wales** and is unchallenged.

RECOMMENDATION

8.1.2 **That:**

(i) **Policy HE1 be modified by the deletion of the word “AND” which appears after the word “preserve” and the substitution thereof of the word “OR” in accordance with Proposed Change PC254;**

(i) **no other modification be made to the Plan in response to the objection made by the Campaign for the Protection of Rural Wales (1230).**

POLICY HE4

CONSERVATION AREAS

POLICY HE4.2

THE TERRACE, RHYMNEY

OBJECTION

LDO/5720/0584 Councillor P Bailie

Primary Issue

- 8.2.1
- Should reference be made in the Plan to the automatic payment of improvement grants for properties within Conservation Areas.

Inspector’s Conclusions

8.2.2 Although the Objector associates his argument with just one of the specified Conservation Areas, the point raised is really germane to all such areas. Nonetheless it is not something with which the Plan should become involved. The allocation of improvement grants is administered through procedures which are outside of the Plan’s scope of influence. Thus no modification in the terms sought by the Objector should be made.

8.2.2 However arising from my examination of this case, there are two matters regarding Policy HE4 which give me cause for concern and which I urge the Council to consider. Both revolve around the express provisions of national guidance. This policy is directed solely at development proposals within Conservation Areas and their impact on those areas. Yet national guidance goes further than that. It additionally says that special attention must be paid to development proposals which are outside designated areas but would affect their setting. There is no provision in Policy HE4 which allows for the consideration of such proposals. This inconsistency with national guidance should, in my opinion, be remedied and I shall suggest an appropriate form of words. A brief explanation of this extra provision, drawing on the contents of national guidance, should be included in the supporting text.

8.2.2 The other matter is more modest in nature but is just as important. Policy HE4 employs the phrase “the character *and* appearance of the area”, whereas national guidance, which mirrors the precise language of the relevant legislation, refers to “character *or* appearance”. The policy should remain consistent with the provisions of this guidance.

RECOMMENDATION

8.2.2 **That:**

- (i) **the Council gives serious consideration to the merits of modifying Policy HE4 by the deletion of the word “AND” after the word “character” and the substitution therefor of the word “OR” and by the addition at the end of the preamble of the following sentence:-**

“IN THE DETERMINATION OF PROPOSALS FOR DEVELOPMENT OUTSIDE A CONSERVATION AREA BUT WHICH WOULD AFFECT ITS SETTING FULL ACCOUNT WILL BE TAKEN OF THE DESIRABILITY OF PRESERVING OR ENHANCING THE CHARACTER OR APPEARANCE OF THE CONSERVATION AREA.”

and also by the inclusion of supporting text explaining the additional policy provision identified above taking into account my conclusions in paragraphs 8.2.3 and 8.2.4 above;

(i) **no other modification be made to the Plan in response to this objection.**

POLICY HE4

CONSERVATION AREAS

POLICY HE4.6

GELLIHAF

OBJECTION

DO/5719/0567 Gelli Haf Residents Association

Primary Issue

8.3.1 • Should provision be made in the Plan for the extension of the designated Conservation Area.

Inspector’s Conclusions

8.3.2 The designation of Conservation Areas and alterations to their boundaries are the subject of specific procedures under other planning legislation. It is not a matter with which this Plan can become involved.

RECOMMENDATION

8.3.2 **That no modification be made to the Plan in response to this objection.**

POLICY HE4

CONSERVATION AREAS

POLICY HE4.7

VIADUCT WORKS, HENGOED

OBJECTION

DO/5653/1234 Gryphonn Concrete Products Ltd

Primary Issue

- 8.4.1
- Should provision be made in the Plan for the deletion of land from the designated Conservation Area.

Inspector’s Conclusions

8.4.2 The designation of Conservation Areas and alterations to their boundaries are the subject of specific procedures under other planning legislation. It is not a matter with which this Plan can become involved.

RECOMMENDATION

- 8.4.2 **That no modification be made to the Plan in response to this objection.**
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-

POLICY HE5

CONSERVATION AREAS

OBJECTION

DO/5541/1744 Campaign for the Protection of Rural Wales

Primary Issue

- 8.5.1
- Should provisions be included which encourage the placement of utility services cables under the ground.

Inspector’s Conclusions

8.5.2 Policy HE5 is concerned with proposals which may involve the Council in restricting permitted development rights. While I have some sympathy with the Objector’s proposition, there is no need for specific reference to be made here to the matter of placing utility services cables underground since this is already covered by other provisions of the Plan. Policy U1 deals with the matter of public utilities operational development and it aims to prevent harm arising especially in environmentally sensitive areas such as Conservation Areas. The effective duplication of those provisions would create confusion and uncertainty and this should be avoided.

8.5.3 I also understand that the Council, through a package of Conservation Area Enhancement Plans and Design Guides, actively seeks the removal of overhead cables within designated areas in partnership with the public utilities companies.

8.5.4 Given the foregoing circumstances, I can find no justification for any modification to the Plan in response to this objection. However, as with Policy HE4, I again urge the Council to consider modifying the present policy to bring it more into line with the terms of national guidance. Its express aim is to control developments within Conservation Areas to ensure that they contribute to the preservation of the character or appearance of the area. The absence of any reference to “enhancement” is an unfortunate omission which should be remedied.

RECOMMENDATION

8.5.5 **That:**

- (i) **the Council gives serious consideration to the merits of modifying Policy HE5 by the insertion after the word “preservation” of the words “OR ENHANCEMENT”;**
- (ii) **no other modification be made to the Plan in response to this objection.**

POLICY HE7

ARCHAEOLOGICAL REMAINS AND SCHEDULED ANCIENT MONUMENTS

OBJECTIONS

DO/5656/1604 Harmer Partnership
PCO/5663/3347 Messrs Powell & Price
DO/5541/1745 Campaign for the Protection of Rural Wales

Conditionally Withdrawn

DO/5694/0748 The National Assembly for Wales
DO/5541/1746 Campaign for the Protection of Rural Wales

Proposed Changes

PC258, PC260

Primary Issues

- 8.6.1
- Do the provisions of this policy properly reflect national guidance.
 - Should the Plan require developers to arrange for an archaeological field survey to be carried out in all cases where specified archaeological considerations arise.

Inspector’s Conclusions

8.6.2 Regarding the first issue, the Council acknowledges that the Deposit Draft version of this policy does not take fully into account the guidance in PG(Wales) 1999 and Circular 60/96. Accordingly it has introduced PC258 which proposes a replacement policy and this has met with the approval of **The National Assembly for Wales**.

8.6.3 The **Harmer Partnership** suggests that the following alternative form of words would be more appropriate:-

“Where development proposals are submitted which are likely to affect sites of archaeological interest or their settings, an archaeological evaluation of the impact of the proposal may be required.”

To my mind however, this does not provide the guidance, precision and certainty which a policy normally should; nor does it reflect sufficiently fully the terms of national guidance regarding the approach to development which raises archaeological considerations.

8.6.4 The Council’s latest version of Policy HE7 does, for the most part, have those characteristics and I shall endorse it. There is though one additional provision which I intend recommending so as bring it even more into line with national guidance; reference should be made to the effect of development on the settings of archaeological remains.

8.6.5 As for the argument raised by **Messrs Powell & Price** to the effect that only nationally important remains should be subject to control under the terms of this policy, I recognise that national guidance refers expressly to this status; however, it goes on to say that development plans may also identify archaeological remains of lesser importance as being worthy of protection too. Given those considerations, I see no reason to modify the changed policy any further.

8.6.6 Regarding the second issue, the supporting text includes the statement that the Council may request developers to arrange for an archaeological field survey to be carried out in all cases where specified archaeological considerations arise. The **Campaign for the Protection of Rural Wales (CPRW)** contends that this should be strengthened by replacing the word “may” with “will”. However I agree with the Council that it is necessary for it to have a measure of discretion over whether the circumstances of any particular case justify a requirement for such a survey. Thus no modification should be made.

8.6.7 Lastly I shall endorse PC260 which concerns a modest change to the text of Paragraph 8.16 since this has led to the conditional withdrawal of another of the **CPRW’s** objections and has not been contested.

RECOMMENDATION

8.6.8 **That:**

(i) **Policy HE7 be modified by the revision of its text so as to read:-**

“WHERE THERE ARE ARCHAEOLOGICAL REMAINS OR WHERE THERE IS GOOD REASON TO BELIEVE THAT SUCH REMAINS EXIST, AND THEIR SETTINGS ARE AFFECTED BY A PROPOSED DEVELOPMENT, THERE WILL BE A PRESUMPTION IN FAVOUR OF THEIR PRESERVATION IN SITU. WHERE THIS IS DEEMED INAPPROPRIATE, PROPOSALS WILL BE SUBJECT TO A REQUIREMENT TO SECURE THE EXCAVATION AND RECORDING OF THOSE REMAINS AND IF APPROPRIATE THEIR REMOVAL IN WHOLE OR IN PART.”

in accordance with Proposed Change PC258 and my conclusions in paragraph 8.6.4 above;

(ii) the supporting text to Policy HE7 be modified by the inclusion in Paragraph 8.16 of the words “WHERE APPROPRIATE” in accordance with Proposed Change PC260;

(iii) no other modification be made to the Plan in response to the objections made by the Harmer Partnership (1604), Messrs Powell & Price (3347) and the Campaign for the Protection of Rural Wales (1745).

POLICY HE8

HISTORIC PARKS, GARDENS AND LANDSCAPES

OBJECTIONS

DO/5338/0391 Newport County Borough Council
PCO/5663/3240 Messrs Powell & Price
(reported under Policy DC2.99.64)
PCO/5663/3237 Messrs Powell & Price
(reported under Policy DC2.99.64)

Primary Issue

- 8.7.1
- Whether the term “unacceptable impact” is insufficiently explained.

Inspector’s Conclusions

8.7.2 The objection raised by **Newport County Borough Council** relates to a matter on which I have expressed concern elsewhere in this report when examining numerous policies. I have previously concluded that the appearance of the word “unacceptable” is, in the absence of any explanation in the Plan of its contextual meaning, contrary to national guidance on the wording of policies [*see under Policy DC1 - paragraph 1.4.33*]. For reasons stated there, I consider that the substitution of the word “harmful” for “unacceptable” would help remedy this matter.

8.7.3 However on this occasion the Plan should go further. Unlike in other cases there is no indication at all in the supporting text as to the nature of the considerations that

would be taken into account in the application of this policy. I anticipate that commonly these would include matters such as scale, nature, appearance, design, layout, landscape treatment and traffic generation; there should be a brief reference to those more typical considerations which can be identified so as to provide a reasonable measure of guidance to potential developers.

RECOMMENDATION

8.7.4 That:

- (i) **Policy HE8 be modified by the deletion of the word “UNACCEPTABLE” and the substitution therefor of the word “HARMFUL”;**
- (ii) **the supporting text to Policy HE8 be modified by the inclusion of additional text explaining briefly the considerations which commonly might be taken into account in the implementation of this policy taking into account my conclusions in paragraph 8.7.3 above.**

POLICY HE8

HISTORIC PARKS, GARDENS AND LANDSCAPES

POLICY HE8.1

LAND AT CWM GELLI, BLACKWOOD

OBJECTION

DO/5623/1063 Mr C Taylor

Primary Issue

- 8.8.1 • Should provision be made in the Plan for the extension of the designated Historic Park.

Inspector’s Conclusions

8.8.2 This site consists of an area of farmland which includes a farmhouse and buildings complex. It adjoins the grounds of Maes Manor Hotel which is one of the historic locations listed under the provisions of Policy HE8. The Objector calls for the extension of the designated policy area, claiming that this 16th century farmstead and associated fields are worthy of such recognition.

8.8.3 This policy expressly covers only those locations which are included in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales which was prepared by Cadw. Needless to say, the objection site is not included in this Register. It would be quite wrong for the Plan to attempt, in effect, to interfere with the Register’s designations and I am convinced that no modification should be made in the present case.

RECOMMENDATION

8.8.4 **That no modification be made to the Plan in response to this objection.**

POLICY HE8

HISTORIC PARKS, GARDENS AND LANDSCAPES

POLICY HE8.4

CEFN MABLY WOODS

OBJECTION

DO/5651/1185 Forest Enterprise (Wales)

Primary Issue

- 8.9.1 • Should provision be made in the Plan for the deletion of the area of commercial woodland from the designated Historic Park.

Inspector’s Conclusions

8.9.2 The woodlands to which this objection relates form part of the overall grounds of Cefn Mably Hospital which are designated for protection under the provisions of this policy. This designation stems from the inclusion of this property in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales which was prepared by Cadw. The Objector supports its argument against the policy designation by claiming that the Register is wrong to include these woodlands, not least because of the absence of any significant reference to their contribution to the historic character of this place and by reason of the recently permitted housing development which is being undertaken in the immediate area of the historic buildings; there is also criticism of the procedures adopted by Cadw leading to the inclusion of this property in the Register.

8.9.3 The contents of the Cadw document are not for me to judge; my concern, arising from the present objection, is whether or not the objection site should be included within the area covered by the provisions of Policy HE8. The Council has chosen to bring all the land which is designated in the Register under the umbrella of Policy HE8 and I have no quarrel with that approach. It would be wholly inappropriate for the Plan to be selective about which parts of the designated area should be made the subject of these policy controls; not only would that be inconsistent with the tenor of advice in PG(Wales) 1999 which refers to the need to take the Register into account in the preparation of development plans, but the failure to give proper acknowledgement to some parts of a designated area would completely undermine the policy provisions insofar as they did apply to the other parts. While I have carefully studied the arguments put forward by the Objector, nothing alters my opinion that the Council’s general approach to this matter, for the purposes of the preparation of this Plan, is right and proper.

8.9.4 Finally, the Council has asked me to endorse FPC058 which was prepared in the hope that this would lead to the conditional withdrawal of the present objection;

obviously it did not achieve this result. In these circumstances, and since it relates simply to general guidance which is not even directed especially at Policy HE8 let alone Cefn Mably Hospital, it seems to me that this is a change which I should leave for the Council to pursue as it sees fit. Thus I shall not formally recommend its adoption.

RECOMMENDATION

8.9.5 **That no modification be made to the Plan in response to this objection.**

POLICY HE8

HISTORIC PARKS, GARDENS AND LANDSCAPES

NEW SITE – WOODFIELD PARK

OBJECTIONS

DO/5293/0356 Mr H Moggridge
DO/5330/0895 Mr T A Morgan
DO/5623/1073 Mr C Taylor

Primary Issue

8.10.1 • Whether this site should be designated under the provisions of this policy.

Inspector’s Conclusions

8.10.2 The objection site comprises mainly an attractive area of open parkland alongside the Sirhowy River Valley; it also includes a sizeable stretch of adjoining woodland. From the extensive and well-documented evidence which the Objectors present it is clear to me that Woodfield Park has a long, colourful and significant history. Indeed the Council acknowledges that at the local level it does have an historical significance. However I am conscious that Policy HE8 is concerned with historic parks, gardens and landscapes of national significance and, in particular, only those which are included in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales which was prepared by Cadw. Needless to say, the objection site is not included in this Register. And it is notable, in my opinion, that Cadw has only recently surveyed Woodfield Park and has expressly confirmed that it does not qualify as a site of national significance.

8.10.3 I have no quarrel with the Council’s decision to bring all the land which is designated in the Register under the umbrella of Policy HE8; this is an entirely appropriate response to national guidance which refers to the need to take the Register into account in the preparation of development plans. However there is no justification for including within this policy other sites which do not have that status since this would completely undermine these provisions insofar as they apply to, and provide necessary protection for, recognised areas of national significance. While I have carefully studied the evidence presented by the

Objectors, nothing alters my opinion that the Council’s general approach to this matter, for the purposes of the preparation of this Plan, is right and proper.

8.10.4 During the course of the examination of these objections at the Inquiry the proposition was raised that a policy regarding sites of local historical significance could be included in the Plan. I do not commend this at the present time because there is no evidence to justify such an approach. Woodfield Park is the only potential candidate for such a designation which has been suggested to me. Since there has not been a thorough and comprehensive Borough-wide study undertaken, based on acknowledged principles and criteria, there is no context within which the relative value of Woodfield Park can be properly assessed. It would, as national guidance confirms, be wholly inappropriate to create such a policy in the absence of evidence of that nature; not only would the policy itself be instantly discredited, but also those “unknown” sites which the policy would not include, but which a study might identify as worthy of protection, would be seriously prejudiced. The Council says that this an option which might be considered at the time of the first review of the UDP and this seems to me to be a sensible approach; but this is for the Council to decide at that stage.

8.10.5 Given all the foregoing considerations, on the balance of the evidence available I am convinced that there is no justification for any modification to the Plan. However it should be of some comfort to the Objectors that Woodfield Park and the adjoining woodlands are protected by other provisions of this Plan, chief among them being the Green Wedge designation which elsewhere I am recommending should be extended [*see under Policy C13.11*].

RECOMMENDATION

8.10.6 **That no modification be made to the Plan in response to these objections.**

POLICY OMISSION

ALTERNATIVE USES FOR LISTED BUILDINGS

OBJECTION

DO/5703/0928 Country Landowners Association

Primary Issue

- 8.11.1
- Should the Plan include a policy regarding alternative uses for listed buildings, especially those in agricultural use.

Inspector’s Conclusions

8.11.2 A policy of the sort suggested by the Objector is unnecessary since there are already other provisions within the Plan which would enable alternative uses to be found for listed buildings, including those in countryside locations.

8.11.3 Policy HE2 offers the principal opportunity; although this is not framed quite as positively as the Objector would prefer, it does nonetheless appropriately reflect the acknowledged need to ensure that proper attention would be paid to preserving the character or appearance of such buildings. Additionally Policy DC2 permits, as an exception to the general presumption against development in the countryside, the conversion and rehabilitation of rural buildings and dwellings; Policy C5 amplifies the considerations which would be taken into account regarding such proposals and especially mentions buildings of architectural or historic merit, while Policy L14 encourages tourism and leisure uses for listed buildings. Thus, no modification to the Plan is warranted.

RECOMMENDATION

8.11.4 **That no modification be made to the Plan in response to this objection.**

OBJECTIONS TO OTHER HISTORIC ENVIRONMENT POLICIES

OBJECTIONS

Conditionally Withdrawn

DO/5541/1764 Campaign for the Protection of Rural Wales
DO/5541/1241 Campaign for the Protection of Rural Wales
DO/5541/1385 Campaign for the Protection of Rural Wales

RECOMMENDATION

8.12.1 **That the Plan be modified in accordance with Proposed Changes PC253, PC256 and PC257.**

TOPIC 9

MINERALS

INTRODUCTION

OBJECTION DO/5541/1391 Campaign for the Protection of Rural Wales

Primary Issue

- 9.1.1 • Whether the reference to the ‘short term’ with regard to ‘sustainable development’ should be deleted from the introductory statement.

Inspector’s Conclusions

9.1.2 The introductory statement specifies that the concept of sustainable development in respect of mineral planning is important in the long term but difficult to achieve in the short term. The **Campaign for the Protection of Rural Wales** argues that the reference to ‘short term sustainability’ is unclear and an extraction period of perhaps 50 years cannot be regarded as short term in respect of the impact on the amenities of people affected by quarrying.

9.1.3 However, sustainability in respect of mineral working is difficult to achieve precisely because this is typically a long-term activity. Further, the following sentence of the introductory statement indicates that the Council’s policies seek to strike a balance between the conflicting needs of present and future generations for the supply of minerals, the quality of the environment and the quality of life. Accordingly, no modification is needed to the introductory statement.

RECOMMENDATION

9.1.4 **That no modification be made to the Plan in response to this objection.**

POLICIES M1 / M2

CONTRIBUTION TO NEED FOR MINERALS

OBJECTIONS

DO/5377/0826 Lafarge Redland Aggregates Ltd
DO/5377/0839 Lafarge Redland Aggregates Ltd

Conditionally Withdrawn

DO/5694/0787 The National Assembly for Wales
DO/5694/0763 The National Assembly for Wales
DO/5694/0758 The National Assembly for Wales
DO/5705/0963 Quarry Products Association

Proposed Change PC270
Further Proposed Change FPC062

Primary Issue

- 9.2.1
- Whether the production of aggregate minerals should be limited to existing quarries or extensions, or whether there should be greater flexibility in sources of supply.

Inspector’s Conclusions

9.2.2 Policy M2 provides that the production of aggregate minerals will be from existing quarries or extensions and not from the opening of new quarries or the re-opening of disused quarries. **Lafarge Redland Aggregates Ltd** argues for a less restrictive approach to the production of aggregates and seeks to add flexibility into the policy in circumstances where a new site could offer environmental benefits or where the demand for aggregates cannot be met from elsewhere in the County Borough. **Lafarge** argues that because a site has planning permission it does not follow that it could be worked; various issues may arise resulting in a delay or restriction on output. I acknowledge the force of these arguments. However, Topic Paper 7 states that at 1st January 1997 total reserves of aggregate minerals with planning permission within the County Borough amounted to approximately 30 million tonnes (Paragraph 2.11). At recent rates of output (1.069 million tonnes per annum for the period 1994-96) this provision is sufficient to meet the County Borough’s share of regional demand throughout the Plan period, assuming that the pattern of regional demand in the period 2006 to 2011 is similar to that of the period 1996 to 2006.

9.2.3 In addition, the permitted reserves are sufficient for some 13 years’ production beyond the end of the Plan period. Further, I note that permission has recently been granted for an extension to Hafod Quarry which would give the quarry a life of some 28 years at current extraction rates; and Policy M6 provides for Mineral Safeguarding Areas around Machen and Bryn Quarries. I accept that not all the permitted reserves will be capable of being worked, nevertheless it is clear that there are substantial reserves with planning permission and reserves with a reasonable prospect of obtaining planning permission and that these are sufficient to provide a supply of aggregates well beyond the Plan period.

9.2.4 I consider, therefore, that the Council’s reliance on existing sources of supply is adequate to meet demand for the Plan period and beyond and that the flexibility sought by **Lafarge** is not justified. Accordingly, no modification should be made to the policy in this regard. However, I agree that the long-term position in respect of supply should be clarified in the Plan and in this respect I shall endorse FPC062 which has led to the conditional withdrawal of the objections made by **The National Assembly for Wales** and which is uncontested.

9.2.5 Further, I note that in response to an objection from the **Quarry Products Association** the Council proposes the deletion of the reference to the re-opening of disused quarries (PC270). I agree that the policy should not discriminate against non-operational quarries which have a valid planning permission and I shall endorse this change which has led to the conditional withdrawal of this objection.

RECOMMENDATION

9.2.6 That:

(i) Policy M2 be modified by the deletion of the phrase “OR THE RE-OPENING OF DISUSED QUARRIES” in accordance with Proposed Change PC270;

(ii) the supporting text to Policy M1 be modified by the addition of the following wording after the first sentence of Paragraph 9.12:-

“PERMITTED RESERVES ARE SUFFICIENT FOR 13 YEARS BEYOND THE END OF THE PLAN PERIOD. IN ADDITION, SAFEGUARDING AREAS ARE IDENTIFIED TO PROTECT RESOURCES AT MACHEN AND BRYN QUARRIES AMOUNTING TO SOME 12.3 HECTARES (SEE POLICY M2 AND PARAGRAPHS 9.19-9.23). UNTIL THE RESOURCE IS PROVED AND A PLANNING APPLICATION IS SUBMITTED IN RESPECT OF THESE IT IS NOT POSSIBLE TO ESTIMATE THE RESERVES THEY MIGHT YIELD AND ADD TO THE LANDBANK.” in accordance with Further Proposed Change FPC062;

(iii) no other modification be made to the Plan in response to the objections made by Lafarge Redland Aggregates Ltd (0826 and 0839).

POLICY M4

MINERALS RESOURCE USE

OBJECTIONS

DO/5460/1939 Greendoorstep (Caerphilly)
PCO/5377/3198 Lafarge Redland Aggregates Ltd

Conditionally Withdrawn

DO/5541/1749 Campaign for the Protection of Rural Wales

Proposed Change

PC272

Further Proposed Change

FPC064

Primary Issues

- 9.3.1
- Should non-renewable mineral resources be “safeguarded” as opposed to being “conserved”.
 - Whether the Plan is sufficiently supportive of recycling.
-

Inspector’s Conclusions

9.3.2 With regard to the first issue, Policy M4 provides for the production of secondary aggregates. The supporting text stresses that the use of such materials is an important aspect of sustainable development and states that “non-renewable mineral resources should be safeguarded wherever possible”. In response to an objection by the **Campaign for the Protection of Rural Wales (CPRW)** the Council proposes a change (PC272) replacing “safeguarded” with “conserved”. **Lafarge Redland Aggregates Ltd** objects to this change; it argues that the revised wording offers no protection to the mineral reserves that have been identified now or may become of economic significance in the future.

9.3.3 MPP(Wales) 2000 indicates that mineral resources should be both conserved and safeguarded (paragraphs 7 & 13). As the underlying objective of Policy M4 is to encourage the use of secondary materials, I consider that the word “conserve” is appropriate in this context as it implies the prudent use of a non-renewable natural resource. Further, while **Lafarge** is correct in saying that mineral resources should be protected from possible sterilisation, Policy M6 expressly deals with the safeguarding of such resources. I have also dealt with this point elsewhere in this report [*see under Part 1 Policy 1M*] where I recommend a new policy to provide for the protection of mineral resources from development. Accordingly, although I shall not formerly endorse PC272, which has led to the conditional withdrawal of the objection by the **CPRW**, I shall endorse FPC064, which supersedes PC272 and which clarifies the meaning of “conserved”.

9.3.4 I note **Lafarge’s** suggested additional wording to the supporting text to couple the conservation of mineral resources whilst ensuring an adequate supply to meet needs. However, this wording is not needed as Policy M1 commits the Council to seek to maintain its proportional contribution to regional and national needs.

9.3.5 In respect of the second issue, **Greendoorstep (Caerphilly)** argues that recycling is important in order to protect the environment and natural resources and that the Plan is not sufficiently in favour of it. The Council states that the increased use of secondary materials is very much to be encouraged but that this policy deals with the land-use implications of the production of secondary aggregates. I recognise that Objective 3 gives clear encouragement to the use of secondary aggregates and recycling and Policy M4 supports the production of such materials. I do not consider, therefore, that any modification to the Plan is needed.

RECOMMENDATION

9.3.6 **That:**

- (i) **the supporting text to Policy M4 be modified by the deletion from the second sentence of Paragraph 9.15 of the word “SAFEGUARDED” and the substitution therefor of the following words, “CONSERVED, ie USED WISELY,” in accordance with Further Proposed Change FPC064;**
- (ii) **no other modification be made to the Plan in response to the objections made by Greendoorstep (Caerphilly) (1939) and Lafarge Redland Aggregates Ltd (3198).**

POLICY M5

DEVELOPMENT CRITERIA

OBJECTIONS

DO/5541/1393	Campaign for the Protection of Rural Wales
DO/5460/1937	Greendoorstep (Caerphilly)
DO/5656/1613	Harmer Partnership
DO/5705/0967	Quarry Products Association
DO/5705/0966	Quarry Products Association
DO/5375/0569	Hanson Aggregates
DO/5541/1750	Campaign for the Protection of Rural Wales
DO/5398/0622	Cardiff County Council

Proposed Change	PC273
Further Proposed Change	FPC236

Primary Issues

- 9.4.1
- Should the policy include a presumption against opencast coal mining.
 - Are the criteria for development in the correct order, and does Criterion C serve a useful purpose.
 - Is Criterion F justified.
 - Does the Plan overstate the level of constraint which should be applied to Special Landscape Area (SLA) designations.
 - Should planning conditions always be applied to the working of minerals.
 - Whether the criteria should include specific reference to measures to limit the environmental impact.

Inspector’s Conclusions

9.4.2 With regard to the first issue, Policy M5 indicates that the extraction of minerals will only be approved where there is no conflict with Policy DC1 and where it can be shown that the development satisfies a number of criteria set out in the policy. **Greendoorstep (Caerphilly)** expresses concern that the Plan is not strong enough in presuming against opencast coal mining in view of its destructive nature against the environment and health risks. However MPP(Wales) 2000 (paragraph 62) provides for opencast mining subject to it being environmentally acceptable and with no lasting environmental damage. No evidence has been presented about the risk to health and the development criteria, including the additional criterion which I recommend below, provide adequate protection for the environment. No modification should be made to the Plan in response to this objection.

9.4.3 In respect of the second issue, the **Campaign for the Protection of Rural Wales (CPRW)** contends that the criteria should be placed in a different order and that Criterion C, which deals with benefits to the environment resulting from a proposed development, should be deleted as it serves no useful purpose. On the first point **CPRW** has produced no evidence to justify the change in the order of the criteria and I accept the Council’s argument that the specified sequence does not indicate any order of importance. As to the second point, Criterion C is relevant as there are circumstances where minerals development can produce environmental benefits and this is a matter which should be examined in relation to development proposals. No modification should be made to the Plan, therefore, in these respects.

9.4.4 Regarding the third issue, Criterion F provides for development proposals to be tested against the availability of alternative sources of supply or alternative materials. The **Harmer Partnership** expresses concern that these are commercial considerations. The **Quarry Products Association (QPA)** argues that these tests should only be applied to the higher level of statutory designations. In response the Council states that where an argument is advanced that the need for the mineral outweighs planning disadvantages it is reasonable to consider whether that need could be met from less damaging sources of supply; the test should only be applied in these circumstances.

9.4.5 However, while the Council’s response is correct, that is not what Policy M5 says either on its own or when read with Policy DC1 or Paragraph 9.17 of its supporting text; further, although Policy M5 states that the criteria will be applied “where appropriate” the particular circumstances are not defined. Moreover, MPP(Wales) 2000 only requires the kind of test set out in this criterion to be applied to designations of national importance. I consider, therefore, that it is inappropriate to apply the test without qualification to proposals for minerals development outside nationally designated areas since to do so would be likely to result in an unreasonable restriction on the working of minerals in areas where there is no justification. Thus I conclude that Criterion F should be deleted along with its supporting text.

9.4.6 As to the fourth issue, Paragraph 9.17 sets out the Council’s approach to mineral working in SLAs. The **QPA** argues that these provisions overstate the level of constraint which should apply to such areas. It is argued that in circumstances where a minerals development has planning disadvantages (and consideration is to be given to alternative locations or the availability of alternative sources of supply) this test should not be given ‘particular importance’ in SLAs; the deletion of this phrase is sought.

9.4.7 However, as indicated above it is a well-established principle that where the major argument advanced in support of a proposal to extract minerals is that the need for the development outweighs the planning disadvantages inherent in it, regard should be had to meeting that need from alternative sites or sources of supply (*Simon Brown J in Trusthouse Forte Hotels Ltd v Secretary of State for the Environment and Northavon District Council [1986]* and *the Court of Appeal in SSE v P G Edwards [1994]*). In view of this, and since SLAs by definition are areas of landscape importance, I consider that if a proposal raised planning disadvantages it would be ‘particularly important’ to apply the test set out above. No modification should be made to the Plan, therefore, in response to this part of the objection.

9.4.8 The **QPA**’s second point relates to the last sentence of Paragraph 9.17. This indicates that where a proposed development would have a significantly adverse effect on the purpose of the SLA, this designation will take precedence unless it can be shown that extraction of the mineral at that location is of national importance. The **QPA** and **Hanson Aggregates** argue that SLAs are designated on the basis of local importance and it is wrong to apply a test of ‘national interest’. **Hanson** is also expresses concern that there is a conflict between these provisions and Policy M6, which provides for Safeguarding Areas around 3 quarries.

9.4.9 I agree that the approach specified goes beyond the guidance in MPP(Wales) 2000 and would in effect put SLAs on a par with national designations. However, the Council in its representations has modified its position; it now accepts that a national or regional need for a mineral outweighs the SLA designation but where the need for the stone is local then the SLA has equal status. Minerals can only be worked where they occur and a balance has to be struck between the impact on the landscape and the need for the mineral. I consider, therefore, that the Council’s revised position is a reasonable way of assessing the balance which has to be reached. Accordingly I shall recommend an appropriate modification to the supporting text which will also deal with the concern about Safeguarding Areas raised by **Hanson**.

9.4.10 In respect of the fifth issue, Paragraph 9.18 states that when granting permission for minerals development it is ‘normally’ essential to attach conditions. The **CPRW** argues that the word ‘normally’ should be deleted as it is invariably essential to attach conditions. The Council accepts the point and FPC236 brings forward an appropriate change which I shall endorse.

9.4.11 Turning to the last issue, Paragraph 9.18 also indicates that in determining the factors to be dealt with by planning permissions the Council will have regard to a number of environmental matters. **Cardiff County Council** argues that these matters should be included as a criterion in Policy M5 to ensure consistency with neighbouring planning authorities and because Blaengwynlais Quarry straddles the administrative boundary with the **County Council**’s area. The Council takes the view that all these factors are outlined in the supporting text, some are dealt with in Policy DC1 and, in any event, the current consideration of a review of planning conditions for the specified quarry has not presented any difficulties.

9.4.12 Although environmental matters could be dealt with in the manner proposed by the Council, Policy DC1 is of a general nature and does not deal explicitly with the specific impacts which are likely to arise when proposals for mineral working are considered. Furthermore, MPP(Wales) 2000 indicates that UDPs should set out clearly the criteria which will be applied to minerals proposals to ensure that they do not have an unacceptably adverse impact on the environment and on the amenity of nearby residents. In view of this, and the importance of environmental factors in assessing proposals for mineral working, I intend recommending that an additional criterion should be added to the policy. Although Paragraph 9.18 refers to traffic generation as one of the impacts to be considered, to my mind the generation of traffic from a mineral site is not susceptible to planning control. However, the routing of lorries, by way of a notice at the quarry entrance, would be an appropriate measure so as to protect environmentally sensitive areas.

9.4.13 Finally, I shall endorse the Council’s uncontested change (PC273) which the CPRW confirms has satisfied part of its submitted objection.

RECOMMENDATION

9.4.14 **That:**

(i) **Policy M5 be modified by (a) the deletion from Criterion B of the word “POTENTIAL”, (b) the deletion of Criterion F and (c) the inclusion of a new criterion in the following terms:-**

“WOULD INCORPORATE APPROPRIATE MEASURES TO LIMIT THE ENVIRONMENTAL IMPACT OF MINERAL WORKING INCLUDING CONTROLS OVER TRAFFIC ROUTEING, HOURS OF OPERATION, BLASTING, NOISE AND DUST.”

all in accordance with Proposed Change PC273 and my conclusions in paragraphs 9.4.5, 9.4.11 and 9.4.12 above;

(ii) **the supporting text to Policy M5 be modified by (a) the deletion from Paragraph 9.17 of the reference to “CRITERION F”, (b) the deletion from Paragraph 9.17 of the words “NATIONAL IMPORTANCE” in the last line and the substitution therefor of the words “OTHER THAN LOCAL IMPORTANCE” and (c) the deletion from Paragraph 9.18 of the word “NORMALLY” in the first sentence, all in accordance with my conclusions in paragraphs 9.4.5, 9.4.8 and 9.4.9 above and Further Proposed Change FPC236;**

(iii) **no other modification be made to the Plan in response to the objections made by Greedoorstep (Caerphilly) (1937), the Campaign for the Protection of Rural Wales (1393) and the Quarry Products Association (0967).**

POLICY M6

SAFEGUARDING AREAS

OBJECTIONS

DO/5398/0615 Cardiff County Council
DO/5377/0816 Lafarge Redland Aggregates Ltd
DO/5406/0463 B & G Williams

Proposed Change

PC274

Primary Issues

9.5.1 • Whether the safeguarding area around Hafod Quarry should be deleted.

- Whether aggregate mineral reserves at existing quarries should be protected from sterilisation.
- Whether aggregate mineral resources in general should be protected from development or whether the safeguarding areas in the Plan are sufficient.

Inspector’s Conclusions

9.5.2 With regard to the first issue, Policy M6 provides for Mineral Safeguarding Areas at the three quarries which are currently active within the County Borough namely, Hafod, Machen and Bryn. Within these specified areas new permanent development will be restricted in order to safeguard mineral resources. **B & G Williams** express concern about the environmental impact of the growth of Hafod Quarry and request that the safeguarding area be deleted. However, I note that permission was granted for an extension to this quarry in July 2000 and took all but two fields of the safeguarding area defined in the Plan; these fields were not regarded as being environmentally acceptable for mineral working. In view of this, PC274 deletes the safeguarding area for Hafod Quarry from the policy. I intend endorsing this; also the safeguarding area should be deleted from the Proposals Map. The objection has, thus, been largely overtaken by the planning permission but the change partially overcomes the Objectors’ concern.

9.5.3 Turning to the second issue, **Cardiff County Council** argues that the policy provides protection for only the areas of land adjoining the quarries but that the reserves at the quarries are not themselves protected; further, reserves at other existing quarries are not protected. Although the Council says reserves will be protected in the same way as resources through the application of Policy DC1 (Criterion B), it has suggested an addition to Policy M2 namely that, ‘development which would prevent exploitation of reserves at existing quarries will not be permitted’.

9.5.4 It is important that aggregate reserves are protected from development and I note from Topic Paper 7 that at January 1997 while identified total reserves amounted to some 30 million tonnes, only some 17 million tonnes (leaving aside the recent extension to Hafod Quarry) is located at active sites. While the reserves at the active sites meet the Council’s contribution to national and regional need over the period of the Plan, some 16.75 million tonnes, it is possible that in the context of meeting market demand the Council may be dependent to some extent on production from non-operational quarries to meet its contribution. While some of these non-operational quarries are ‘dormant’ as defined in the Environment Act 1995, and it may not be desirable or practicable for all the reserves to be worked, nevertheless until the procedures for the review of old mining permissions have been completed I consider that the mineral reserves at these quarries should be protected from development. For these reasons, and bearing in mind that elsewhere in this report I am recommending the deletion of Policy DC1 Criterion B [*see under that policy heading*], it is appropriate that a further provision be added to Policy M2 in line with the Council’s suggestion. In doing this I consider that it is desirable to clarify the phrase ‘existing quarries’; this is not expressly defined in the Plan but embraces the three active quarries together with the non-operational quarries which have planning permission for the extraction of minerals.

9.5.5 The **County Council** has suggested a similar amendment to Policy M6. However, this policy deals with the safeguarding of resources in relation to specific quarries and in my view an addition to Policy M2 is more appropriate since this provides for the production of aggregate minerals. As to the **County Council’s** point that these quarries be identified on the Proposals Map, I have dealt with this matter in relation to a similar objection [see under Part 1 Policy 1M] and have concluded that no such modification should be made.

9.5.6 Regarding the third issue, **Larfarge Redland Aggregates Ltd** argues for a reconsideration of the safeguarding areas approach set out in Policy M6 to ensure that mineral resources are safeguarded more generally from unnecessary sterilisation. Again I have already dealt with a similar point in relation to Policy 1M and have recommended a new policy for the protection of mineral resources [see under that policy heading]. In my opinion this new policy, together with the additional wording for Policy M2 which I am recommending, meets **Larfarge’s** concern; no further modification is warranted.

RECOMMENDATION

9.5.7 **That:**

- (i) **Policy M6 be modified by the deletion of Hafod Quarry in accordance with Proposed Change PC274;**
- (ii) **the Proposals Map be modified by the deletion of the safeguarding area around Hafod Quarry;**
- (iii) **Policy M2 be modified by the addition of a new sentence in the following terms “DEVELOPMENT WHICH WOULD PREVENT EXPLOITATION OF RESERVES AT ACTIVE AND NON-OPERATIONAL QUARRIES INCLUDING DORMANT SITES WILL NOT BE PERMITTED.”;**
- (iv) **no other modification be made to the Plan in response to these objections.**

POLICY M7

SAFEGUARDING AREAS : CWM LEYSHON AND CWM NANT YR ODYN QUARRIES

OBJECTIONS

DO/5686/0773 J Hale
DO/5375/0578 Hanson Aggregates
DO/5620/0668 M Williams

Proposed Change

PC275

Primary Issues

- 9.6.1
- Whether Cwmleyshon Quarry should be described as a dormant quarry.
 - Whether Cwm Nant yr Odyn Quarry should be extended beyond the boundaries of the existing planning permission.

Inspector’s Conclusions

9.6.2 With regard to the first issue, the supporting text refers to the ‘dormant’ Cwmleyshon Quarry. **Hanson Aggregates** points out that the quarry has been listed as an Active Phase 1 site in the context of the Environment Act 1995. The Council accepts that this is the case and under PC275 it suggests revised wording which I shall endorse.

9.6.3 As for the second issue, **J Hale** and **M Williams** express concern that extending the planning permission boundaries of Cwm Nant yr Odyn Quarry would result in an unacceptable environmental impact. However, Policy M7 and the supporting text state that no extension to the boundaries at this quarry will be permitted. No modification to the Plan is therefore necessary.

RECOMMENDATION

9.6.4 **That:**

- (i) **the supporting text to Policy M7 be modified by the deletion from Paragraph 9.24 of the word “DORMANT” in the penultimate sentence and the substitution therefor of the words “CURRENTLY NON-OPERATIONAL” in accordance with Proposed Change PC275;**
- (ii) **no other modification be made to the Plan in response to objections made by J Hale (0773) and M Williams (0668).**

POLICY OMISSION

WERN DDU CLAYPIT

OBJECTION

DO/5460/1938 Greendoorstep (Caerphilly)

Proposed Change

PC266

Primary Issue

- 9.7.1
- Whether the Plan provides sufficient protection for the Wern Ddu claypits.
-

Inspector’s Conclusions

9.7.2 The introductory text to the Minerals Chapter describes the mineral working sites in the County Borough. Three sites are listed including the Wern Ddu claypits. **Greendoorstep (Caerphilly)** argues that the clay pits are of high landscape value and the Plan is not strong enough in presuming against mineral development. The Council explains that this is a ‘dormant’ site and that it has an extant planning permission for mineral working; in view of this it is not practical to presume against development of the site for the permitted uses. I agree and shall endorse PC266 which explains the status of the site and the fact that no mineral working can take place until a set of modern planning conditions has been approved by the Mineral Planning Authority.

9.7.3 I note that the Council has suggested similar wording in PC267 in respect of the site for gravel extraction at Darren Felen. However, since this change does not stem from an objection formally before me it is not a matter for me to address and I must leave it to the Council to decide whether it modifies the Plan in this respect.

RECOMMENDATION

9.7.4 **That the Minerals Chapter be modified by the inclusion in Paragraph 9.10 of additional wording explaining the status of the objection site in accordance with Proposed Change PC266.**

POLICY OMISSION

CONTROL OF BLASTING

OBJECTION

DO/5398/0624 Cardiff County Council

Further Proposed Changes FPC229, FPC235

Primary Issue

9.8.1

- Whether the Plan should include a policy to control blasting.

Inspector’s Conclusions

9.8.2 The Council’s Minerals Development Design Guide includes a code of practice on blasting. The Objector argues that control over blasting should be incorporated into a policy of the Plan. The Council accepts that this would be desirable and proposes the inclusion of an additional criterion in Policy M5 (FPC229). However, in examining objections to that policy I have already considered the need for a general policy to control the environmental impacts of mineral working and my recommended new criterion [*see under Policy M5*] includes blasting and is more comprehensive than that suggested by the Council.

In these circumstances, no further modification to the Plan is needed and I shall not therefore endorse FPC229.

9.8.3 The Council has also proposed the inclusion of a cross-reference to its Design Guide in the supporting text to Policy M5 (FPC235). This is appropriate and I shall endorse this change.

RECOMMENDATION

9.8.4 **That:**

(i) **the supporting text to Policy M5 be modified by the inclusion in Paragraph 9.18 of a cross-reference to Development Design Guide 7 Minerals in accordance with Further Proposed Change FPC235;**

(ii) **no other modification be made to the Plan in response to this objection nor in relation to Further Proposed Change FPC229.**

POLICY OMISSION

BUFFER ZONES

OBJECTION

DO/5398/0618 Cardiff County Council

Primary Issue

9.9.1 • Whether the Plan should include buffer zones around quarries.

Inspector’s Conclusions

9.9.2 The Objector argues that buffer zones should be established around existing quarries. Such zones provide areas of protection around mineral workings where new development which would be sensitive to the impacts of such workings should be resisted. Concern is particularly expressed about the position in respect of ‘shared’ quarries such as Blaengwylais Quarry which straddles the boundary between the two authorities. Prior to Local Government Reorganisation in 1996 a buffer zone had existed around this quarry and while it was carried forward by **Cardiff County Council**, it has been omitted from the present Plan; this, it is argued, could mean that pressure for incompatible development to the north could prevent the exploitation of mineral reserves in Cardiff and, thus, make it more difficult for the **County Council** to meet its obligations in respect of the supply of aggregates.

9.9.3 The Council considers that buffer zones are not necessarily the best way of protecting conflicting development around mineral sites. Policy DC2 provides that development will not normally be permitted beyond settlement boundaries and applications would be considered in the context of Policy DC1 (Criterion B); if a conflict existed, either

because reserves would be sterilised or a development might suffer adverse effects from quarrying, the development would be incompatible with the mineral site.

9.9.4 I acknowledge that development in the countryside is likely to be limited, especially given the restrictive provisions of Policy DC2. However buffer zones have the advantage of identifying the area within which it is particularly important to apply policies protecting both mineral resources and sensitive development and I consider this would be helpful both to the minerals industry and potential developers. In addition I have already concluded that Criterion B of Policy DC1 should be deleted [*see under that policy heading*]. Furthermore, MPP(Wales) 2000 advises that “Buffer zones...must be clearly defined and indicated in UDPs. This will ensure that there is unequivocal guidance on the proximity of mineral operations to sensitive land uses and that the potential impact of existing and future mineral workings is recognised and planned for...”. Although the Council is correct in arguing that this advice does not **require** authorities to include buffer zones in plans, it does clearly confirm the desirability and advantages of doing so.

9.9.5 I understand the Council’s view that establishing such zones could be controversial and would require public consultation. Yet in my judgement the advantages of buffer zones outweigh these potential difficulties and thus I shall recommend that such zones be defined around all existing quarries. The **County Council** says that zones should also be established around protected mineral resources. However, the Plan has not identified any such areas apart from the safeguarding areas at Machen and Bryn Quarries. Also, I have recommended [*see under Part 1 Policy 1M*] that a new policy be added to the Plan to provide protection for mineral resources. Thus I conclude that the priority should be to establish buffer zones around existing quarries, [*as I have previously defined them in paragraph 9.5.4*], and shall recommend accordingly.

9.9.6 In establishing buffer zones the Council should have regard to the guidance in MPP(Wales) 2000 that the extent of zones would depend on a number of factors including the size, type and location of mineral workings, the scale of the likely environmental impacts and the nature of the surrounding topography. Within buffer zones there should be no new mineral extraction or new sensitive development (development which would be sensitive to adverse environmental impacts) save in exceptional circumstances. Accordingly a new policy in those terms should be included in the Plan.

RECOMMENDATION

9.9.7 **That:**

- (i) **the Proposals Map be modified by the designation of buffer zones around existing quarries taking into account my conclusions in paragraphs 9.9.5 and 9.9.6 above;**
- (ii) **the Plan be modified by the inclusion of a new policy in respect of the control of development within buffer zones in the following terms:-**

“WITHIN THE BUFFER ZONES IDENTIFIED ON THE PROPOSALS MAP THERE SHOULD BE NO NEW MINERAL EXTRACTION OR NEW SENSITIVE DEVELOPMENT.”;

(iii) **the Plan be modified by the inclusion of text to justify the identification of buffer zones on the Proposals Map and to support the above new policy taking into account my conclusions in paragraphs 9.9.4 to 9.9.6 above.**

POLICY OMISSION

AREAS OF SEARCH FOR COAL / ENERGY / OTHER MINERALS

OBJECTIONS

DO/5482/1919 The Coal Authority
DO/5694/0791 The National Assembly for Wales

Further Proposed Change FPC059, FPC060

Primary Issue

9.10.1 • Whether the Plan should include policies for the working of energy minerals.

Inspector’s Conclusions

9.10.2 Apart from Policy M5 which provides development criteria for all minerals the Plan’s policies deal only with the provision of aggregates. **The Coal Authority** expresses concern that there are no policies relating to coal and that there is no reference to preventing sterilisation of this resource by development. **The National Assembly for Wales** is also concerned that there are no policies relating specifically to coal/energy minerals and that the Plan provides no information about whether certain areas may be suitable for the future working of such minerals and also for the working of industrial minerals.

9.10.3 The Council argues that little interest has been shown in exploiting coal resources since 1996; coal resources underlie a large part of the area and to protect even those resources which might be worked without having an adverse impact would lead to the sterilisation from development of large parts of the County Borough. Further, the Council does not have detailed information about the quality and quantity of the coal resource to enable areas of search to be identified. It therefore proposes additions to the supporting text explaining the position regarding energy minerals and industrial minerals respectively (FPC059 and FPC060).

9.10.4 While the Plan includes detailed policies for the provision of aggregates, in respect of energy minerals and industrial minerals the intention is to rely on Policy M5 and the general policies of the Plan. I agree that in general this is a reasonable approach, particularly in view of the modification which I have recommended to Policy M5 and the new policy regarding the protection of mineral resources [*see under Part 1 Policy 1M*]. However, the situation with regard to coal is somewhat different. The Government’s energy policy is to ensure secure and diverse supplies of energy and while UK coal is available it

contributes to energy diversity and supply. Coal underlies a large part of the County Borough and, although policies cannot be formulated without detailed information, the Council’s position would be more convincing if it had demonstrated that it had examined this matter more fully.

9.10.5 The objection from **The Coal Authority** draws attention to the significant role which coal has played in the development of the area over the last 200 years and the role it may continue to play. The **Authority** has the statutory responsibility for managing the unworked coal reserves on behalf of the nation and would be expected to have a view on the extent of coal reserves. Further, the British Geological Survey has published a map of the UK coal resource. The Council’s response to the objections does not indicate that it has consulted the **Authority** or examined in any detail the nature of the coal resource within the County Borough. MPP(Wales) 2000 indicates that policies in UDPs should be included to cover mineral resources which are currently used or which may need to be used in the foreseeable future. I conclude, in the light of the evidence of the **Authority** and the fact that coal has been worked until relatively recently, that coal falls into the latter category. Accordingly, I shall not endorse FPC059.

9.10.6 MPP(Wales) 2000 says that UDPs should provide as much guidance as possible to indicate where it is likely to be environmentally acceptable, and where not, for energy minerals to be worked and that plans should provide clear criteria against which future proposals will be assessed. As confirmed above, in general Policy M5 provides clear criteria for the consideration of development proposals. However given the foregoing considerations, I conclude that the Plan should include a policy for the working of coal following an assessment of the coal resource by the Council; the relevant areas should be identified on the Proposals Map. I shall recommend this. I understand the Council’s concern to avoid the sterilisation from development of large parts of the County Borough. However, if the coal resource is assessed against planning and environmental constraints this should not be the case.

9.10.7 Finally, I shall endorse FPC060; there is no evidence that industrial minerals are present in significant quantities or are likely to be worked in the foreseeable future and applications could satisfactorily be considered against the provisions of Policy M5.

RECOMMENDATION

9.10.8 **That:**

- (i) **the Council undertakes a study to assess the coal resource of the County Borough with a view to modifying the Plan by the inclusion of a new policy in respect of the working of coal as follows:-**

“IN THOSE AREAS IDENTIFIED ON THE PROPOSALS MAP WHERE THE WORKING OF COAL IS LIKELY TO BE ENVIRONMENTALLY ACCEPTABLE PROPOSALS FOR DEVELOPMENT WILL BE ASSESSED AGAINST THE CRITERIA IN POLICY M5. IN THOSE AREAS WHERE THE WORKING OF COAL IS NOT LIKELY TO BE ACCEPTABLE THERE WILL BE A PRESUMPTION AGAINST COAL EXTRACTION.”

in accordance with my conclusions in paragraphs 9.10.5 and 9.10.6 above;

(ii) **the Plan be modified by the inclusion of text to support the new policy recommended in (i) above and to justify the identification of areas on the Proposals Map where the working of coal is likely to be environmentally acceptable and those areas where it is not likely to be acceptable, taking into account the findings of the Council’s study and my conclusions in paragraphs 9.10.4 to 9.10.6 above;**

(iii) **the Proposals Map be modified by the inclusion of notations reflecting the terms of the new policy recommended in (i) above identifying areas where the working of coal is likely to be environmentally acceptable and those areas where it is not likely to be acceptable, taking into account the findings of the Council’s study and my conclusions in paragraphs 9.10.5 and 9.10.6 above;**

(iv) **the Plan be modified by the insertion before Paragraph 9.10 of an additional paragraph setting out the position in respect of industrial minerals in accordance with Further Proposed Change FPC060;**

(v) **no modification be made to the Plan in relation to Further Proposed Change FPC059.**

POLICY OMISSION

TRANSPORTATION OF MINERALS BY RAIL

OBJECTION

DO/5485/1283 Railtrack Plc

Primary Issue

- 9.11.1
- Whether the Plan should include a policy encouraging the transportation of minerals by rail.

Inspector’s Conclusions

9.11.2 The Objector argues that in the light of national policy which seeks to increase the movement of freight by rail the Plan should include a policy or a reference in the supporting text to encourage the transportation of minerals by rail. The Council takes the view that Policy DC1 together with Policy T11 are sufficient. However, neither policy offers the positive approach suggested by the Objector; and I also note that MPP(Wales) 2000 stresses the importance of carrying freight by rail rather than by road where this is economically feasible. I recognise that transporting minerals by rail is often not practicable but the movement of minerals by heavy goods vehicles can result in considerable and harmful environmental impact. I conclude, therefore, that the Plan should positively encourage the transportation of minerals by rail and I shall suggest appropriate wording to be

added to Paragraph 9.18 which deals with the environmental effects of mineral working. This adequately responds to the present objection.

RECOMMENDATION

9.11.3 **That the Plan be modified by the inclusion at the end of Paragraph 9.18 of a new sentence in the following terms “IT WILL ALSO ENCOURAGE, WHERE THIS IS PRACTICABLE AND ECONOMICALLY FEASIBLE, THE TRANSPORTATION OF MINERALS BY RAIL”.**

OBJECTIONS RELATING TO OTHER MINERALS POLICIES

OBJECTIONS

Conditionally Withdrawn

DO/5377/0811 Lafarge Redland Aggregates Ltd
PCO/5694/3276 The National Assembly for Wales

RECOMMENDATION

9.12.1 **That the Plan be modified in accordance with Further Proposed Change FPC063.**

TOPIC 10

RENEWABLE ENERGY

INTRODUCTION

OBJECTIONS	DO/5493/1453	British Wind Energy Association
	DO/5493/1447	British Wind Energy Association
	DO/5541/1402	Campaign for the Protection of Rural Wales

Conditionally Withdrawn

DO/5493/1451	British Wind Energy Association
PCO/5493/3254	British Wind Energy Association

Proposed Changes	PC277, PC278, PC279
Further Proposed Change	FPC065

Primary Issues

- 10.1.1
- Are the provisions of the introductory text inconsistent with national guidance on the generation of electricity from renewable energy.
 - Should more emphasis be given to the potential harm which wind power proposals might cause.
 - Is the Plan wrong to rely on the findings of a study which has not been subject to public consultation.

Inspector’s Conclusions

10.1.2 Regarding the first issue, the **British Wind Energy Association (BWEA)** maintains that the provisions of the introductory text do not strike the right balance between the protection of the local environment and the need for and benefits of wind energy developments; nor does it explicitly recognise that a degree of environmental impact which is intrinsically characteristic of wind turbines has to be accepted.

10.1.3 To my mind the Plan’s introduction to this matter is acceptable and aligns with the message in national guidance which, fundamentally, is that the need for renewable energy must be recognised but that environmental damage must be minimised. I see no benefit in the addition of the phrase which the **BWEA** suggests since this would not improve further the reader’s understanding of the national policy context in which the Plan’s own policies would operate.

10.1.4 As for the second issue, the introductory text in the Deposit Draft Plan includes the phrase “wind energy has been subject to some criticism”. The **Campaign for the Protection of Rural Wales (CPRW)** argues that this point should be expressed in stronger terms. Initially the Council agreed with this to the extent that it proposed a change

which deleted the word “some” (PC277). The **CPRW** maintained that this change did not go far enough. However this also attracted a counter-objection from the **BWEA** on the grounds that it is unreasonable for the Plan to focus on wind farms in this context when it is well known that there are associated impacts with all forms of renewable energy projects; it is argued that this provision suggests that there would be an unfair bias against wind energy development proposals. On further reflection the Council decided to delete this phrase altogether (FPC065).

10.1.5 In my judgement the Council’s latest position should prevail. There seems to be no purpose in identifying wind farms alone in this introductory paragraph, given that this is designed to provide simply a very general overview of the matter of renewable energy. A reference to potential environmental impact appears later in the same paragraph, but in relation to all proposals, and that to my mind is sufficient. I shall endorse FPC065 which of course wholly supersedes PC277.

10.1.6 In terms of the third issue, Paragraph 10.6 confirms that the renewable energy policies were formulated, where appropriate, against the background of the findings of a study undertaken by the Standing Conference in South Wales. The **BWEA** contends that it is wrong to rely on a document which has not been the subject of any public consultation. However I see no problem with the statement which appears in the Plan. In principle the Council is entitled to rely on whatever evidence it wishes in order to help formulate its policies. The proof of the reliability of that evidence lies in the policies which materialise; and they of course are open to public scrutiny. I observe that the **BWEA** has objected to a number of those policies and I shall deal with them on their merits. But as for the disputed statement, no modification to the Plan is justified.

10.1.7 Lastly I shall recommend PC278 which refers to a recent government statement on the commitment to renewable energy developments since this has led to the conditional withdrawal of another of the **BWEA**’s objections and has not been challenged. I shall also endorse PC279 which proposes an associated change but which the Council, strangely, has not asked me formally to recommend.

RECOMMENDATION

10.1.8 **That:**

- (i) **the Plan be modified by the deletion from the Renewable Energy Chapter of the second sentence in the first introductory paragraph in accordance with Further Proposed Change FPC065;**
- (ii) **the Plan be modified by the deletion from the Renewable Energy Chapter of the final sentence in Paragraph 10.1 and its replacement by a new sentence in accordance with Proposed Changes PC278 and PC279;**
- (iii) **no other modification be made to the Plan in response to the objections made by the British Wind Energy Association (1447 and 1453).**

POLICY RE1

RENEWABLE ENERGY PROPOSALS

OBJECTION

DO/5493/1458 British Wind Energy Association
DO/5493/1948 British Wind Energy Association
DO/5493/1976 British Wind Energy Association
DO/5460/1936 Greendoorstep (Caerphilly)

Conditionally Withdrawn

DO/5541/1413 Campaign for the Protection of Rural Wales
DO/5541/1854 Campaign for the Protection of Rural Wales
DO/5696/1525 Countryside Council for Wales

Proposed Changes

PC281, PC282, PC283, PC234

Primary Issues

- 10.2.1
- Should this policy be expressed in more positive terms.
 - Does Criterion A lack clarity.
 - Should the provisions of Criterion C be extended to cover development in visually prominent locations.
 - Is Criterion G inconsistent with national guidance.

Inspector’s Conclusions

10.2.2 In respect of the first issue, this policy confirms that proposals for the development of renewable energy will be assessed against specified criteria. The **British Wind Energy Association (BWEA)** argues that this provision should be expressed in more positive terms; it suggests alternative wording. The Council has responded by proposing a change (PC281) which adopts almost precisely that wording and although this objection has not been conditionally withdrawn, I am satisfied that its terms are adequately met. I shall endorse this change.

10.2.3 In reaching this conclusion I have borne in mind the objection made by **Greendoorstep (Caerphilly)** which argues that this policy does not provide sufficiently strong protection against the visually damaging effects of wind energy development. Indeed it calls for a moratorium on wind farms. However such a draconian approach would be wholly in conflict with current government advice and I firmly reject it.

10.2.4 As for the second issue, the **BWEA** contends that the initial provision of Criterion A lacks clarity and that the final provision should be deleted. The Council maintains that taking into account the existing nature and condition of the site (the first part of this criterion) would be appropriate in those cases where brownfield or damaged sites are under consideration for renewable energy development. I agree. I also accept the general sense of the Council’s response in relation to the second point that the consideration of the

potential for improving a site’s condition by way of development is equally relevant. In these circumstances, I see no compelling reason to interfere with Criterion A; however I note that this now becomes Criterion B under the terms of PC284 which I comment on shortly.

10.2.5 Regarding the third issue, associated with **Greendoorstep’s** earlier point about the policy generally is the call for the landscape impact consideration in Criterion C to be extended to relate expressly to visually prominent locations. This is unnecessary. This provision refers to the effect of development on landscape in general, albeit that those areas of special interest are highlighted. So-called “visually prominent locations” would be covered by these existing provisions.

10.2.6 Turning to the fourth issue, Criterion G says that account will be taken of the contribution that a proposal would make towards the supply of power; contrary to the tenor of the **BWEA’s** argument, this is a consideration to which national guidance refers and there is nothing to justify its deletion or revision. A similar objection is raised against the reference to employment opportunities; the Council proposes a change deleting this particular provision from the criterion and I have no quarrel with this (PC283). I observe that this becomes Criterion A under the terms of PC284.

10.2.7 Finally I intend recommending PC282 and PC284 which propose various changes to Policy RE1 and which have led to the conditional withdrawal of the objections made by the **Campaign for the Protection of Rural Wales** and the **Countryside Council for Wales**; these changes are uncontested.

RECOMMENDATION

10.2.8 **That:**

(i) **Policy RE1 be modified (i) by the revision of the text of the preamble in the following terms “PROPOSALS FOR THE DEVELOPMENT OF RENEWABLE ENERGY WILL BE PERMITTED PROVIDED THAT THE FOLLOWING CRITERIA ARE SATISFIED”, (ii) by the inclusion in Criterion C after the word “landscape” of the words “AND NATURE CONSERVATION”, (iii) by the deletion from Criterion G of the words “AND THE EMPLOYMENT OPPORTUNITIES CREATED” and (iv) by the rearrangement of the order of the criteria, all in accordance with Proposed Changes PC281, PC282, PC283 and PC284;**

(ii) **no other modification be made to the Plan in response to the objections made by the British Wind Energy Association (1948 and 1976) and Greendoorstep (Caerphilly) (1936).**

POLICY RE2

WIND POWER

OBJECTIONS

DO/5427/0709	British Horse Society
DO/5493/1855	British Wind Energy Association
DO/5493/1856	British Wind Energy Association
DO/5493/1857	British Wind Energy Association
DO/5541/1858	Campaign for the Protection of Rural Wales
DO/5541/1752	Campaign for the Protection of Rural Wales
DO/5460/1935	Greendoorstep (Caerphilly)
DO/5694/1957	The National Assembly for Wales

Conditionally Withdrawn

DO/5493/1517	British Wind Energy Association
DO/5541/1420	Campaign for the Protection of Rural Wales
DO/5541/1859	Campaign for the Protection of Rural Wales
DO/5541/1960	Campaign for the Protection of Rural Wales
DO/5696/1526	Countryside Council for Wales
DO/5651/1816	Forest Enterprise (Wales)
DO/5694/0841	The National Assembly for Wales
DO/5694/0846	The National Assembly for Wales
DO/5694/0802	The National Assembly for Wales
DO/5694/1958	The National Assembly for Wales
DO/5694/1959	The National Assembly for Wales
PCO/5493/3332	British Wind Energy Association

Proposed Changes PC285, PC286, PC287, PC288, PC289, PC290, PC291

Further Proposed Changes FPC006, FPC066, FPC216, FPC217, FPC218

Primary Issues

- 10.3.1
- Is it appropriate that Criterion C should refer to considerations of design and colour in relation to the issue of visual impact.
 - Should the provisions of Criterion D be expressed in broader terms or should they be extended to control development near to public rights of way and to specify a minimum distance figure.
 - Should Criterion E refer to the impact of all infrastructure and not just buildings.
 - Is Criterion G over-prescriptive.
 - Is it unreasonable for Criterion H to require the removal of structures and access roads in the event of the part redundancy of a site.
 - Are the provisions of Paragraph 10.15 consistent with the policy and reasonable in all other respects.

Inspector’s Conclusions

10.3.2 As to the first issue, the **British Wind Energy Association (BWEA)** claims that the matter of design and colour should not be linked inevitably to the matter of visual impact. However TAN (Wales) 8 confirms that one of the 5 principle factors influencing the visual impact of wind turbine generators is “design and colour” and in these circumstances I find nothing unacceptable about this policy provision.

10.3.3 Regarding the second issue, for highway safety reasons Criterion D requires turbines to be set back from public highways at a distance of at least the height of the proposed turbine. **Greendoorstep (Caerphilly)** seeks a more general form of wording referring to an unspecified “safe distance” so that the “movement of the blades would not create a hazard for motorists”. To my mind such a vaguely worded policy provision would be unacceptable. UDP(Wales) 2001 says that policies should be clear and precise. The Objector’s suggested criterion is inconsistent with that guidance; it is simply too subjective and would lead to considerable uncertainty in its application.

10.3.4 On the other hand the **British Horse Society** asks that public rights of way included within the scope of this criterion and says that a minimum distance of 200m should be specified so as to prevent dangers to horses and horse-riders. This too is inappropriate. First, bridleways and other public rights of way are part of the public highway system and in these circumstances they fall within the umbrella of this provision; thus there is no need for any modification to the policy in this regard. However I consider that given the nature of the development with which this policy is concerned, and the obvious potential for horses (not just their riders) to be distracted by the operation of turbines, the supporting text should include brief confirmation of the fact that for the purpose of this policy “highways” includes such as bridleways and footpaths. I shall recommend accordingly.

10.3.5 As to the question of specifying a particular minimum distance, this criterion should remain untouched. As it stands this is consistent with the advice in TAN (Wales) 8; there is no evidence before me that a distance of 200m would be justified in any case, let alone on every occasion. However I observe that the Council proposes a change to the supporting text which amplifies the explanation of this criterion (PC290); this merits support.

10.3.6 In terms of the third issue, Criterion E seeks to control the number, design and siting of ancillary buildings in order to minimise their impact on the landscape. The **Campaign for the Protection of Rural Wales (CPRW)** contends that all infrastructure, not just buildings, should be subject to this control. The Council says it is not the intention that buildings alone are to be considered and it draws attention to the reference in the supporting text to transmission lines and access roads in this context. It also confirms that associated infrastructure beyond the site is a matter for consideration too, but that this is covered by Policy U1. However to clarify the relationship with that policy it is proposed that a minor change be made, namely the inclusion of an appropriate cross-reference (FPC217). While I shall endorse this change, it does not go far enough in terms of resolving the ambiguity between the criterion and its supporting text. As drafted, Criterion E refers solely to ancillary buildings; under no normal interpretation could this term include roads and transmission lines, or indeed any other form of infrastructure. Accordingly I intend recommending the inclusion of the term “other forms of infrastructure” so as to clarify this point.

10.3.7 Turning to the fourth issue, Criterion G intends that the cumulative impact of wind turbine development would be taken into account in any particular case. The **BWEA** seems to believe that this is too onerous and suggests a revised form of words instead. The Council has sought to respond to this objection in 2 stages. PC287 proposes a rewording of this criterion although to my mind the practical effect of the changed provisions would not be too significant. This however meets with the **BWEA**’s approval, although the objection has not formally been conditionally withdrawn. Subsequently though, the Council introduced FPC218 which further alters the form of this criterion. I have no quarrel with the basic content of this provision; the latest version, if nothing else, has the merits of conciseness and clarity. And, perhaps more importantly, I do not consider that what it seeks to achieve is unacceptable or unreasonable; the objection therefore is not well founded.

10.3.8 However there is one point which is of concern to me. This is a criteria-based policy and by definition the specified criteria must be framed in such a way that they can be applied to individual proposals. This is not the case with any of the 3 versions of Criterion G. The Deposit Draft and proposed change versions are in the form of a statement of the Council’s intended approach to the proposal; this would be acceptable for a free-standing policy but not as one of a series of criteria. The further change is not directed at the proposal under consideration or its contribution to any cumulative effect. For this reason I shall recommend an alternative form of words; obviously I am not endorsing the Council’s changes.

10.3.9 Concerning the fifth issue, Criterion H is aimed at securing the removal of structures and access roads in the event that the development site becomes inoperative. Arising from initial objections and a counter-objection to a subsequent proposed change (PC288), the Council has settled on a further change to the text of this criterion (FPC066). To mind the latest change responds satisfactorily to the Objectors’ arguments and there is no reason why this policy should not include this provision. However I do not consider that it should appear as a criterion since it is not framed in such a way that proposals can demonstrate their compliance with its requirements. It is a valid policy provision, but one which must stand outside the list of criteria. This I shall recommend, although there are further modifications to the policy text which arise from my examination of the sixth issue below.

10.3.10 Turning therefore to the sixth issue, the supporting text specifies that a condition will normally be included in any approval requiring the dismantling of the wind farm and the restoration of the site to its original condition. The Council, in response to an objection made by **The National Assembly for Wales (NAW)**, says that this is consistent with the guidance in TAN (Wales) 8 about requiring the restoration of land; I disagree. This guidance says nothing about restoring land to its “original condition”, and understandably so. Doubtless it would usually be some considerable time before a site became redundant and this requirement became operative. In such circumstances, it would be extremely difficult if not impossible to establish precisely what the land’s original condition might have been; and in any event there may well be some sites whose original condition (for example by reason of dereliction, unsightliness or ground quality) was such that restoration would be positively undesirable.

10.3.11 FPC066 goes some way to resolving this problem so far as the policy itself is concerned in that it deletes the reference to “former use”. However the inclusion instead of simply the phrase “restored to a use agreed with the Local Planning Authority” creates too much uncertainty. In my judgement the policy should refer to the restoration of the site to a

condition which would facilitate an agricultural use of the land or to a use agreed with the Local Planning Authority. The supporting text should be correspondingly modified.

10.3.12 Furthermore the **CPRW** objects to the inclusion of the word “normally” on the grounds that a restoration condition should always be required. I disagree. There might be circumstances where a condition as such would not be necessary and the Plan should allow for this. A judgement would need to be made on a case by case basis.

10.3.13 For the sake of clarification I would confirm that in those cases where I have recommended that certain proposed changes should be modified rather than adopted as drafted, I have taken into account the terms of objections which have been conditionally withdrawn in anticipation that those changes would be accepted. I am satisfied that the modifications which I am recommending do not materially affect the Objectors’ position.

10.3.14 Finally I shall endorse PC285, PC286, PC289 and PC291 which propose various changes to the policy and the supporting text. These have led to the conditional withdrawal of objections made by the **BWEA (1517), Forest Enterprise (Wales) (1816) and NAW (0802 (part), 0841, 1958 and 1959)** and have not been challenged. As for 2 further changes which have led in part to the conditional withdrawal of the objection made by the **Countryside Council for Wales (1526)**, I shall not recommend FPC006 in full. It consists simply of a cross-reference to other specified provisions of the Plan, some of which (the criteria of Policy DC1) I am recommending should be deleted; naturally the cross-reference should be modified accordingly. I shall however endorse FPC216.

10.3.15 I have also been asked by the Council to recommend FPC005; however since this change has not expressly led to the conditional withdrawal of any objections and nor does it relate to any outstanding objection still before me for consideration, I must leave this for the Council to pursue as it sees fit. I would, though, draw attention to my remarks about this particular change under Policy DC1 [*see paragraph 1.4.45*].

RECOMMENDATION

10.3.16 **That:**

- (i) **Policy RE2 be modified by (i) the inclusion in Criterion B of the word “UNACCEPTABLY” before the word “detract”, (ii) the inclusion in Criterion E of the words “AND OTHER ITEMS OF INFRASTRUCTURE” after the word “buildings”, (iii) the inclusion in Criterion F of the word “NOISE” after the word “flicker”, (iv) the revision of Criterion G in the following terms “THE DEVELOPMENT, IN ASSOCIATION WITH OTHER SUCH DEVELOPMENTS NEARBY, DOES NOT HAVE A CUMULATIVE HARMFUL IMPACT ON THE LANDSCAPE OF THE SURROUNDING AREA”, (v) the deletion of Criterion H and (vi) the addition to the policy of a separate final provision in the following terms “AS SOON AS PART OR THE WHOLE OF THE SITE BECOMES PERMANENTLY INOPERATIVE, THE RELEVANT REDUNDANT STRUCTURES AND ACCESS ROADS WILL BE REMOVED AND THE SITE RESTORED TO A CONDITION WHICH WOULD FACILITATE AN AGRICULTURAL**

USE OF THE LAND OR TO A USE AGREED WITH THE LOCAL PLANNING AUTHORITY.”

all in accordance with Proposed Changes PC285 and PC286 and my conclusions in paragraphs 10.3.6 and 10.3.8 to 10.3.11 above;

(ii) the supporting text to Policy RE2 be modified by (i) the inclusion in Paragraph 10.15 of additional text explaining the meaning of the term “permanently inoperative” in accordance with Proposed Change PC289 but modified further to take into account my conclusions in paragraph 10.3.10 and 10.3.11 above, (ii) the revision of the text in Paragraph 10.16 in accordance with Proposed Change PC290 but modified further by the addition of text explaining the meaning of the terms “highways” taking into account my conclusions in paragraph 10.3.4 above, (iii) the revision of the text in Paragraph 10.18 in accordance with Proposed Change PC291, (iv) the inclusion of margin references in accordance with Further Proposed Changes FPC006 (but excluding the reference to Policy DC1 Criteria B, F and K in accordance with my conclusions in paragraph 10.3.14 above), FPC216 and FPC217;

(iii) no other modification be made to the Plan in response to the objections made by the British Wind Energy Association (1855), the British Horse Society (0709), Greendoorstep (Caerphilly) (1935) and the Campaign for the Protection of Rural Wales (1752).

OBJECTIONS RELATING TO OTHER RENEWABLE ENERGY POLICIES

OBJECTIONS

Conditionally Withdrawn

DO/5696/1524 Countryside Council for Wales

DO/5541/1401 Campaign for the Protection of Rural Wales

RECOMMENDATION

10.4.1 **That the Plan be modified in accordance with Proposed Change PC276.**

TOPIC 11

WASTE MANAGEMENT

OBJECTIVES

OBJECTIONS

DO/5698/1624 Environment Agency Wales
[part reported: see under Introduction - Waste Management Chapter]

Conditionally Withdrawn

DO/5541/1431 Campaign for the Protection of Rural Wales

Proposed Change PC292
Further Proposed Change FPC069

Primary Issue

- 11.1.1
- Whether the specified objectives for waste management are sufficiently widely drawn.

Inspector's Conclusions

11.1.2 The Plan contains two objectives for waste management. One encourages a waste disposal strategy based on a hierarchy of reduction, re-use and recovery. The other aims to ensure that waste disposal and recycling sites should be located where they would have the least impact. The **Environment Agency Wales (EAW)** objects to the omission of what it says should be the primary objective of the planning system in relation to waste management, namely the establishment of a planning framework which enables adequate provision to be made for waste management facilities. The **EAW** also seeks the inclusion of other objectives covering the needs of business, what new facilities might be needed and the identification of sites for waste management and disposal. In its response the Council suggests the inclusion of an additional objective to deal with the first point (FPC069).

11.1.3 However, to my mind this change does not satisfactorily overcome the objection as it does not refer to special wastes and waste minimisation, nor to the identification of sites. Furthermore bearing in mind the guidance contained in the Waste Strategy 2000 for England and Wales (paragraph 3.22), that Waste Planning Authorities are responsible for ensuring that an adequate planning framework exists, and the more detailed guidance set out in TAN (Wales) 21, I consider that the objective should be more comprehensive. Accordingly, I shall not endorse FPC069 but shall recommend the insertion of a new objective based on the above guidance and the terms of the **EAW's** objection.

11.1.4 With regard to Objective 1, PC292 proposes additional wording which has led to the conditional withdrawal of the objection made by the **Campaign for the Protection of Rural Wales**. I agree with the addition proposed but consider that this objective should be more widely drawn so that it is consistent with PG(Wales) 1999. My recommended wording will incorporate PC292.

RECOMMENDATION

11.1.5 That:

(i) the Plan be modified by the deletion of the text of Objective 1 and the substitution therefor of the following text:-

“TO ENCOURAGE WASTE MANAGEMENT BASED ON A HIERARCHY OF REDUCTION, RE-USE, RECOVERY (INCLUDING MATERIAL RECYCLING, ENERGY RECOVERY AND COMPOSTING) AND SAFE DISPOSAL”;

(ii) the Plan be modified by the inclusion of a new Objective after Objective 1 in the following terms:-

“TO PROVIDE A PLANNING FRAMEWORK WHICH ENABLES ADEQUATE PROVISION TO BE MADE FOR WASTE RESOURCE MANAGEMENT FACILITIES TO MEET THE NEEDS OF SOCIETY FOR THE RE-USE, RECOVERY AND DISPOSAL OF WASTE, TAKING ACCOUNT OF THE POTENTIAL FOR WASTE MINIMISATION AND THE PARTICULAR NEEDS IN RESPECT OF SPECIAL WASTE”.

INTRODUCTION

OBJECTIONS

DO/5694/0827 The National Assembly for Wales
DO/5377/0801 Lafarge Redland Aggregates Ltd
DO/5698/1624 Environment Agency Wales
[part reported: see under Objectives - Waste Management Chapter]

Conditionally Withdrawn

DO/5541/1472 Campaign for the Protection of Rural Wales
DO/5698/1630 Environment Agency Wales
DO/5541/1753 Campaign for the Protection of Rural Wales
DO/5698/1645 Environment Agency Wales
DO/5541/1754 Campaign for the Protection of Rural Wales
DO/5698/1655 Environment Agency Wales
DO/5698/1663 Environment Agency Wales
DO/5698/1668 Environment Agency Wales
DO/5698/1671 Environment Agency Wales
(reported under Policy W1)
DO/5698/1633 Environment Agency Wales

Proposed Changes PC294, PC295, PC296, PC298, PC299, PC300

Further Proposed Changes FPC070, FPC071, FPC225, FPC226, FPC227

Primary Issues

- 11.2.1
- Should there be a policy encouraging waste minimisation .
 - Whether the Plan should make site-specific allocations for waste treatment and disposal.

Inspector's Conclusions

11.2.2 With regard to the first issue, **The National Assembly for Wales (NAW)** expresses concern that the policies do not positively encourage or promote waste minimisation including the need for new major development to provide facilities for collection and treatment of waste generated by that development. The Council argues that waste minimisation is not a land-use matter and that it would be inappropriate to address it in the Plan.

11.2.3 Although policies couched in terms of 'favouring' or 'encouraging' a particular practice have little value in determining planning applications, I do not find the Council's arguments convincing. While much waste reduction will be achieved outside the planning system, such as where it is within a manufacturing process or where it is carried out by householders, there are some circumstances where land-use planning has a role. For example the last sentence of Paragraph 11.20 supporting Policy W4 which deals with recycling proposals states that 'developers will also be encouraged to consider waste minimisation initiatives as part of their proposals....'. The examples given there could have land-use implications as could the circumstance set out by **NAW**. To my mind these are matters which should be taken into account by the Council when considering planning applications and there could be situations where it would be reasonable to impose planning conditions.

11.2.4 However bearing in mind the modifications to the objectives which I have recommended [*see under Objectives – Waste Management Chapter*], which explicitly refer to waste minimisation, and the fact that the supporting text provides clear encouragement for waste minimisation initiatives, I do not consider that any further modification is warranted.

11.2.5 Turning to the second issue, **NAW** and the **Environment Agency for Wales (EAW)** have both expressed concern about the lack of site-specific allocations for waste treatment or disposal. The Council explains that the Plan's waste strategy is framed by criteria-based policies and that this approach will be reconsidered in the first review of the UDP. I agree that the absence of a strategic waste management assessment at the time of Plan preparation means that the Council is not in a position to make site-specific allocations for waste facilities and I note that evidence from **NAW** indicates that it does not seek such allocations in advance of the sub-regional solution.

11.2.6 Also FPC225 (superseding FPC071) and FPC226 (superseding FPC070) suggest additional paragraphs to the supporting text which explain the interim nature of the criteria-based approach and include a commitment by the Council to a speedy review of the waste management part of the Plan. This would take place once the sub-regional strategy has been completed and will enable site-specific proposals to be brought forward, the need for

new facilities to be considered and the potential contribution of business and private investment to be addressed. The Plan is seriously weak in respect of these matters but in the circumstances, and in view of the commitment to a speedy review and the guidance in paragraph 3.28 of the Waste Strategy 2000 for England and Wales that a development plan may adopt a criteria-based approach if identifying sites or areas is not possible, I do not propose any further modification to the Plan. I do, however, intend endorsing FPC225 and FPC226 which have led to the conditional withdrawal of objections made by the **EAW** and which go some way to meet part of the objection by **NAW**.

11.2.7 **Lafarge Redland Aggregates Ltd** argues that whilst no site-specific allocations are included for landfill, this approach should not extend to other waste management facilities, including recycling. **NAW** expresses a similar concern and suggests that the Plan should include a reference to the types of location for different waste streams so as to provide positive encouragement for recycling, in particular construction and demolition wastes. In response, FPC227 adds to the supporting text an explanation that certain types of location may be acceptable for some kinds of waste management facilities. This has led to the conditional withdrawal of this part of **NAW's** objection. Policy W4 provides a framework for the consideration of facilities for the re-use or recovery of waste materials and, as I have previously noted, FPC225 commits the Council to a speedy review of the Plan when an integrated sub-regional strategy has been completed. This would enable the Council to identify the kind of facility referred to by **Lafarge**. Accordingly, I shall endorse FPC227 but no further modification to the Plan is justified.

11.2.8 In addition I shall endorse PC294, PC295, PC296, PC298, PC299 and PC300 which propose various changes to the introductory text; these have led to the conditional withdrawal of objections by the **Campaign for the Protection of Rural Wales** and the **EAW** and have not been contested.

11.2.9 Finally, the Council has drawn to my attention one further change to the supporting text (PC297). However, since this does not stem from an objection formally before me there is no need for me to consider this particular change and I must leave it to the Council to decide whether it modifies the Plan in this respect.

RECOMMENDATION

11.2.10 **That:**

- (i) **the Plan be modified by (i) the revision of the first introductory paragraph of the Waste Management Chapter in accordance with Proposed Changes PC294 and PC295, (ii) the revision of Paragraphs 11.2, 11.6, 11.7 and 11.11 in accordance respectively with PC296, PC298, PC299 and PC300, (iii) the addition of a new paragraph inserted after Paragraph 11.10 explaining the Council's strategic approach and its commitment to a speedy review of the Plan in accordance with Further Proposed Change FPC225 and (iv) the addition of a new paragraph to follow Paragraph 11.5 to explain the Council's approach to a comprehensive waste management strategy and that certain locations may be suitable for some kinds of waste management facilities in accordance with Further Proposed Changes FPC 226 and FPC227;**

(ii) **no other modification be made to the Plan in response to the objections made by Lafarge Redland Aggregates Ltd (0801) and The National Assembly for Wales (0827).**

POLICY W1

PROPOSED WASTE DISPOSAL FACILITIES

OBJECTIONS

DO/5377/0792 Lafarge Redland Aggregates Ltd

Conditionally Withdrawn

DO/5541/1442 Campaign for the Protection of Rural Wales
DO/5541/1966 Campaign for the Protection of Rural Wales
DO/5656/1617 Harmer Partnership
DO/5377/0808 Lafarge Redland Aggregates Ltd
DO/5377/1968 Lafarge Redland Aggregates Ltd
DO/5694/0812 The National Assembly for Wales
DO/5698/1671 The Environment Agency Wales
(registered under Introduction – Waste Management Chapter)

Proposed Changes

PC301, PC302

Primary Issue

- 11.3.1
- Whether the policy should actively encourage recycling at operational minerals and waste disposal sites.

Inspector's Conclusions

11.3.2 Policy W1 sets out criteria for the location of waste disposal facilities. **Lafarge Redland Aggregates Ltd** argues that these provisions should be more positive and actively encourage recycling operations at operational minerals and waste disposal sites. The Council points out that Policy M4 provides for the production of secondary aggregates and Policy W4 for the development of facilities for the re-use or recovery of waste materials. I consider that these policies provide a reasonable and supportive basis for the development of recycling operations. Many minerals and waste disposal sites would clearly be suitable for recycling operations. However, so would other locations and I see no reason why the particular category of sites suggested by **Lafarge** should be singled out for favourable consideration. No modification to the Plan is justified in response to this objection.

11.3.3 I shall however endorse PC301 which is uncontested and has led to the conditional withdrawal of objections made by the **Campaign for the Protection of Rural Wales, Lafarge, The National Assembly for Wales**, and the **Environment Agency Wales**; also PC302 which has led to the conditional withdrawal of objections made by the **Campaign for the Protection of Rural Wales** and the **Harmer Partnership**.

11.3.4 Finally, the Council has asked me to recommend a further change to Policy W1 (FPC072). However, since this change does not relate to any duly-made objection to this policy and nor has it led to the conditional withdrawal of any other objection before me, I have no remit to consider this change and must therefore leave it entirely for the Council to decide whether to modify the Plan in this respect.

RECOMMENDATION

11.3.5 **That:**

(i) **Policy W1 be modified by the rewording of the preamble in the following terms “THE DEVELOPMENT OF SITES FOR WASTE MANAGEMENT FACILITIES WILL BE PERMITTED UNLESS THEIR SITING WILL HAVE A DETRIMENTAL EFFECT ON:” and the deletion of Criterion E in accordance respectively with Proposed Changes PC301 and PC302;**

(ii) **no other modification be made to the Plan in response to the objection made by Lafarge Redland Aggregates Ltd (0792).**

POLICY W2

PROPOSED WASTE DISPOSAL FACILITIES

OBJECTIONS

DO/5541/1756 Campaign for the Protection of Rural Wales
DO/5541/1244 Campaign for the Protection of Rural Wales

Conditionally Withdrawn

DO/5541/1481 Campaign for the Protection of Rural Wales
DO/5541/1852 Campaign for the Protection of Rural Wales
DO/5694/0849 The National Assembly for Wales
DO/5698/1676 Environment Agency Wales
DO/5698/1972 Environment Agency Wales
DO/5698/1679 Environment Agency Wales
PCO/5541/3134 Campaign for the Protection of Rural Wales

Proposed Changes PC303, PC304, PC305, PC306, PC308, PC309

Further Proposed Change FPC073

Primary Issue

11.4.1 • Whether the clarity of the supporting text could be improved.

Inspector's Conclusions

11.4.2 Policy W2 sets out criteria for the disposal of waste material. The **Campaign for the Protection of Rural Wales (CPRW)** argues that in the supporting text the phrase 'other regulatory bodies' should include specifying those bodies by name. However this provision is simply explaining that 'other bodies' have their own policies and standards which help to support the Plan's approach. I agree with the Council that to include a reference to all such bodies would be unnecessary and excessive and there is accordingly no reason to modify the Plan.

11.4.3 The **CPRW** also contends in respect of Paragraph 11.16 that sentences 3 and 5 should be removed. To my mind the third sentence, which explains that some 85% of waste goes to landfill, provides relevant information and I see no case for its deletion. With regard to the fifth sentence, PC306 proposes its deletion and in the circumstances I shall endorse this.

11.4.4 I also intend recommending PC303, PC304 and FPC073 which have led to the conditional withdrawal of objections from the **CPRW**; PC307, PC308 and PC309 which have led to the conditional withdrawal of objections from the **Environment Agency Wales**; and PC305 which has led to the conditional withdrawal of the objection from **The National Assembly of Wales**. None has been the subject of any counter-objection.

RECOMMENDATION

11.4.5 **That:**

(i) **Policy W2 be modified by the revision of the preamble so as to read as follows:-**

"IN AREAS THAT ARE NOT PRECLUDED FROM THE DEVELOPMENT OF WASTE MANAGEMENT FACILITIES UNDER POLICY W1, THE DISPOSAL OF WASTE MATERIAL WILL BE PERMITTED PROVIDED THAT THE PROPOSALS MEET THE FOLLOWING CRITERIA:"

and by the inclusion in Criterion D of the word "LANDRAISE" after the word "landfill" and the inclusion of the words "AND AFTERCARE MANAGEMENT" after the word "restoration", all in accordance with Proposed Changes PC303, PC304, and PC305;

(ii) **the supporting text to Policy W2 be modified by the inclusion in Paragraph 11.16 of a sentence supporting incineration and a reference to 'A Way with Waste' to be placed in the bibliography, and by the deletion of the last sentence of Paragraph 11.16, all in accordance with Proposed Changes PC307, PC308 and PC306 and Further Proposed Change FPC073;**

(iii) the supporting text to Policy W2 be further modified by the inclusion in Paragraph 11.18 of an additional sentence referring to 'Energy Recovery from Waste' in accordance with PC309;

(iv) no other modification be made to the Plan in response to the objections made by the Campaign for the Protection of Rural Wales (1756 and 1244).

POLICY W3

SPECIAL WASTES

OBJECTIONS

DO/5398/0626 Cardiff County Council

Conditionally Withdrawn

DO/5698/1681 Environment Agency Wales

DO/5656/1619 Harmer Partnership

Proposed Change PC310

Further Proposed Change FPC232

Primary Issue

- 11.5.1
- Whether a blanket ban on the disposal, storage or distribution of special wastes is justified.

Inspector's Conclusions

11.5.2 Policy W3 specifies that developments for the disposal, storage or distribution of special wastes which are a potential threat to people or the environment will not be permitted. **Cardiff County Council** argues that these provisions could lead to special waste being transported into neighbouring areas for treatment or disposal; thus the Plan should set out a more flexible approach. The Council accepts the case for a more positive approach and introduces changes to the policy and the supporting text (PC310 and FPC232). While the **County Council** maintains its objection, in my view its essential concern has thereby been met; also, PC310 has led to the conditional withdrawal of the objections made by the **Environment Agency Wales** and the **Harmer Partnership**. To my mind these changes introduce more flexibility into these provisions and result in the Plan's approach being more consistent with the 'proximity principle'; accordingly, I shall endorse them save for one particular aspect of the changed policy provision.

11.5.3 This change involves the introduction of the term 'unacceptable impact'. I have previously concluded in relation to a number of other policies that the appearance of the word 'unacceptable' is, in the absence of any explanation in the Plan of its contextual meaning, contrary to national guidance on the wording of policies [*see, for example, under*

Policy DC1 - paragraph 1.4.33]. For the reasons stated there, I consider that in the present case the substitution of the word ‘harmful’ for ‘unacceptable’ would remedy this matter. I shall recommend accordingly.

RECOMMENDATION

11.5.4 **That:**

(i) **Policy W3 be modified by the deletion of the words “WHICH ARE A POTENTIAL THREAT TO” and the substitution therefor of the words “WHERE THE DEVELOPMENT WOULD HAVE A HARMFUL IMPACT ON” in accordance with Proposed Change PC310 and my conclusions in paragraph 11.5.3 above;**

(ii) **the supporting text to Policy W3 be modified by the inclusion in Paragraph 11.19 of additional provisions to make the text consistent with the policy in accordance with Further Proposed Change FPC232.**

POLICY W4

RECYCLING PROPOSALS

OBJECTIONS

DO/5377/3202 Lafarge Redland Aggregates Ltd
DO/5377/3203 Lafarge Redland Aggregates Ltd

Conditionally Withdrawn

DO/5541/1476 Campaign for the Protection of Rural Wales
DO/5541/1849 Campaign for the Protection of Rural Wales
DO/5541/1847 Campaign for the Protection of Rural Wales
DO/5541/1848 Campaign for the Protection of Rural Wales
DO/5698/1683 Environment Agency Wales
DO/5541/1249 Campaign for the Protection of Rural Wales
DO/5698/1685 Environment Agency Wales
DO/5698/1689 Environment Agency Wales
DO/5541/1263 Campaign for the Protection of Rural Wales
DO/5541/1249 Campaign for the Protection of Rural Wales
PCO/5541/3138 Campaign for the Protection of Rural Wales

Proposed Changes PC311, PC312, PC313, PC314, PC315, PC316, PC317
Further Proposed Change FPC074

Primary Issues

11.6.1 • Whether the use of the word ‘unacceptable’ in the changed version of Criterion A provides a clear basis for development control.

- Whether Criterion B should be worded more positively, whether ‘adverse’ impact should be replaced by ‘unacceptable’ impact and whether the screening/landscaping of sites is always required.

Inspector’s Conclusions

11.6.2 With regard to the first issue, Policy W4 sets out criteria for the re-use or recovery of waste materials; Criterion A deals with the suitability of the road network to accommodate heavy lorries. PC312 involves the replacement of the word ‘detrimental’ with the words ‘an unacceptable’, so that the test in the criterion would, amongst other matters, be whether the proposal would have an ‘unacceptable impact’ on rural roads.

11.6.3 **Lafarge Redland Aggregates Ltd** argues that the use of the word ‘unacceptable’ is inappropriate as there is no clear definition as to what constitutes such an impact; it is suggested that the disputed term should be replaced by ‘a significantly adverse impact’. The Council disagrees with this approach and argues that the use of the word ‘unacceptable’ is used elsewhere in the Plan and it allows the issues to be determined in each circumstance against the listed criteria.

11.6.4 This point has arisen in several other cases. I have previously concluded that the appearance of the word ‘unacceptable’ is, in the absence of any explanation in the Plan of its contextual meaning, contrary to national guidance on the wording of policies [*see under Policy DC1 - paragraph 1.4.33*]. For the reasons stated there, I consider that in the present case the substitution of the word ‘harmful’ for ‘unacceptable’ would remedy this matter. Accordingly, while I shall endorse that part of PC312 which has led to the conditional withdrawal of the objection from the **Campaign for the Protection of Rural Wales (CPRW)**, I am recommending an appropriate modification regarding the disputed term.

11.6.5 Turning to the second issue, Criterion B deals with the screening and landscaping of the site so as to reduce adverse visual impact. The **CPRW** expresses concern that the criterion is not worded positively; PC313 responds to this in a generally satisfactory fashion. However this change also replaces the word ‘adverse’ with ‘unacceptable’ on the grounds that this would clarify matters. As in regard to the preceding issue, **Lafarge** objects to this change; and, similarly, I again reach the same conclusion. Accordingly, I shall not endorse that part of PC313 which substitutes ‘unacceptable’ for ‘adverse’. However, that part of PC313 which has led to the conditional withdrawal of the objection from the **CPRW** does merit support.

11.6.6 **Lafarge** also argues that this criterion implies that all sites require effective screening and that this would not always be necessary, for example in respect of active mineral sites. However, I agree with the Council that if the site were already screened in a satisfactory manner then the criterion would not apply. No modification is, therefore, needed in respect of this point.

11.6.7 Finally, I shall endorse PC314, PC315, PC316, and FPC074 (superseding PC318) which have led to the conditional withdrawal of other objections made by the **CPRW**; also PC311 and PC317 which have led to the conditional withdrawal of objections made by the **Environment Agency Wales (EAW)**. I have previously endorsed PC309 [*see*

under Policy W2] which has led to the conditional withdrawal of another objection by the EAW (1685) and need not, in the circumstances, repeat my recommendation here.

RECOMMENDATION

11.6.8 **That:**

(i) **Policy W4 be modified by the deletion of the existing title and the substitution therefor of the words “RE-USE AND RECOVERY PROPOSALS” and by the revision of the policy text so as to read as follows:-**

“DEVELOPMENT OF FACILITIES FOR THE RE-USE OR RECOVERY OF WASTE MATERIALS WILL BE PERMITTED WHERE:

A THE ADJOINING ROAD NETWORK IS OR CAN BE MADE SUITABLE FOR HEAVY LORRIES WITHOUT PREJUDICING HIGHWAY SAFETY, OR HAVING A HARMFUL IMPACT ON RURAL ROADS;

B THE SITE CAN BE SCREENED AND LANDSCAPED TO REDUCE ADVERSE VISUAL IMPACT;

C ADEQUATE PROVISION IS MADE FOR RESTORATION OF THE SITE TO A BENEFICIAL AFTERUSE IN THE EVENT OF THE FACILITY BEING NO LONGER REQUIRED.”

all in accordance with Proposed Changes PC311, PC312 (and my conclusions in paragraph 11.6.4 above), PC313 (and my conclusions in paragraph 11.6.5 above), PC314 and PC315;

(ii) **the supporting text to Policy W4 be modified by the insertion of an additional sentence in Paragraph 11.20 in respect of the efficient use of materials, by an additional sentence in Paragraph 11.23 referring to the quantity of biodegradable municipal waste and by the re-wording of Paragraph 11.24, in accordance with Proposed Changes PC316 and PC317 and Further Proposed Change FPC074.**

POLICY OMISSION

DETAILED GUIDANCE

OBJECTIONS

DO/5377/0822 Lafarge Redland Aggregates Ltd
DO/5377/0784 Lafarge Redland Aggregates Ltd

Primary Issues

- 11.8.1
- Whether the Plan should include more guidance on the provision, management and design of waste management facilities.
 - Whether the Plan should identify waste management safeguarding areas.

Inspector's Conclusions

11.8.2 On the first issue, **Lafarge Redland Aggregates Ltd** seeks more specific guidance in the Plan in respect of waste management facilities. However in my judgement Policies W1 to W4, taken together with other policies in the Plan, provide an adequate basis for development control. No modification is therefore warranted.

11.8.3 With regard to the second issue, **Lafarge** argues that the Plan should identify waste management safeguarding areas to perform a similar function as mineral safeguarding areas, namely protecting suitable areas from alternative development and other development from the effects of waste management facilities. However, I have already concluded that the Council's waste management strategy is not yet at a stage when site-specific facilities can be identified [*see under Introduction – Waste Management Chapter*]. Therefore although the suggestion has merit, it would be premature to take this forward in advance of the conclusions of the sub-regional strategy on which the Council is currently engaged. Accordingly, no modification to the Plan is justified.

RECOMMENDATION

- 11.8.4 **That no modification be made to the Plan in response these objections.**
-

Primary Issue

- 12.2.1
- Should the proposed after-use and description of this site in Appendix 9 include references to the need to take into account the existence of a British Gas, Transco pipeline and to access arrangements regarding the possible future development for housing of this site and adjoining land.

Inspector’s Conclusions

12.2.2 Reclamation of the Mill Road site will release some 2 hectares of land for residential development. The **Health & Safety Executive** is concerned that the site is within the consultation distance for the Notified Installation of British Gas, Transco and that there is no reference to this in the policy. The Council proposes certain changes to take this into account and to clarify the site description in Appendix 9 (PC368 and FPC220). I accept the need for these changes, which adequately respond to this objection, and shall endorse them.

12.2.3 The Appendix 9 site description is also subject to another change (PC369) which stems from the objection made by **Cllr Bevan**. This proposes the deletion of a provision limiting the means of access to any future housing scheme from Gwyn Drive thus enabling Mill Road to be used instead. This change appears to satisfy the terms of this objection and I shall endorse it.

RECOMMENDATION

- 12.2.4 **That Appendix 9 be modified by the inclusion within the description of the Policy D1.26 site of additional text as follows “IF RESIDENTIAL DEVELOPMENT WERE PROPOSED ON THE FORMER ALLOTMENTS SITE ALONE, IT WOULD BE WITHIN THE CONSULTATION DISTANCE FOR THE NOTIFIABLE INSTALLATION OF BRITISH GAS, TRANSCO AND THE PRESENCE OF THE INSTALLATION SHOULD BE TAKEN INTO ACCOUNT” and by the deletion of the third sentence regarding access arrangements all in accordance with Proposed Changes PC368 and PC369 and Further Proposed Change FPC220.**

POLICY D1

DERELICT LAND CLEARANCE AND IDENTIFIED SCHEMES

POLICY D1.27

BR SIDINGS & ALL METALS - CAERPHILLY

OBJECTIONS

DO/5460/0873 Greendoorstep (Caerphilly)
DO/5509/1260 Westbury Homes (Holdings) Ltd
PCO/5509/3251 Westbury Homes (Holdings) Ltd

Conditionally Withdrawn

DO/5356/1051 Dwr Cymru - Welsh Water

Proposed Changes PC370, PC371
Further Proposed Change FPC104

Primary Issues

- 12.3.1
- Should the proposed after-use and description of this site in Appendix 9 include provision for a new rail station with a park and ride facility.
 - Should the proposed after-use of this site include provision for part of the site to be used for the construction of the Caerphilly park and ride access road and a proposed south-eastern by-pass for Caerphilly.

Inspector’s Conclusions

12.3.2 With regard to the first issue, the description of the proposed after-use of the site includes provision of a land-form suitable to accommodate a possible new rail station with a park and ride facility. **Greendoorstep (Caerphilly)** supports a new rail station, although not moving the existing location, but argues that the proposed park and ride facility would be prejudicial to high employment opportunities and would promote increased traffic in the Caerphilly Basin area; it says that the expansion plan for the existing park and ride facility would be more than adequate to cater for increased demand. The Council states that it is now considered sufficient simply to extend the existing park and ride facility as planned at the site of the present rail station; the proposal for a new rail station with a park and ride facility has been dropped. PC370 deletes this part of the description of the proposed after-use. This meets **Greendoorstep’s** concern and I shall accordingly endorse this change.

12.3.3 As to the second issue, **Westbury Homes (Holdings) Ltd** argues that land on part of the objection site will be needed for the construction of the proposed park and ride access road and that the western portion of the site will be required for the construction of a south-eastern by-pass as part of its own proposals for the comprehensive development of adjoining land. The Council accepts the first point and PC371 brings forward an appropriate change to the Appendix 9 provisions which I shall endorse.

12.3.4 In respect of the second point, however, there is no justification for any such modification. **Westbury** has raised much the same argument before in relation to Policy T4. I have concluded there that, given the unacceptability of its proposals for the allocation of land for comprehensive development and the fact that the “offer” of a south-eastern by-pass is nothing other than contingent on that development being carried out, any provisions in the Plan regarding such a road would be speculative, inappropriate and inconsistent with national guidance [see under Policy T4.99]. For those same reasons the Appendix 9 site description should not include any reference to such a road.

12.3.5 Finally, I note that the development of this site for industrial and transportation after-uses is dependent on improvement works on the Western Valley and Rhymney Valley

Trunk Sewers. Accordingly, I shall endorse FPC104, which is uncontested, and which has led to the conditional withdrawal of the objection by **Dwr Cymru -Welsh Water**.

RECOMMENDATION

12.3.6 **That:**

(i) **Appendix 9 be modified by the deletion from the description of the Policy D1.27 site of the second sentence and by the inclusion of additional text, all in accordance with Proposed Changes PC370 and PC371 and Further Proposed Change FPC104;**

(ii) **no other modification be made to the Plan in response to the objections made by Westbury Homes (Holdings) Ltd (1260 and 3251).**

POLICY D1

DERELICT LAND CLEARANCE AND IDENTIFIED SCHEMES

POLICY D1.28

FORMER TAR PLANT – CAERPHILLY

OBJECTIONS

DO/5119/0273 Caerphilly & District Civic Society
DO/5460/0864 Greendoorstep (Caerphilly)
DO/5509/1269 Westbury Homes (Holdings) Ltd
LDO/5723/0897 G G Hibbert
PCO/5460/3177 Greendoorstep (Caerphilly)
PCO/5509/3252 Westbury Homes (Holdings) Ltd
PCO/5460/3178 Greendoorstep (Caerphilly)
DO/5460/0866 Greendoorstep (Caerphilly)
(registered under Policy E1.99.11)

Conditionally Withdrawn

DO/5356/1052 Dwr Cymru - Welsh Water

Proposed Changes PC209, PC217, PC372, PC373
Further Proposed Change FPC105

Primary Issues

- 12.4.1
- Should the allocation of land for playing pitches at the former tar plant at Caerphilly be re-instated.
 - Should the proposed after-uses for the reclamation of this site expressly exclude housing and refer only to recreation and employment, or refer only to residential use.
-

Inspector’s Conclusions

12.4.2 With regard to the first issue, the Deposit Draft version of this policy specifies that all derelict land be brought into beneficial use and identifies 28 sites, including the former tar plant at Caerphilly, for appropriate reclamation treatment. This site is also allocated under Policy L5 for the development of new playing pitches. Appendix 9 expands on the proposed after-uses for this site and indicates that as well as the formal recreational use a range of urban uses might be acceptable in principle. The Proposals Map shows that the playing field use encompasses the whole of this site and extends beyond it to the east. At the proposed changes stage this site was deleted from Policy L5 (PC209 and PC217) and reference to the recreation after-use in Appendix 9 was removed (PC372).

12.4.3 **Caerphilly & District Civic Society, Greendoorstep (Caerphilly) and Mr Hibbert** argue that there is a need for playing fields in the Caerphilly area and that the recreational allocation should be retained. The Council justifies its changed position on the grounds that there is insufficient information about the nature and extent of the contamination of the site and, thus, insufficient information on the cost of remediation; and also there are access difficulties to be overcome. These uncertainties together with lack of public funding lead the Council to conclude that there is not a sufficiently realistic prospect of the site being developed for recreational purposes within the Plan period. In addition it says there are a number of other proposals to provide recreational facilities which are capable of intensive use and to improve the existing playing pitch provision in Caerphilly.

12.4.4 I treat those arguments with some caution. The Council acknowledges that there is a shortage of playing fields in Caerphilly. I have examined this matter elsewhere [*see under Policy L5*] and concluded that while the Plan’s failure to address this shortfall is regrettable, there are sound reasons for this and I am satisfied that the Council is taking whatever steps it realistically can to resolve this problem. Nonetheless, a deficiency in provision exists which potentially the present site could help reduce.

12.4.5 As to the Council’s point about the nature and scale of the contamination on this site, considerable information is available from the Environmental Statement submitted in support of the recent planning application submitted by **Westbury Homes (Holdings) Ltd**. I accept that the Plan must be realistic about the likely availability of resources; however funds are available generally for land reclamation as part of the Welsh Development Agency’s land reclamation programme and the Council would have the opportunity to bid for them during the lifetime of the Plan.

12.4.6 However, there is no dispute that this site has a poor access. This argues for flexibility in relation to future uses since, naturally, land uses differ in the scale and pattern of trips which they generate. It is also notable that no particular type of use is expressly excluded by the changed provisions; indeed the Council confirms that playing fields is one of a range of uses which might be suitable.

12.4.7 Given those considerations, I am convinced that on balance the need for flexibility regarding the future use of this site outweighs the normal requirement for the Plan to provide certainty, clarity and positive leadership in its policies and proposals. Thus I shall endorse the proposed changes to Policy L5, the Proposals Map and the description of the proposed after-use of the site in Appendix 9. Although I have previously recommended the relevant changes in relation to other objections [*see under Policy L5.19*], on this occasion for completeness it is appropriate that I do so again.

12.4.8 Regarding the second issue, the Appendix 9 description indicates that the objection site has been considered for mixed uses in the past and lies within the settlement boundary; in view of this a range of urban uses might be acceptable in principle. The **Civic Society** requests that the proposal for a mixed use of the site should be deleted and wants the site used for recreation. **Greendoorstep** and **Mr Hibbert** argue that a housing use should be excluded and that the site should be designated for leisure and/or employment only.

12.4.9 The Objectors argue that housing is not an option as it would be contrary to the concept of sustainability; it is said that Caerphilly Basin has too many houses and additional housing would have a number of adverse impacts on the area, including increasing the need to travel, pressure on public services and a threat to the landscape of Caerphilly Mountain. I disagree with those particular arguments. This is an urban location close to the town centre, the railway station and other public transport services; in terms of the general principles of sustainability it is well placed for consideration for housing development. And in this respect I have already concluded that there is a significant shortfall in housing provision which the Plan needs to address [*see under Part 1 Policy 1H*]. Furthermore national guidance confirms that derelict land should be restored and where possible brought back into beneficial use; also that preference should be given to the development of derelict and waste land, as opposed to greenfield sites. As for the potential effect on public services and the surrounding countryside, this site lies within the defined settlement boundary and is thus deemed by the Plan to be suitable in principle for development; any specific considerations would, as a matter of course during the examination of any future schemes, be taken into account and judged against other relevant policies of this Plan.

12.4.10 The Objectors also argue that although the site is contaminated it is not causing any ‘significant harm’ in terms of the Environmental Protection Act 1990. They argue that there is no real possibility of harm being caused unless the site is significantly disturbed and/or is used for housing. They claim that a leisure or employment use would be a low-risk option for the site and as the Caerphilly Basin has a deficiency of recreational land and a shortage of land for employment such a use would go some way towards correcting the imbalance of land uses in this area.

12.4.11 On the other hand, **Westbury** argues that the level of investment required to reclaim the site for a recreational after-use would be prohibitive and that, as the proposed access and remediation works would be undertaken to the satisfaction of the local authority, the land-use objective for this site should be amended to a residential use. It is also argued in relation to PC373 that reference to the allocation of a smaller area of the playing fields in the eastern portion of the site should be included in the Appendix 9 description; this would be in line with the proposed comprehensive development of the site and adjacent land which includes land for recreation use.

12.4.12 There is clearly no dispute that this site is seriously contaminated although the scale of contamination varies over different parts. As a result of its previous industrial use there are a number of contaminants including polyaromatic hydrocarbons, phenols, arsenic and mercury. Although Objectors argue that the contamination is contained within the site and not causing a risk, the Council says that this site would be a priority for regulatory action when the new statutory regime for the identification and remediation of contaminated land comes into force. Whether this site is ‘contaminated land’ for the purposes of the Part 11A regime of the Environmental Protection Act 1990 is not a matter for me.

12.4.13 In my experience there are very few contaminated or derelict sites which cannot be brought back into beneficial use. However, as the Objectors claim, there are some risks in the movement of contaminants and the remediation of the land. In some circumstances a low-sensitivity end use such as industrial development may be more appropriate than a high-sensitivity end use such as housing. But, to my mind, although it has been shown that the site is seriously contaminated and that dealing with the contamination would require very careful treatment and would be likely to be expensive, insufficient evidence has been presented to demonstrate that, for the purposes of the Plan, this site is incapable of safe and effective remediation and that any particular use should be ruled out.

12.4.14 Clearly a high-sensitivity end use would require more rigorous treatment of the site and be more expensive than a low-sensitivity end use. However, the nature and scale of the contamination and the general dereliction on the site would mean that even preparing the site for a low-sensitivity end use would be likely to require significant remediation. In these circumstances, I consider that assessing the potential risk from the contamination, the various methods of dealing with it, the costs of remediation and the suitability of any proposed use are matters best dealt with at the development control stage based on the detailed approach set out in Policy D7.

12.4.15 As to **Westbury’s** arguments, no evidence has been produced to show that the restoration of the site for a recreational use would be ‘prohibitively’ expensive and in my experience sites like this have often been satisfactorily restored for a ‘soft’ end use such as playing fields. I do not consider, therefore, that a recreational use should be excluded. Further, in the light of my conclusion that no particular use should be ruled out, it would not be appropriate to include in the description of the site a reference to the eastern part being used for playing fields as this could inhibit redevelopment proposals.

12.4.16 Thus, given the foregoing conclusions in respect of contamination and sustainability, I am not convinced that a case has been made out to exclude either a housing use on the site or a recreational use. I agree with the Council that a range of urban uses might be acceptable and accordingly no further modification should be made to the Plan as a result of these objections.

12.4.17 Finally, I note that the development of this site is dependent on improvement works on the Western Valley and Rhymney Valley Trunk Sewers. Thus I shall endorse FPC105 which has led to the conditional withdrawal of the objection made by **Dwr Cymru-Welsh Water**. However, I note that this change, which includes a reference to the capacity of the Rhymney Valley Trunk Sewer, incorrectly adds this to the description of the site as set out in Policy Ref D1.28 as opposed to the changed description in PC372 and PC373. No doubt the Council will rectify this matter when it considers modifications to the Plan.

RECOMMENDATION

12.4.18 **That:**

- (i) **Policy L5 be modified by the deletion of “19. FORMER TAR PLANT, CAERPHILLY” in accordance with Proposed Change PC209;**

(ii) **the Proposals Map be modified by the deletion of the Policy L5(19) allocation in accordance with Proposed Change PC217;**

(iii) **Appendix 9 be modified by the deletion from the description of the Policy D1.28 site of the first sentence and the replacement of the second sentence in accordance with Proposed Changes PC372 and PC373 and further modified by the inclusion of additional text referring to the Rhymney Valley Trunk Sewer in accordance with Further Proposed Change FPC105;**

(iv) **no other modification be made to the Plan in response to the objections made by the Caerphilly & District Civic Society (0273), Greendoorstep (Caerphilly) (0864), Mr Hibbert (0897) and Westbury Homes (Holdings) Ltd (1269 and 3252).**

POLICY D1

DERELICT LAND CLEARANCE AND IDENTIFIED SCHEMES

PROPOSAL D1.99

NANTYDRAENOG RESERVOIR - MYNYDDISLWYN

OBJECTION

DO/5505/1514 Peterson & Roberts

Primary Issue

- 12.5.1
- Should the Nantydraenog Reservoir be included in this policy as an identified scheme.

Inspector’s Conclusions

12.5.2 The Objector argues that this reservoir is no longer used to store water and requires remedial works; thus the Plan should identify this as a derelict structure requiring such works.

12.5.3 Although the Plan does not set out any criteria for the selection of identified schemes, I agree with the Council that this policy should limit itself to schemes which would provide opportunities for beneficial built development, additional community facilities or, in the case of prominent eyesores, improvements to the attractiveness of the locality to inward investment. Remedial works to the reservoir would not, it seems, meet any of the above tests; furthermore the site is in a relatively remote area and can only be reached over narrow roads. In view of those considerations, and the fact that no evidence has been produced of the kind of remedial works which the Objector envisages or of any public benefit that might arise, there is nothing to justify any modification to the Plan.

RECOMMENDATION

12.5.4 **That no modification be made to the Plan in response to this objection.**

POLICY D3

DEVELOPMENT BRIEFS AND SUPPLEMENTARY PLANNING GUIDANCE

OBJECTION DO/5541/1268 Campaign for the Protection of Rural Wales

Proposed Change PC320

Primary Issue

12.6.1 • Should the wording of the supporting text be clarified by the removal of the phrase “as in simpler cases”.

Inspector’s Conclusions

12.6.2 Policy D3 provides for the preparation of development briefs for reclamation schemes. The **Campaign for the Protection of Rural Wales** objects to the wording of part of the supporting text and suggests that a particular provision be deleted. The Council has now come to the view that Policy D3 is superfluous because it is a duplication of the general development policy (DC3) which has been introduced as a proposed change and which I am recommending [*see under Policy Omission – General Development Chapter*]. It therefore proposes to delete Policy D3 and its supporting text (PC320). In these circumstances, I agree with the deletion of this policy and clearly this overcomes the present objection.

RECOMMENDATION

12.6.3 **That Policy D3 and the supporting text be deleted in accordance with Proposed Change PC320.**

POLICY D7

CONTAMINATED LAND

OBJECTIONS : DO/5394/1635 The Principality Pensions Trust

Conditionally Withdrawn

DO/5541/1704 Campaign for the Protection of Rural Wales
DO/5698/1691 Environment Agency Wales
DO/5638/1587 The House Builders Federation
DO/5541/1328 Campaign for the Protection of Rural Wales
DO/5541/1335 Campaign for the Protection of Rural Wales

Proposed Changes PC322, PC323, PC324, PC325, PC326, PC327, PC328

Primary Issue

- 12.7.1
- Whether the policy should be worded more positively to encourage the redevelopment of contaminated land.

Inspector’s Conclusions

12.7.2 Policy D7 specifies that development on contaminated land will not be permitted unless a number of criteria have been fulfilled. The **Principality Pensions Trust (PPT)** argues that the policy should be worded more positively to encourage the redevelopment of such land. The Council has produced PC322 which introduces a more positive approach; although the objection has not been conditionally withdrawn, in my opinion this change overcomes **PPT’s** concern.

12.7.3 A number of other objections were made to the wording of this policy and to the supporting text. The Council broadly accepts these criticisms and proposes changes which provide for a replacement policy and supporting text (PC322, PC323, PC324, PC325, PC326 and PC327). These changes have led to the conditional withdrawal of objections made by the **Campaign for the Protection of Rural Wales**, the **Environment Agency Wales** and the **House Builders Federation** and they have not been contested. Accordingly, I shall endorse PC322 and PC323 as well as PC328 which now consolidates into one all of the remaining 4 changes referred to above.

RECOMMENDATION

12.7.4 **That:**

- (i) **Policy D7 be modified by the deletion of the existing text and the substitution therefor of new wording in accordance with Proposed Change PC322;**

(ii) the supporting text to Policy D7 be modified by the inclusion before Paragraph 12.17 of a new paragraph explaining the Council’s approach to the operation of the Environmental Protection Act and by the deletion of Paragraphs 12.17 to 12.21 and the inclusion of replacement paragraphs all in accordance with Proposed Changes PC323 and PC328.

OBJECTIONS RELATING TO OTHER LAND RECLAMATION AND CONTAMINATED LAND POLICIES

OBJECTIONS

Conditionally Withdrawn

DO/5541/1267	Campaign for the Protection of Rural Wales
DO/5694/0852	The National Assembly for Wales
DO/5356/1040	Dwr Cymru - Welsh Water
DO/5356/1041	Dwr Cymru - Welsh Water
DO/5356/1042	Dwr Cymru - Welsh Water
DO/5351/2014	Welsh Development Agency
DO/5356/1043	Dwr Cymru - Welsh Water
DO/5356/1048	Dwr Cymru - Welsh Water
DO/5414/0551	Powerscreen International Ltd
DO/5698/1690	Environment Agency Wales

RECOMMENDATION

12.8.1 That the Plan be modified in accordance with Proposed Changes PC319, PC360, PC363, PC364, PC365, PC367, PC321 and Further Proposed Changes FPC099, FPC100, FPC101, FPC102, FPC103.

TOPIC 13

UTILITY SERVICES

POLICY U1

PUBLIC UTILITIES PROVISION

OBJECTIONS

DO/5696/1529 Countryside Council for Wales

Conditionally Withdrawn

DO/5541/1766 Campaign for the Protection of Rural Wales

DO/5277/0282 National Grid Company Plc

DO/5403/0434 Swalec Plc

Proposed Changes

PC329, PC331, PC333

Primary Issue

- 13.1.1
- Should Criterion A refer explicitly to Sites of Special Scientific Interest (SSSIs) and protected species.

Inspector’s Conclusions

13.1.2 This policy aims to ensure that operational development by statutory undertakers does not cause harm to the character and appearance of the built and natural environment; however in addition to that general statement, Criterion A specifies a number of designation areas wherein particular attention would be paid to those considerations. The **Countryside Council for Wales (CCW)** says that SSSIs and protected species similarly deserve special attention and should therefore also be identified in this policy.

13.1.3 The Council argues that since these suggested additional categories are national “designations” and are protected by other legislation it is unnecessary to include them here; its practice has been to refer only to local designations in such circumstances. However to my mind there is some merit in the objection although the **CCW’s** suggestion is not the solution. Despite the Council’s explanation, which does not appear in the Plan, this criterion is framed in such a way as to imply that only the specified designation areas would be the subject of “particular” consideration under the terms of this policy and that all other parts of the County Borough, whether the subject of other legislative controls or not, would be of lesser concern to the Council. It is clearly not right that this policy should give this impression since, bearing in mind the relative status of national and local designations, this is inappropriate and creates confusion; and, I perceive, it is not in any event an impression which the Council intends.

13.1.4 In my judgement this dilemma can best be resolved by deleting from the policy itself all reference to the specific designations and referring instead in general terms to “areas or sites which are identified in the Plan for their landscape, nature conservation, historic or archaeological interest”. The supporting text would be the place for any reference to specific designations. And in this respect I consider that SSSIs should be included here,

given their significance in the general field of planning controls. The text should also confirm that operational development which might affect the setting of a listed building (albeit not a “designation” as such) or the habitat of protected species would come within the scope of this policy. This approach is perfectly appropriate given the nature of the development in question and the limitations of the Council’s powers in this process as compared with the determination of general development proposals. I shall recommend accordingly; a minor modification to Criterion B will also be necessary for grammatical reasons.

13.1.5 Lastly I shall endorse PC329, PC331 and PC333 subject to any necessary modification arising from my foregoing conclusions; these have led to the conditional withdrawal of objections made by the **Campaign for the Protection of Rural Wales**, the **National Grid Company Plc** and **Swalec Plc** and have not been challenged. The Council has also asked me to recommend PC330 and PC332; however these have not arisen from, or led to the conditional withdrawal of, any objection before me and I therefore leave it to the Council to pursue these changes as it sees fit.

RECOMMENDATION

13.1.6 **That:**

(i) **Policy U1 be modified by the revision of its text so as to read:-**

“OPERATIONAL DEVELOPMENT BY STATUTORY UNDERTAKERS WILL ONLY BE SUPPORTED BY THE COUNCIL WHERE IT CAN BE DEMONSTRATED THAT:-

A THE DEVELOPMENT WILL NOT HAVE AN UNACCEPTABLE ADVERSE EFFECT ON THE CHARACTER AND APPEARANCE OF THE BUILT AND NATURAL ENVIRONMENT, PARTICULARLY IN AREAS OR ON SITES WHICH ARE IDENTIFIED IN THE PLAN FOR THEIR LANDSCAPE, NATURE CONSERVATION, HISTORIC OR ARCHAEOLOGICAL INTEREST; AND

B WHERE DEVELOPMENT PROPOSALS AFFECT SUCH IDENTIFIED AREAS OR SITES, MITIGATION MEASURES WILL BE SOUGHT TO REDUCE THE EFFECTS ON THOSE LOCATIONS.”

in accordance with Proposed Changes PC329 and PC331 and my conclusions in paragraph 13.1.4 above;

(ii) **the supporting text to Policy U1 be modified by the inclusion of additional text specifying the designation areas and sites to which Criterion A particularly refers and including a reference to the setting of listed buildings and the habitat of protected species, and by the revision of the text in Paragraph 13.7, all in accordance with my conclusions in paragraph 13.1.4 above and Proposed Change PC333.**

OBJECTIONS RELATING TO OTHER UTILITY SERVICES POLICIES

OBJECTIONS

Conditionally Withdrawn

DO/5541/1767	Campaign for the Protection of Rural Wales
DO/5694/0833	The National Assembly for Wales
DO/5277/0281	National Grid Company Plc
DO/5403/0437	Swalec Plc
DO/5403/0442	Swalec Plc
DO/5423/0412	British Telecommunications Plc
DO/5694/0836	The National Assembly for Wales

RECOMMENDATION

13.2.1 **That the Plan be modified in accordance with Proposed Changes, PC334, PC335 and PC336.**

TOPIC 14

COMMUNITY FACILITIES

POLICY CF3

SITE ALLOCATIONS FOR COMMUNITY USE

LAND AT PENRHOS, CAERPHILLY

OBJECTION

LDO/5729/1806 Duffryn Ffrwdd (Newtown) Estate Ltd
(reported under Policy H1.99.75)

Inspector’s Comment

14.1.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy H1.99.75.

POLICY CF3

SITE ALLOCATIONS FOR COMMUNITY USE

FORMER CONCRETE WORKS, DERI

OBJECTION

LDO/5738/1887 Friends of the Earth
(reported under Policy H1.6)

Inspector’s Comment

14.2.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy H1.6.

POLICY CF3

SITE ALLOCATIONS FOR COMMUNITY USE

CROSSKEYS COLLEGE ANNEXE, RISCA

OBJECTION

DO/5369/0536 Petition~Old Pontymister School Site
(reported under Policy R3.5)

Inspector’s Comment

14.3.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy R3.5.

POLICY CF4

LIBRARIES AND COMMUNITY FACILITIES

CAERPHILLY LIBRARY, CAERPHILLY

OBJECTION DO/5119/1909 Caerphilly & District Civic Society

Proposed Change PC345

Primary Issue

14.4.1 • Should the Plan give high priority to the relocation of Caerphilly Library.

Inspector’s Conclusions

14.4.2 I understand from the Council’s evidence that the replacement of Caerphilly Library is the main priority of its Community Education, Leisure and Libraries Strategy. This strategy however is not within the scope of the UDP and in the circumstances the Council considers that the future Caerphilly Town Centre Action Plan, a document which would support the UDP, provides a more appropriate means by which a new library site could be identified; a number of options are under consideration but nothing has yet been finalised. In this regard the Council proposes to include in the UDP a suitable reference to the Action Plan and expressly to the intention to identify a library site (PC345).

14.4.3 Given those circumstances, not least the absence of any identified site for the library, I conclude that the UDP cannot reasonably take this matter any further. I shall therefore endorse PC345.

RECOMMENDATION

14.4.4 **That:**

- (i) **the supporting text to Policy CF4 be modified by the inclusion of additional text in accordance with Proposed Change PC345;**
- (ii) **no other modification be made to the Plan in response to this objection.**

POLICY CF5

NEW SCHOOL BUILDINGS

OBJECTIONS

DO/5541/1769 Campaign for the Protection of Rural Wales
DO/5460/1216 Greendoorstep (Caerphilly)

Proposed Change

PC346

Primary Issues

- 14.5.1
- Whether pedestrian and cycle routes to Cwrt Rawlin School should be improved and protected.
 - Whether this policy should refer to access to new schools by public transport.

Inspector’s Conclusions

14.5.2 As to the first issue, Policy CF5 specifies criteria against which new school proposals will be judged; Criterion B refers to safe routes to school. **Greendoorstep (Caerphilly)** says that the Plan should safeguard land for safe cycling routes to the proposed new Cwrt Rawlin School; certain footpaths in the area of this school are identified which, it is argued, should be upgraded for cycling purposes.

14.5.3 This policy is criteria based and is aimed at ensuring that the design of new schools meets satisfactory standards, not least in terms of access. It does not however make provision for new schools itself, nor does it seek to define or safeguard access routes to schools. Given those considerations, I can find no reason why an entirely new dimension should be added to this policy as **Greendoorstep** now suggests. The application of the specified criteria would provide the necessary safeguards to ensure that proper access arrangements are put in place. Indeed the proposals for Cwrt Rawlin School are, to my mind, proof of this. Permission has recently been granted for this school and certain conditions require enhanced pedestrian and cycle links. Thus no modification to the Plan is warranted.

14.5.4 Regarding the second issue, Criterion C seeks the provision of safe and convenient traffic circulation within school sites. The **Campaign for the Protection of Rural Wales** calls for the deletion of this criterion essentially on the grounds that greater encouragement should be given to the use of public transport for school journeys. However I see nothing wrong in principle with this criterion. This policy cannot be read in isolation; there are others in the Plan, notably Policy DC1 (Criterion G) which promote the use of public transport and discourage the use of the private car and these provisions would equally apply to any future school development proposals. This point does not need to be repeated in Policy CF5. Nor is the disputed Criterion C inconsistent with those other provisions; it is simply an acknowledgement that where necessary vehicular activity arises at school grounds it should be accommodated in a safe and convenient way for the benefit of drivers and pedestrians alike. This is entirely reasonable and appropriate.

14.5.5 However the Council has seen fit to alter this criterion so as to strengthen the point about the need for pedestrian and vehicular segregation (PC346). This is sensible and I shall endorse this change.

RECOMMENDATION

14.5.6 **That:**

(i) **Policy CF5 be modified by the revision of the text in Criterion C so as to read:-**

“SEGREGATE TRAFFIC WITHIN THE SITE TO ENSURE THE PROVISION OF SAFE AND CONVENIENT PEDESTRIAN CIRCULATION, TAKING PARTICULAR ACCOUNT OF PEDESTRIAN/VEHICULAR CONFLICT AND DROPPING OFF AND PICKING UP POINTS; AND”

in accordance with Proposed Change PC346;

(ii) **no other modification be made to the Plan in response to these objections.**

POLICY CF6

SITES FOR SCHOOL USE

POLICY CF6.5

LAND EAST OF WARNE STREET, FLEUR-DE-LYS

OBJECTION

DO/5588/1364 M Gardener

Primary Issue

14.6.1 • Should the allocation site be safeguarded for the purposes of a hospital.

Inspector’s Conclusions

14.6.2 The Plan allocates a large area of land within the settlement of Fleur-de-Lys for school use. The Objector contends that this site has previously been dedicated for the purposes of a hospital which is much needed; it is argued that the Plan should acknowledge this with an appropriate allocation and that an alternative site for the school could be found in the locality.

14.6.3 I note from the Council’s evidence that the Health Authority has not identified any need for a new hospital at this location; accordingly there is no justification for any such

allocation here. Also, perhaps more importantly, planning permission has now been granted for the development of a secondary school on this site thus clearly establishing its appropriateness for such use. For these reasons no modification should be made to the Plan.

RECOMMENDATION

14.6.4 **That no modification be made to the Plan in response to this objection.**

POLICY CF6

SITES FOR SCHOOL USE

CF6.99.3

LAND AT MILL FARM, MACHEN

OBJECTION

DO/5650/1098 Mrs F Pembridge
(reported under Policy DC2.99.57)

Inspector’s Comment

14.7.1 This objection is fully considered, and is the subject of an appropriate recommendation, under Policy DC2.99.57.

POLICY CF6

SITES FOR SCHOOL USE

CF6.99.5

DERI

OBJECTION

LDO/5738/1885 Friends of the Earth

Primary Issue

14.8.1 • Should the Plan include provision for a new school at Deri.

Inspector’s Conclusions

14.8.2 The Objector’s contention that a new school is needed in Deri is based on a flawed assumption about the likely increase in school-age population arising from estimated house completions in this locality. The Council’s figures confirm that the expected increase in the need for school places would not create a requirement for the provision of additional

accommodation; there is no compelling evidence to the contrary. No modification to the Plan is therefore warranted.

RECOMMENDATION

14.8.3 **That no modification be made to the Plan in response to this objection.**

POLICY CF9

CEMETERIES

POLICY CF9.1

LAND ADJACENT TO OLD NANTGARW ROAD, CAERPHILLY

OBJECTIONS

DO/5419/0526 Mr & Mrs D & A Bosse
DO/5697/0690 Caerphilly Garden Centre
DO/5472/1291 T J H Evans

Conditionally Withdrawn

DO/5260/0300 Mr & Mrs W J Duffell
LDO/5729/2000 Duffryn Ffrwdd (Newtown) Estate Ltd
DO/5266/0301 Mr & Mrs W & C Jones
DO/5288/0294 N & C Monaghan

Further Proposed Change FPC231

Primary Issue

14.9.1 • Whether, for environmental and locational reasons, the allocation of this site for the purposes of a cemetery should be deleted.

Inspector’s Conclusions

14.9.2 Since the publication of the Deposit Draft Plan the Council has investigated further the land ownership situation regarding the allocation site. It has been discovered that none of the several landowners is prepared to sell to the Council, or indeed to allow it to carry out the necessary ground investigations in order to establish the site’s suitability for cemetery purposes. In these circumstances, the Council has decided to abandon its proposals and FPC231 confirms the deletion of the contested allocation. Although this has not led to the conditional withdrawal of every objection, clearly all Objectors would be satisfied with this change. Accordingly I shall endorse it.

RECOMMENDATION

14.9.3 **That Policy CF9 be modified by the deletion of the initial provisions including the first allocation site so as to read:-**

“LAND IS ALLOCATED FOR THE EXTENSION OF EXISTING CEMETERIES AT:

- 1 LAND TO THE NORTH OF RHYMNEY CEMETERY**
- 2 LAND EAST OF BEDWELLY CEMETERY**
- 3 LAND TO THE EAST OF ABERCARN CEMETERY**
- 4 ADJACENT DAN-Y-GRAIG CEMETERY, RISCA”**

and by the deletion from the Proposals Map of the allocation for cemetery purposes (Policy CF9) of the objection site all in accordance with Further Proposed Change FPC231.

POLICY CF9

CEMETERIES

POLICY CF9.5

ADJACENT TO DAN-Y-GRAIG CEMETERY, RISCA

OBJECTION

DO/5540/1468 Danygraig Residents Association

Primary Issue

- 14.10.1
- Whether, for access and parking reasons, the allocation of this land for cemetery purposes should be deleted.

Inspector’s Conclusions

14.10.2 Dan-y-Graig Cemetery lies at the edge of the settlement of Risca and is approached along Tir-y-Cwm Road which is a short, narrow street that also currently serves a string of residential properties. The Plan allocates an area of adjoining land for the purposes of an extension to the cemetery.

14.10.3 The **Danygraig Residents Association** is concerned, because of the limited off-street car parking facilities at the cemetery, about the prospect of additional parking occurring along this road causing further congestion and traffic problems. Also fears are expressed about the possibility that the nearby Tir-y-Cwm Lane would be used as an alternative means of access.

14.10.4 There is no dispute about the need for additional cemetery land. As for the **Association’s** concern about increased traffic/parking activity, since the extended cemetery would continue to serve the same area of population as now I accept the Council’s point that there is no reason to believe that present scale of use would necessarily intensify. Thus additional traffic-related problems should not arise. I also understand that there are plans to improve the existing off-street parking arrangements at the cemetery and the Council confirms that there is no intention to use Tir-y-Cwm Lane as an alternative means of access. In these circumstances, there is nothing to warrant any modification to the Plan.

RECOMMENDATION

14.10.5 **That no modification be made to the Plan in response to this objection.**

POLICY CF10

AMBULANCE, FIRE AND POLICE

POLICE STATION AT YSTRAD MYNACH

OBJECTIONS

DO/5605/0498 Mr R S Jackson
DO/5601/0657 Mr T Jackson
DO/5332/0396 Mrs N H Mason
DO/5463/1262 Mr J Williams

Primary Issue

- 14.11.1
- For environmental and residential reasons, should the allocation of this site for a police station be deleted.

Inspector’s Conclusions

14.11.2 Land within the settlement of Ystrad Mynach is allocated for the purposes of a police station. The Objectors claim that this site should be retained for recreational purposes and that it is wrong to develop greenfield land; it is also argued that it is inappropriate to locate the proposed facility (described as a semi-prison) close to residential properties, a school and a children’s park.

14.11.3 The Plan confirms that the Police Authority has identified a need for a new station at Ystrad Mynach. The allocation site has been deemed suitable for this purpose and, in fact, since the publication of the UDP a planning permission has been granted for the erection of a 31-cell custody unit and sectional police station on the identified land. The Council says that all the matters which are now being raised by the Objectors were taken into account during the consideration of that proposal and, from what I have seen of the relevant background papers, I have no reason to doubt this. I am mindful that **Mrs Mason** challenges the Council’s procedures leading up to that decision but this is not a matter for me. The fact

is that permission has been granted for this development and nothing which the Plan might say about this site could prevent the implementation of this permission. In these circumstances, I can find no reason for any modification to the Plan.

RECOMMENDATION

14.11.4 **That no modification be made to the Plan in response to these objections.**

POLICY CF11

COMMUNITY BENEFITS

OBJECTION

DO/5696/1491 Countryside Council for Wales

Conditionally Withdrawn

DO/5638/1579 House Builders Federation

DO/5541/1363 Campaign for the Protection of Rural Wales
(all reported under Policy Omission – General Development Chapter)

Inspector’s Comment

14.12.1 These objections are fully considered, and are the subject of an appropriate recommendation, under Policy Omission - General Development Chapter.

OMISSION

NEW SITE

CF.99.7

LAND AT BRYN ROAD, BLACKWOOD

OBJECTION

DO/5145/2087 Mr & Mrs R Squibbs

DO/5159/2037 Mr & Mrs C Swain

Primary Issue

14.13.1 • Should this site be allocated for school purposes.

Inspector’s Conclusions

14.13.2 The Plan allocates this site for housing purposes. I deal with numerous objections to that allocation elsewhere in this report [see under Policy HI.20]. For the reasons identified there, not least the fact that planning permission has now been granted for

the residential development of this land, there is no justification for any allocation for an alternative use. However in addition I note from the Council’s evidence which is based on a detailed analysis of schools provision that there is, contrary to the assertions made by the Objectors, no requirement for another school in this locality and therefore no necessity for this site to be allocated for such purposes. Thus I conclude that no such modification should be made to the Plan.

RECOMMENDATION

14.13.3 **That no modification be made to the Plan in response to these objections.**

POLICY OMISSION

ALLOTMENTS

OBJECTION

DO/5541/1771 Campaign for the Protection of Rural Wales

Primary Issue

- 14.14.1
- Should the Plan include a policy aimed at protecting allotments from development and should they be identified on the Proposals Map.

Inspector’s Conclusions

14.14.2 The Objector claims that despite the reference to the protection of allotments in the text supporting Policy L1, a specific new policy in this regard should be included in the Plan. A policy in the following terms is suggested:-

“Development on allotments will not be permitted unless it can be clearly demonstrated that the need for them no longer exists in a given location or the developer can provide adequate replacement land.”

14.14.3 To my mind a new policy of this sort is unnecessary. Policy L1 is designed to prevent the loss of existing leisure facilities due to development unless, among other things, there is evidence that the facility is surplus to requirements or an alternative location is provided by the developer. The supporting text confirms that allotments are intended to be protected by these provisions. There is no need to duplicate these controls by the inclusion of a subject-specific policy. Similarly no purpose would be served by identifying allotments on the Proposals Map. Thus no modification to the Plan is warranted.

RECOMMENDATION

14.14.4 **That no modification be made to the Plan in response to this objection.**

OBJECTIONS RELATING TO OTHER COMMUNITY FACILITIES POLICIES

OBJECTIONS

Conditionally Withdrawn

DO/5541/1340	Campaign for the Protection of Rural Wales
DO/5541/1768	Campaign for the Protection of Rural Wales
DO/5460/2067	Greendoorstep (Caerphilly)
DO/5541/1349	Campaign for the Protection of Rural Wales
DO/5460/1649	Greendoorstep (Caerphilly)
DO/5541/1770	Campaign for the Protection of Rural Wales
DO/5694/0838	The National Assembly for Wales
DO/5541/1352	Campaign for the Protection of Rural Wales
DO/5541/1355	Campaign for the Protection of Rural Wales

RECOMMENDATION

14.15.1 **That the Plan be modified in accordance with Proposed Changes PC338, PC339, PC342 [also previously recommended under Leisure Chapter – Policy Omission], PC343, PC347 [also previously recommended under Leisure Chapter – Policy Omission], PC348, PC349 and PC350.**

OTHER MODIFICATIONS AND REPRESENTATIONS

15.1.1 The modifications which I have formally recommended stem directly from my examination of the submitted objections; additionally, some arise in circumstances where, in the case of those policies which are before me, there is an obvious need for internal consistency within the Plan. Also, in a few instances I have recommended that the Council should consider pursuing a course of action which is appropriate either as a consequence of those modifications or in circumstances where there is a clear conflict with certain provisions of national guidance. In addition it will no doubt become evident to the Council that as a result of my recommendations further consequential modifications will be necessary. In particular there may be policies in the Plan, on which I make no comment in this report because I have no remit to address them, which adopt a format or employ terminology similar to others which I have recommended should be modified. The Council may consider it appropriate that any such policies should also be modified in a comparable manner in order that a consistent and readily understandable approach is adopted in the style and presentation of the Plan’s provisions.

15.1.2 Also there are several amendments included in the Council’s Proposed Changes, Further Proposed Changes and Suggested Changes documents which do not arise from specific objections and for this reason it is unnecessary for me to make recommendations regarding them; these are matters for the Council to pursue as it sees fit at the modifications stage. In the limited number of individual cases where the Council has asked me formally to recommend such changes I have explained the position in my conclusions. However I have borne certain of these changes in mind, where appropriate, when reaching my conclusions on particular objections.

15.1.3 A considerable number of representations were formally submitted by various organisations, firms and individuals in support of the Plan. I confirm that I have read all such representations and, where appropriate, taken them into account in coming to my conclusions.

15.1.4 There is one further modification which I intend recommending. It arises from my examination of a number of individual cases and should be regarded as a partial response to them, but it essentially relates to a general matter which has a bearing in effect on the whole Plan. The Appendices document has been produced as a free-standing item. It contains a range of information, for example on housing land figures, schedules of nature conservation sites, retail centres and site descriptions under various topic headings.

15.1.5 There are numerous cross-references to its contents throughout the Plan; however nowhere is there any formal recognition of its status. In the initial section of the Plan entitled “Development Plan Process” there is an explanation of what the UDP comprises; the Appendices document is not mentioned. Nor, conversely, is it identified in the preceding paragraphs which describe supporting documents which expressly do not form part of the Plan.

15.1.6 I am aware that the Appendices document accompanied the Plan throughout the UDP process and has been subject to the same public consultation procedures. Objections to its contents have been made and were considered by the Council, and I have of course dealt with them as necessary.

15.1.7 Given those circumstances, I consider that it should be formally acknowledged that the Appendices document is part of the UDP and accordingly a suitable revision should be made to Part 5 (Form of the Plan) of the section entitled “Development Plan Process”.

RECOMMENDATION

15.1.8 **That the Plan be modified by the inclusion in the initial section entitled “Development Plan Process” under the fifth item “Form of the Plan” of additional text confirming that the Appendices document forms part of the UDP.**
