



Caerphilly County Borough Local Development Plan

Hearing Session 11 Outstanding Matters MATTERS ARISING

Examination 2010

CAERPHILLY COUNTY BOROUGH COUNCIL SUBMISSION

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INTRODUCTION

- 1.1 This paper has been produced in direct response to issues raised at Hearing Session 11: *Miscellaneous Matters* held on 29 May 2010, at the request of the inspector (Mr Alwyn Nixon).

SESSION 3 AFFORDABLE HOUSING

- 2.1 Further to discussion at the hearing session concerning the requirements for new buildings to meet code level 3 of the Code for Sustainable Homes plus 6 credits under Ene 1, clarification has been sought from the Welsh Assembly Government to determine if this refers to an additional 6 credits as contended by the HBF or an additional single credit.
- 2.2 National guidance indicates that applications should meet " Code for Sustainable Homes Level 3 and obtain 6 credits under issue Ene 1 - Dwelling Emission Rate".
- 2.3 Under Code Level 3, 5 energy credits are mandatory resulting in a 25% Improvement of DER over TERT. To obtain 6 credits this would take the property to 31% Improvement of DER over TER which equates to 6 energy credits. The HBF contend that the guidance is for 6 **additional** credits taking a property to 69% Improvement of DER over TER which equates to 11 energy credits (the mandatory 5 plus an **additional 6** credits). This would take the property to high code level 4 in respect of energy credits.
- 2.4 Outlined below is the response received from the Welsh Assembly Government:
"Future changes to the Code for Sustainable Homes and Planning for Sustainable Buildings (Section 4.11, Planning Policy Wales [Edition 2, June 2010]) and TAN22
 1. The UK Government have consulted on changes to the Code for Sustainable Homes which would take effect from October 1st 2010 (*Sustainable New Homes – The Road to Zero Carbon: Consultation on the Code for Sustainable Homes and the Energy Efficiency standard for Zero carbon Homes*, CLG, 2009). These changes are intended to (i) align the Code with the latest development on the zero carbon homes policy, (ii) streamline the standard and processes and (iii) resolve problems that have arisen in use. These changes would also take place at the same time as proposed changes to Building Regulations in England and Wales from 1st October 2010.
 2. The most pertinent proposed change of relevance to section 4.11 *Planning for Sustainable Buildings* (PPW) is the reallocation of the number of credits in the Ene1 Energy/CO2 category. This concerns the percentage improvement of carbon emissions above Part L Building Regulations 2006 (Changes to BR are to take effect on 1st October 2010).
 3. Under the **current** Code for Sustainable Homes there are 15 credits that can be obtained under this category. The *Planning for*

Sustainable Buildings (PPW) national planning policy expects those applications subject to the policy achieve **6 of these credits**, which would result in a **31% improvement** in the carbon emissions rate over Part L Building Regulations 2006.

4. The Code consultation proposes to amend this category and re-allocate them to an amended category on fabric energy efficiency (and align them to BR 2010). As a result (from October 2010), **6 credits** under Ene1 would require a **69% improvement**, while **1 credit** would result in a **31% improvement**.
5. However, these proposed amendments to the Code for Sustainable Homes have **not yet been** finalised by CLG, and so the current Code where 6 credits requires a 31% improvement still remains.
6. While local authorities would be able to take this into account in taking decisions on applications from October 2010, to avoid confusion the Assembly Government have indicated that Section 4.11 *Planning for Sustainable Buildings* (PPW) will be amended to reflect the proposed changes to the Code for Sustainable Homes from October 2010 once these have been finalised by CLG (expected Summer 2010).
7. This is likely to amend the policy wording to expect only 1 credit under Category Ene1, which will continue the 31% improvement requirement (residential only).
8. There would not be any consequential impact on the policy, or the outcome of the policy.

The details of the CLG consultation can be found here <http://www.communities.gov.uk/publications/planningandbuilding/futureofcodeconsultation> »

SESSION 6 TRANSPORT

- 2.5 During discussion of TR7.1 Aberbargoed to Bedwellty Relief Road, the council agreed to supply a map extract from the Rhymey Valley District Local Plan, showing the proposed road, along with other transport and housing proposals. The Map is appended at the end of this document as Appendix 1.

SESSION 9 MINERALS AND WASTE

- 2.6 As a consequence of representations made by Miller Argent and discussion with the Inspector at the Hearing Session. It is suggested that Policy MW1 as contained in Appendix 3 of ES11.1 be amended as follows:

“MINERALS AND WASTE MANAGEMENT RAIL HANDLING FACILITIES

Specific Rail Minerals and Waste Handling Site

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

MW 1.1 Cwmbargoed Disposal Point, north west of Fochriw

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

2.6 In addition the Description for the site contained at Appendix 4 of ES11.1 which outlines a proposed amendment to Appendix 6 of the LDP be amended to read:

“MINERALS AND WASTE MANAGEMENT RAIL HANDLING FACILITIES – SITE DESCRIPTION

(MATTERS ARISING CHANGE ?.)

Specific Rail Minerals and Waste Handling Site

MW1 A railhead site is identified as suitable for minerals handling and despatch and rail transport-related waste management facilities, as follows:

MW1.1 Cwmbargoed Disposal Point, north west of Fochriw

This is a brownfield site substantially occupied by a coal preparation and despatch facility. The site complex continues into Merthyr Tydfil CBC area in two small parcels. It lies on the edge of the Ffos-y-Fran Land Reclamation Scheme and has direct access to the rail network. The coal disposal point has its own railhead and other associated industrial / mineral land uses have been accommodated in the past. Aggregate handling and despatch, rail transport-related waste management facilities and other appropriate employment activities relying on the rail head facility and satisfying the sustainability principles of the Plan, would be acceptable land uses on this site. A tiny sliver of land within the allocated site has been identified as a SINC any future proposals should have regard to the presence of the SINC and provide sufficient mitigation in terms of any likely impact on this part of the site.”

2.7 The suggested supporting text for Policy CW17 was considered at the Hearing Session and it was suggested that the text be amended to read:

“Minerals development is unique in that it can only happen where the minerals occur. There are substantial mineral resources within the county borough, including resources of shallow coal, limestone, sandstone and sand and gravel all of which are indicated on the Proposals Map. In addition some of the coal resources in the county borough also have the potential to contain economically viable amounts of coal bed methane and two licenses (PEDL) have been granted for their exploration and development, although the PEDL also relates to the exploration of on shore oil and gas. The license areas are indicated at Appendix X.

Any proposals for the winning or working of minerals will be considered in the context of national guidance together with the countywide polices and

appropriate site-specific policies contained within the LDP. Development proposals that do not present specific locally distinct issues will be assessed in accordance with the requirements of national planning policy.”

ANNEX 3

Session 1 Overall Strategy & Policy Matters (CCBC MA1.1)

Policy SP7

- 3.1 2nd line of policy should read: ”necessary to remove obstacles **to** planned development....”.

Policy SP12

- 3.1 Reference should be MAC85

CW9 Trees, Woodland and Hedgerow Protection

- 3.2 (i) Agree to remove reference to ancient woodland and veteran trees from Line 2.
- (ii) Sub-clause B - Agree to delete ”prior to and”.
- (iii) Sub-clause D – Agree that “ are removed” should be included in MAC71
- (iv) New Para 2.21 – Amend to read:
“Where the loss of trees, woodlands and hedgerows is unavoidable, the loss should be minimised by providing appropriate replacements. Replacing these features will ensure that the overall amenity, landscape and/ or biodiversity value of the immediate and wider setting is protected and conserved.”

CW22 Locational Constraints – Conversion, Extension and Replacement of Buildings in the Countryside

- 3.3 Noted

Cwxx Water Protection Policy

- 3.4 Agree to amend policy heading to “ Protection of the Water Environment”

Hearing Session 2 and 3 – Policy Clarifications (CCBC MA2.1)

Policy SP7 Planning Obligations

- 3.5 Noted

Policy SP16 Total Housing Requirement

- 3.6 Noted

Hearing Session 4 – Site Specific (CCBC MA4.1)

HG1.53 Pen-y-Cwarel Road, Wyllie

- 3.7 Amend Appendix 7 HG1.53 (MAC74), to reflect wording proposed in MA4.1.

HG1.22 Park Estate Bargoed

3.8 The correct spelling is 'Taraggan' and not 'Taragon'

Matters arising from other Hearing Sessions

3.10 Noted

ANNEX 4: OTHER MATTERS NOT DISCUSSED AT EARLIER SESSIONS

4.1 Point 1 – LDP Monitoring Framework – Appendix 19

SP1 – At the hearing concern was expressed over the period of time included in the Trigger Level for the third Monitoring Factor. It is important for the Trigger Points in the Framework to be effective during the operational period of the plan, particularly in between general reviews that should be undertaken every 4 years. Given this the 4 year period is too long as it would be unlikely to inform the monitoring process other than at the 4 year revision periods. Consequently it is recommended that the Trigger Level be reworded as follows:

“2 consecutive years of no increase”

SP2 – It was advised that there was an error of calculation for the Base Level for the second Monitoring Factor, which is incorrectly stated as “30.6%”. It is recommended that this be revised to state **“38.4%”**

SP2 – It was advised that the Trigger Level for the second Monitoring Factor should only have an increase factor and not a decrease. It is recommended to amend the Trigger level to read ***“Increase over 50%”***.

SP3 - Concern was expressed over how the term “large traffic generating development” in the third Monitoring Factor could be defined. TAN 18, Annex D, sets out the thresholds for requiring Transport Assessments, from which Travel Plans are produced. It would be sensible to maintain conformity with the requirements for Transport assessments and therefore it is recommended that the Monitoring Factor include reference to Annex D of TAN 18, to read ***“Number of large traffic generating developments (defined in accordance with Annex D TAN18) with agreed Travel Plans containing sustainable transport measures.”***

SP4 - Concern raised over potential conflict between the policy and the Monitoring Framework. The policy identifies 5 centres whilst the Monitoring Factors use only three. The reason for this is that footfall data, relating to the first Monitoring Factor, is only recorded for three of the principal centres, namely Bargoed, Blackwood and Caerphilly. It is recommended that the first Monitoring Factor be amended to clarify why only three centres are being considered and subsequent Monitoring Factors be amended to reflect the need for conformity across the Monitoring factors, to read

“Annual footfall in 3 of the principal town centres (information is only collected for Bargoed, Blackwood and Caerphilly centres)”

“Vacancy Rates in 3 of the principal town centres (only Bargoed, Blackwood and Caerphilly)”

“% of residents satisfied with their town centres (only Bargoed, Blackwood and Caerphilly)”

SP5 - Concern raised over how the term “urban forms of development” was to be defined. Policy CW 17 sets the policy stance for what development would be permitted outside of settlement boundaries and it is appropriate for this to be used to define the term. It is recommended that the Monitoring factor be amended to read **“Number of applications for urban forms of development (as defined by Criterion D, Policy CW17) located outside of settlement boundaries that have either been approved by CCBC or allowed on appeal”**

SP6 - Concern expressed over both Monitoring Factors, the first is a statutory requirement for a planning application, and the second would be extremely problematic to identify or define. Given this both Monitoring Factors need to be deleted and at least one new Monitoring Factor needs to be identified. Much of the content of the policy relates to other policy areas where Monitoring Factors already monitor the policy element. One area that has not been addressed is compliance with SPG, particularly the council’s design guidance and, where appropriate, Site Design Briefs. Therefore it is recommended that the original 2 Monitoring Factors, and subsequent information be deleted and a new Monitoring Factor be included to read

Monitoring Factors	Source Data	Area	Base Level	Trigger level
Number of planning applications approved not in accordance with relevant Supplementary Planning Guidance (i.e. Development Design Guides relating to the proposed use or a site development brief).	CCBC Planning Applications	CCBC	0	3 in any year
				Positive results for 3 or more years

SP7 - It was advised that the Monitoring Factor contained a typographical error and should refer to Policy CF1 not CM1. It is recommended that the Monitoring Factor be amended to read **“Number of Policy CF1 Schemes delivered through Planning Obligations”**

SP11 – Concerns were raised over the clarity of the Monitoring Target percentages. The percentages relate back to the Monitoring Aim of reducing Landfill in respect of 1999 levels. It is recommended that the Monitoring Targets be amended to reflect this and to read

Monitoring Target	
Adoption	75% (of 1999 Levels)
2013	50% (of 1999 Levels)
2021	35% (of 1999 Levels)

SP11 - At the hearing concern was expressed over the period of time included in the Trigger Level for the Monitoring Factor. It is important

for the Trigger Points in the Framework to be effective during the operational period of the plan, particularly in between general reviews that should be undertaken every 4 years. Given this the 4 year period is too long as it would be unlikely to inform the monitoring process other than at the 4 year revision periods. Conversely waste management development is variable and monitoring it yearly is likely to result in many instances of failure and unnecessary inclusions in the Annual Monitoring Report. Consequently it is recommended that the Trigger Level be reworded as follows:

“No approvals for 2 consecutive years.”

SP17 – It was advised that the table relating to SP17 had been subject of a printing error that had confused the tables. The tables will be reviewed to ensure their integrity in future publications.

- 4.2 **Points 1, 2,3,4, 6** – Agree
- 4.3 **Point 5** – Agree to delete final sentence of para 1.54 and reference to *“renewable energy schemes or”* in para 1.55.
- 4.4 **Point 8** – Reference should be MAC 85
- 4.5 **Points 9,11,12,15,16,18,19** – Agree
- 4.6 **Points 7,10** – Whilst the 10.4 hectares requirement relates to in-building facilities, policy SP11 will be used to assess all waste management facilities not only in-building facilities.
- 4.7 **Point 13** - The following proposals directly adjoin or have links with the National Cycle Route; LE5.2 - NCN 468, LE5.15 - NCN 47, LE5.20 - NCN 47, LE5.25 - NCN 4, LE5.26 - NCN 4. However the text is misleading in implying that *“some sites are set aside for the purposes of an expanding national cycling network.”* It is suggested that this final sentence be amended to read: *“ These areas are also used for walking and cycling, and where they are close to the National Cycle path Network they offer areas for informal enjoyment for cyclists passing through the area.”*
- 4.8 **Point 14** – Unclear
- 4.9 **Point 17** – Inspector provided with the Cabinet Report in respect of 21st Century School Bids dated 25 May 2010.