



Caerphilly County Borough  
Local Development Plan

Hearing Session 5  
Bedwas Colliery  
MATTERS ARISING

Examination 2010

**Caerphilly County Borough Council submission**

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## INTRODUCTION

This paper has been produced in direct response to issues raised at Hearing Session 5 **Bedwas Colliery** held on the 7<sup>th</sup> May 2010 at the request of the Inspector (Mr Alwyn Nixon).

The paper provides the Inspector with:

- a note of all of the Background Studies undertaken to date and provide an indication in terms of those that have been submitted to the Examination as evidence.
- a summary of highway evidence in one document, including an indication of the assumptions that have been based on the Waterloo TIA. Submit a copy of the TIA for the Inspector's information.
- a note in respect of the Appropriation of land at Trethomas for Planning Purposes, together with an indication of the relevant parts of the act that allow for the council to pursue this course of action.
- a note of the likely impact on ecology of the development of the access road.
- the data input into the Affordable Housing DAT together with underlying assumptions.
- a record of the total number of housing units / population levels for the three surrounding settlements – Trethomas, Machen and Bedwas.

**Background Studies undertaken to date.**

<b>Issue Covered</b>	<b>Report Title</b>	<b>Consultant</b>	<b>Report Submitted</b>
<b>Surface water Drainage</b>	Bedwas Colliery Reclamation Scheme, Hydrological and Hydraulic Analyses, For Trethomas Flood Relief Culvert (September 1996)	Chris Dartnell	No
<b>Ecology</b>	Bedwas Colliery Reclamation Scheme, Specialist Ecological Studies (October 2002)	Hyder Consulting	No
	Bedwas Colliery Reclamation Scheme Factual Report on Ground Investigation (February 1996)	Exploration Associates	No
	Bedwas Colliery Reclamation Scheme Supplementary Ground Investigation Report (May 2003)	Parsons Brinckerhoff	Yes
	Bedwas Colliery Reclamation Scheme Supplementary Ground Investigation Report : Volume 2 (May 2003)	Parsons Brinckerhoff	Yes
<b>Ground Investigation - Former Colliery &amp; Coke works Contamination Investigation</b>	Bedwas Colliery and Coking Works Remediation Bench-scale Biotreatability Trials on Material From the Former Bedwas Colliery Coking Works (May 2003)	Parsons Brinckerhoff	Yes
	Bedwas Colliery Reclamation Scheme Assessment of Contamination Liabilities September 2002	Parsons Brinckerhoff	Yes
	Remediation Strategy – Issue 1, January 2004 Bedwas Colliery Reclamation Scheme	Parsons Brinckerhoff	No
	Bedwas Colliery Reclamation Scheme – A Review of the Supplementary Ground Investigation Report (May 2003) Volumes 1 & 2, December 2007	Parsons Brinckerhoff	No
<b>Ground Investigation - Uncontaminated Areas Investigation</b>	Ground Investigation Report for the Bedwas Colliery Reclamation Scheme (July 2002)	White Young Green Environmental	No
<b>Spoil Tip Reclamation Proposal</b>	Bedwas Colliery Tips - Landscape Integration Proposals March 2010 (Draft Final Report For CCBC & WAG Comments)	White Young Green Environmental	No

## Summary of highway evidence

The Waterloo TIA undertaken by Mott MacDonald refers to an anticipated development of 494 dwellings and 5,795m<sup>2</sup> of B1 offices. Subject to a S.106 Agreement, the outline planning consent will be for a development of 545 dwellings and a primary school.

### Road Junction

Analysis of the existing junction to Waterloo off the A468 revealed that by 2025 capacity at this junction with the development would be exceeded, but if upgraded by the introduction of a signalised junction, a LINSIG analysis revealed that the junction would operate with considerable reserve capacity at 2025.

### A468 Road Capacity

TA79/99 "Traffic Capacity of Urban Roads," lists the theoretical capacities of four types of urban all-purpose roads, UAP1-4. Where it is an open 40mph road, the A468 falls between UAP1 and UAP2, which have capacities of 1,550 and 2,010 vehs/hr respectively in each direction. Within a built up 30mph area, such as Trethomas, the A468 falls between UAP3 and UAP4, which have capacities of 1,320 and 1,530 vehs/hr respectively in each direction.

### Anticipated Flows from the Waterloo Development

The table below provides data from the Waterloo TIA for flows at the Bedwas Church Road junction, which therefore includes the westbound traffic from Trethomas. The Eastbound flows occur in the AM peak, the westbound flows occur in the PM peak.

	2010 without development	2010 with development	2025 without development	2025 with development
Eastbound	883 vehs/hr	1,027 vehs/hr	1,004 vehs/hr	1,149 vehs/hr
Westbound	1,089 vehs/hr	1,257 vehs/hr	1,239 vehs/hr	1,407 vehs/hr

The table below similarly provides data at the A468/Waterloo junction.

	2010 without development	2010 with development	2025 without development	2025 with development
Eastbound	596 vehs/hr	740 vehs/hr	678 vehs/hr	822 vehs/hr
Westbound	618 vehs/hr	787 vehs/hr	703 vehs/hr	872 vehs/hr

The traffic counts were actually taken in 2005 and have been projected forwards using NRTF low growth rate.

### **Bedwas Colliery**

The following tables have been derived from the previous tables by adding in the differences between the 'with' and 'without' development traffic flows. In these tables the 'without development' columns include the flows from the Waterloo development.

The table below is applicable at the A468/Church Road Bedwas junction

	2010 without development	2010 with development	2025 without development	2025 with development
Eastbound	1,027 vehs/hr	1,171 vehs/hr	1,149 vehs/hr	1,294 vehs/hr
Westbound	1,257 vehs/hr	1,425 vehs/hr	1,407 vehs/hr	1,575 vehs/hr

The table below is applicable at the A468/access road junction

	2010 without development	2010 with development	2025 without development	2025 with development
Eastbound	740 vehs/hr	884 vehs/hr	822 vehs/hr	966 vehs/hr
Westbound	787 vehs/hr	956 vehs/hr	872 vehs/hr	1,041 vehs/hr

### **Conclusions**

The anticipated highest flows at the A468/Church Road Bedwas junction following construction of the Bedwas Colliery development are likely to be 1,425 vehs/hr in 2010 and 1,575 vehs/hr in 2025. These compare with a theoretical capacity for the A468 in the range of 1,320 to 1,530 vehs/hr. It follows that some small scale local improvements to the A468 will be necessary through Trethomas.

The anticipated highest flows at the location of the A468 Bedwas Colliery access road junction following construction of the Bedwas Colliery development are likely to be 956 vehs/hr in 2010 and 1,041 vehs/hr in 2025. These compare with a theoretical capacity for the A468 in the range of 1,550 to 2,010 and indicate that no improvements to the A468 will be necessary at this location.

The likely form of the junction between the A468 and the development access road will be a signalised junction.



## **The Appropriation of land at Trethomas for Planning Purposes**

The Council has received an application to identify all of the open land to the east of Glyn Gwyn Street and to the south of the former railway line as a formal Village Green. The council is currently considering this application.

A Village Green designation on this land, whilst not precluding development of the proposed access road, would complicate the procedures for securing the access to the Bedwas Colliery site, as a Village Green is classed as a "Common" and is subject to similar restrictions and procedures in respect of proposed development.

As the Bedwas Colliery site was allocated for mixed-use development in the LDP, the protection of the access for the development was an important issue. The Council sought an opinion from legal counsel on this matter. Legal Counsel advised that the land could be appropriated for planning purposes under Section 241 of the Town and Country Planning Act 1990. The effect of appropriating the land would be to override the Village Green status on the land for the specific purpose of allowing development to take place in accordance with a formal planning permission. The council pursued the appropriation of land under S241 and the appropriation was subject of a formal consultation process that concluded on 16 April 2010 (a copy of the Council Report is included as an appendix to this report).

Following this, members of the Village Green application group met with officers of the council to discuss the issue of the Village Green application and the Council's appropriation of the land. Given that the appropriation process was instigated in response to the Village Green application, and that the key issue to both was the allocation of the Bedwas Colliery site for mixed-use development, all parties agreed to hold both the Village Green application and the appropriation process in abeyance until the Inspector has made recommendations in respect of the Bedwas Colliery allocations in his Report.

## **The likely impact on ecology of the development of the access road.**

It is the council's view that a new access road will be required for any formal afteruse proposed for the site, whether it be a country park or mixed-use development. A new access is required as it would be prohibitively expensive to improve any of the existing access roads as they are substandard, particularly in respect of the junctions. Given this the only location for the provision of an access road is in the open space area between Glyn Gwyn Street and Lower Graig-y-Rhacca.

Whilst detailed design and alignment of the road has yet to be undertaken as part of the overall detailed planning work, the new access road will effect SINC designation NH3.172 – Graig-y-Rhacca Woodlands, which comprises of two parts, a grassland area and a woodland area.

### **The Impacts**

A preliminary road alignment, aligned to reflect the eastern boundary of the colliery site, cuts through the Grassland area of the SINC severing part of the SINC from the remainder. The area of severed SINC amounts to approximately 23% of the total area of the SINC. The Council accept that the severed part of the SINC is likely to lose its nature conservation value due to being isolated from the main body of the SINC (a plan of the preliminary road alignment and the area of the SINC affected is attached as an appendix to this report).

Due to the proximity of the junctions a re-aligned access for Lower Graig-y-Rhacca is required as part of the new access road arrangement. The existing Lower Graig-y-Rhacca road will be diverted onto the new access road at the southern end. This link will adversely affect the southern end of the woodland area, which has been identified as Ancient Woodland, requiring the loss of trees in the area. However, the southern end of the woodland is populated by younger trees, which have a lesser value in terms of associated species.

However, the impact upon the SINC is not solely related to the provision of the new access road. One of the key parts of the reclamation of the site and the Tips is to provide new surface water drainage that will help alleviate existing drainage problems. It is intended that the new drainage infrastructure would cross the SINC in approximately the same location as the new access road and would outfall to Red Brook in approximately the same location as the new link to Lower Graig-y-Rhacca. Consequently the reclamation of the site, in providing the associated surface water drainage infrastructure, is likely to realise similar adverse impacts upon the SINC designation, even if the new access road was not provided.

### **Mitigation and Compensatory Provision**

Firstly the design and layout of the access and drainage infrastructure works will, as far as is possible, minimise adverse impact upon the SINC. However, adverse effects will still be realised and the council has drawn up the following list of mitigation and enhancement proposals that will form the basis for negotiating compensatory provision for the loss of part of the SINC:-

## **Trees**

Full arboricultural assessment report in accordance with BS 5837.

## **Ecology**

Full ecological impact assessment (to update previous ecological survey by Hyder Consulting Ltd in 2003) of the proposed access road and junction improvements; including habitat surveys and protected species surveys for the following as a minimum requirement:

- Ancient woodland (SINC)
- Species-rich meadow (SINC)
- Other grasslands (particularly with regard to informing mitigation and compensation measures – locations for translocation and habitat creation)
- Mature trees
- Woodland ground flora
- Stream
- Bats (foraging, commuting and roosting in trees)
- Otter (stream leading from River Rhymney)
- Nesting birds
- Badger
- Reptiles
- Dormouse
- *Others may be required based on recommendations of initial walkover survey by ecological consultants*

## **Minimum Mitigation Measures**

- Retention of SINC / SINC quality habitats as far as possible
- Translocation of SINC / SINC quality habitats (species-rich grassland and/or hedgerows) as a last resort
- Appropriate planting schemes to re-create woodland, hedgerows and wildflower meadows alongside the proposed access road using native, local provenance species, including like-for-like creation of woodland/copses
- Habitat creation at other locations near the proposed access road, for example, grassland to the northeast at grid reference ST18748906 currently unmanaged that could be managed appropriately and enhanced for biodiversity; or appropriate native wildflower meadow seed mix option

## **Possible Compensatory Measures**

- Habitat creation, enhancement and management in Bedwas Riverside Park to be agreed with CCBC Ecologist and Countryside Ranger Service including:
  - Pond creation

- Woodland and hedgerow planting – native species and local provenance
- Stock proof fencing to introduce grazing to selected meadows
- Scrub clearance to restore wet, marshy grassland
- Alder carr enhancement and management (bracken and bramble clearance)
- Creation of a boardwalk through wet woodland and marshy grassland
- Creation of shallow scrapes in wet, marshy grassland
- Pollarding, coppicing and open up areas alongside stream
- Hedgerow laying
- Woodland and hedgerow bulb planting (translocated Bluebell from ancient woodland)
- Lay and plant up hedgerow between park and old allotments
- Create a community orchard on the old allotments, which have several existing fruit trees at grid reference ST18548872
- Creation of reptile hibernation sites and habitat management
- Provision of bird and bat boxes
- Enhance and manage embankment to plateau area alongside river as wildflower meadow – would need to be scarified to reduce the amount of grasses and then re-seeded with appropriate wildflower mix (liaise with Environment Agency, who currently cut this area)
- Footpath creation
- Japanese knotweed eradication alongside river corridor
- Himalayan balsam eradication
- Provision of bird nest boxes and bat boxes at suitable locations
- Creation of dry stone walls in traditional manner
- Creation of rock piles for amphibians and reptiles
- Creation of artificial Otter holt(s) alongside the river Rhydney at suitable locations
- Adoption of grassland area at grid reference ST18968913 for biodiversity enhancement through appropriate management (semi-improved neutral grassland)
- Woodland and grassland management plan for wider landscape (area included within proposed country park), including Bedwas Riverside Park and Graig y Rhacca Woodlands SINC LDP policy ref. NH 3.172 (SINC170)
- Long-term management of newly created habitats, retained and translocated habitats with a commuted sum for a minimum period of 25 years – commuted sum to be agreed at a time when more information is available about mitigation and compensation to be provided as part of the proposed development

## **Data input into the Affordable Housing DAT together with underlying assumptions.**

The Development Appraisal Toolkit (or DAT) provides the user with an assessment of the economics of residential development for specific schemes. It allows the user to test the economic implications of different types and amounts of planning obligation and, in particular, the amount and mix of affordable housing. The user can alter a range of different assumptions including house prices, grant rates, density and build costs and compare the results these generate. For the purposes of setting a generic policy for affordable housing, the DAT has been used to undertake high-level testing on the viability of affordable housing based on an assessment of notional 1 Ha sites across the sub-market areas in the County Borough in order to set appropriate targets for those areas which will be applicable to both allocated sites and windfall sites.

However, the DAT can also be used to undertake viability assessments on a site-specific basis. As part of the consideration of the Bedwas Colliery site the council has used the DAT Model to undertake a preliminary site-specific viability assessment. It should be noted that site specific viability assessments have not been undertaken for any other of the LDP allocations as detailed assessments are more appropriately carried out at planning application stage when exact costs will be known.

A number of scenarios were run, with the housing numbers and availability of Social Housing Grant being the variables. The table below provides the headline of the assessment output, whilst the full datasheet has been appended at the end of this document. It should be noted that the assumptions used are based upon the best available information at the time and may be subject to amendment as a result of more detailed work to support a future planning application.

To produce the assessment a number of assumptions have been used, as well as the model defaults being used for site mixes, property and land values. The assumptions used in the Model are:-

Social Rent .....	30% of total housing numbers
Homebuy .....	10% of total housing numbers
Reclamation Costs.....	£17,000,000
School & Playing Fields .....	£5,000,000
Access Road.....	£4,250,000
Highways Obligation .....	£5,500 per dwelling
Education Obligation.....	None – Provision of school
Leisure Obligation .....	None – Provision of dual use pitches as part of school

Scenario	1	2	3	4	5	6
Dwelling Nos	500	500	650	650	800	800
SHG	100%	0%	100%	0%	100%	0%
Exceptional Costs	£26,250,000	£26,250,000	£26,250,000	£26,250,000	£26,250,000	£26,250,000
Scheme Costs	£100,518,000	£100,518,000	£122,779,000	£122,779,000	£115,462,000	£115,462,000
Scheme Value	£105,596,000	£84,210,000	£139,148,000	£109,475,000	£105,524,000	£67,192,000
Residual Valuation	£5,078,000	-£16,308,000	£16,369,000	-£13,304,000	-£9,938,000	-£48,270,000
Total Residual Value	£22,078,000	£602,000	£33,369,000	£3,696,000	£7,062,000	-£31,270,000

It should be noted that the residual valuations reached by the DAT Model do not include any funding awarded for Reclamation of the site, i.e. the residual valuation reflects that the development pays for the reclamation of the site. If reclamation grant in the order of £17,000,000 (the cost of reclamation) is received the residual valuation increases to reflect this. The final row in the table reflects the residual value with award of Reclamation Grant. The results show that 5 of the 6 scenarios are generally viable.

**Record of the total number of housing units / population levels for the three surrounding settlements – Trethomas, Machen and Bedwas.**

Unfortunately, due to the fact that population figures are only available aggregated to Lower Super Output areas, population figures are available for Bedwas and Machen, but Trethomas and Graig-y-Rhacca are grouped together.

**Population (2001 census)**

Bedwas .....	1,983
Trethomas / Graig-y-Rhacca.....	1,261
Machen .....	974

## Appendix 1 - DAT Model Viability Tests for Bedwas Colliery

Result number	1	2	3	4	5	6
<b>Basic Site Information</b>						
Size of site in Hectares (gross)	19	19	19	19	19	19
Total Number of Dwellings	500.0	500.0	650.0	650.0	800.0	800.0
SHG	100%	0%	100%	0%	100%	0%
<b>Key Assumptions</b>						
<b>Tenure %</b>						
Social Rent	30%	30%	30%	30%	30%	30%
Homebuy	10%	10%	10%	10%	10%	10%
Intermediate rent	0%	0%	0%	0%	0%	0%
Equity Share	0%	0%	0%	0%	0%	0%
Total affordable	40%	40%	40%	40%	40%	40%
<b>Other</b>						
% ACG social rent	100%	100%	100%	100%	100%	100%
% ACG Homebuy	100%	100%	100%	100%	100%	100%
Market value: plus/minus X%	100%	100%	100%	100%	100%	100%
Capital Contributions	£0	£0	£0	£0	£0	£0
Density dwellings per hectare	26.32	26.32	34.21	34.21	42.11	42.11
<b>Key Results</b>						
<b>Economics</b>						
Scheme revenue	£105,596,000	£84,210,000	£139,148,000	£109,475,000	£105,524,000	£67,192,000
Scheme costs	£100,518,000	£100,518,000	£122,779,000	£122,779,000	£115,462,000	£115,462,000
Residual - Whole scheme	£5,078,000	-£16,308,000	£16,369,000	-£13,304,000	-£9,938,000	-£48,270,000
Residual - Per hectare	£267,000	-£858,000	£862,000	-£700,000	-£523,000	-£2,541,000
Residual - Per dwelling	£10,000	-£33,000	£25,000	-£20,000	-£12,000	-£60,000
Residual - Per market dwelling	£17,000	-£54,000	£42,000	-£34,000	-£21,000	-£101,000
Residual - Per bedspace	No Info	No Info	No Info	No Info	No Info	No Info
Residual - Per habitable	No Info	No Info	No Info	No Info	No Info	No Info



Result number	1	2	3	4	5	6
room						
<b>Subsidy</b>						
Total for scheme	£18,375,000	£0	£0	£0	£0	£0
Per SR unit	£104,000	£0	£0	£0	£0	£0
Per NH unit	£54,000	£0	£0	£0	£0	£0
<b>Other Assumptions</b>						
% purchased equity share	70%	70%	70%	70%	70%	70%
% purchased Homebuy	70%	70%	70%	70%	70%	70%
% wheelchair housing	0%	0%	0%	0%	0%	0%
Market value - type	Default Types	Unit Types	Default Types	Unit Types	Default Types	Unit Types
<b>Planning Obligations</b>						
Whole Scheme	£2,750,000	£2,750,000	£3,575,000	£3,575,000	£4,400,000	£4,400,000
per hectare	£145,000	£145,000	£188,000	£188,000	£232,000	£232,000
per dwelling	£6,000	£6,000	£6,000	£6,000	£6,000	£6,000
per dwelling for sale	£9,000.00	£9,000.00	£9,000.00	£9,000.00	£9,000.00	£9,000.00
<b>Exceptional Costs</b>						
Whole scheme	£26,250,000	£26,250,000	£26,250,000	£26,250,000	£26,250,000	£26,250,000
per hectare	£1,382,000	£1,382,000	£1,382,000	£1,382,000	£1,382,000	£1,382,000
per dwelling	£53,000	£53,000	£40,000	£40,000	£33,000	£33,000



**AGENDA ITEM NO. 3(2)**

**CABINET – 2ND FEBRUARY 2010**

**SUBJECT: BEDWAS COLLIERY AND TIPS/LAND EAST OF UPPER AND LOWER GLYN GWYN STREET, TRETTHOMAS/VILLAGE GREEN APPLICATION**

**REPORT BY: DIRECTOR OF THE ENVIRONMENT**

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**1. PURPOSE OF REPORT**

1.1 To provide an overview of the Land Reclamation proposals, advise members of a Village Green application and recommend appropriate action.

**2. SUMMARY**

2.1 None.

**3. LINKS TO STRATEGY**

3.1 Bedwas Colliery is allocated in the Council's Deposit Local Development Plan for mixed-use development comprised of housing, education (school) and leisure uses. As part of the development of the colliery site a new access road has been identified on the land to the east of Upper Glyn Gwyn Street, which is allocated in both the current Council Approved UDP (T7.1) and the LDP (TR7.3).

3.2 The reclamation of the colliery and tips will promote the environmental, social and economic well-being of the area.

**4. THE REPORT**

**Context**

4.1 The Bedwas Colliery site development needs to be seen in the context of a package of proposals in the Deposit local Development Plan. This comprises not just the development of the former colliery site but also the creation of a substantial, 147 acre country park – a facility long demanded by local residents.

4.2 The Caerphilly Basin is the only substantial urban area of the county borough not to have a country park. The proposed Bedwas community park will remedy this deficiency and be linked through cycle and footpaths into the wider countryside recreational network of the emerging Valleys Regional Park. The proposed country park straddles the A468, stretching from the banks of the River Rhydney, through the

green space between Trethomas and Graig y Rhacca and onto the wooded slopes of the mountain, offering a wide variety of landscapes and recreational opportunities.

- 4.3 Development of the colliery site itself would comprise not just private housing but a substantial number of much needed affordable homes, formal recreational facilities and a new primary school.
- 4.4 Central to the package is a new access road that will not only provide access to the colliery site development but in doing so will provide a much more direct route from the A468 to the Graig y Rhacca estate. In doing so it will provide traffic relief for residential areas of Trethomas that currently provide the only access routes to that estate.
- 4.5 Opposition to development of the Colliery site has meant that the area is not considered a priority by any of the funding agencies. This has resulted in stagnation in the development of Bedwas and Trethomas over the past decade. By contrast the package of complementary proposals put forward in the LDP provides the opportunity to achieve a dynamic future for these communities based on new and affordable housing, new educational and recreational facilities, improved access and traffic calming - all in the context of an extensive country park setting.

### **The Colliery Site Proposals**

- 4.6 The Bedwas Colliery Site has remained derelict since the 1980s. Whilst the Council own the hillside and hilltop spoil heaps the former colliery surface is privately owned.
- 4.7 The majority of the colliery surface is owned by the Terex Corporation, Sustrans/Railway Paths own the dismantled railway line and Forest Enterprise own the conifer plantation that abuts the rear gardens of residential gardens at Llanfabon Drive and Bryn Dolwen, Trethomas.
- 4.8 It is unlikely that the former colliery surface will be reclaimed without allocation of substantial public funding. It is estimated that some £11 million will be needed to reclaim and clean up the site. A further £6 million will be required to reclaim the spoil heaps and restore them to countryside/recreational use. It is unlikely that either the private or public sector would pursue such reclamation in the foreseeable future unless the best use of the land is achieved.
- 4.9 The Council is proposing that the site be developed for:
  - A Primary School.
  - Playing pitch and associated changing facilities.
  - Community Country Park, together with appropriate cyclepath and footpath links.
  - An improved access road to Graig y Rhacca.
  - Housing Development (550-650 dwellings) including affordable housing.
- 4.10 The redevelopment of the Colliery Site will:
  - Enable the remediation of the contamination on site.
  - Provide modern homes including affordable housing.
  - Safeguard existing recreation facilities.
  - Provide much needed new formal and informal recreational facilities.
  - Improve vehicular access to Graig y Rhacca.
  - Relieve residential areas of Trethomas of through traffic to Graig y Rhacca.

- Remove the ongoing uncertainty over the future redevelopment of the site.
  - Increase the likelihood of funding for the remodelling of the tips.
- 4.10 The Council has longstanding proposals to bring about the comprehensive reclamation and remediation of derelict Bedwas Colliery and Tips for beneficial use. In addition to remediating contamination within the former colliery surface and coke works the reclamation proposals will improve the existing on-site and off-site surface water drainage system. The Council's proposals include for the construction of new surface water drainage channels on the site and enhancement of the main surface water outfall pipeline that conveys run-off from the tips to the Rhymney River. The new drainage regime is intended to address the surface water flooding problems that have occurred at Navigation Street and Llanfabon Drive. The reclamation works will also treat the mineshafts, basements and other openings that are present and reduce the visual impact of areas of the tips that are devoid of vegetation.
- 4.11 The existing accesses to the site are sub-standard and would require significant property acquisition to provide access to an appropriate standard. In addition these accesses would require the development traffic to travel through residential areas of Trethomas, which would not be appropriate. Consequently there is a need for a new access road to serve the site. The only area where such an access can be provided is across the land to the east of Lower and Upper Glyn Gwyn Street, Trethomas.
- 4.12 In this context, an application has been made to register some of the land to the east of Upper Glyn Gwyn Street as Village Green.
- 4.13 Your officers consider that the application is not well founded. Furthermore, even if it were successful it would not preclude the provision of an access road across the land but it would make matters much more complicated and cause delay.
- 4.14 The applicants have been given an indication that officers would recommend the registration of the existing playing field as a village green and invited to withdraw their application. They have refused to do so. Neither the playing field nor the allotment gardens will be affected by the proposed access road.
- 4.15 Consequently, the Council must advertise the village green applications in the press and, on counsel's advice, it is recommended that, in the first instance, the land outlined in green on the attached plan be appropriated for planning purposes. This action will afford a further safeguard to the provision of an access road should the applicants be in a position to provide sufficient evidence of public use of the application site as of right for the period of 20 years up to the submission of the application.
- 4.16 The attached plan shows that in addition to the safeguarding of the allotments and the playing field, most of the land to the east of Upper and Lower Glyn Gwyn Street will be retained as open space. In due course this land will be linked into the Council's proposals for an adjoining community park.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 There is no direct cost for the appropriation of the land as the land is already in council ownership. There are cost implications related to the statutory requirements set out in

respect of posting legal notices in respect of the procedure, i.e. placing a notice in a local paper for two consecutive weeks. Whilst the exact cost will be dependent upon the size and wording of the required notices, it is likely to be in the region of £5,000.

## **6. PERSONNEL IMPLICATIONS**

6.1 None.

## **7. CONSULTATIONS**

7.1 Awaiting consultation responses.

## **8. RECOMMENDATIONS**

8.1 The Council confirms its commitment to the protection of the playing field and allotment site from any form of development. There would be no objection to the playing field itself being registered as a village green.

8.2 The Council declares its intention that the land shown outlined in green on the attached plan be appropriated for planning purposes.

8.3 The Council causes notice of their intention to appropriate the said land shown outlined in green on the attached plan for planning purposes to be advertised for two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them.

## **9. REASONS FOR THE RECOMMENDATIONS**

9.1 To enable the implementation proposed mixed-use development allocated in the Local Development Plan

9.2 To meet the statutory requirements for the appropriation of land for planning purposes.

## **10. STATUTORY POWER**

10.1 Section 122(A) of the Local Government Act 1972 (as amended)

10.2 Section 226 and Section 241 of the Town and Country Planning Act 1990 (as amended)

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Consultees: Stuart Rosser - Chief Executive  
Nigel Barnett – Director of Corporate Services  
Anthony O’Sullivan - Director of The Environment  
Sandra Aspinall – Director of Education and Leisure

Councillor Liz Aldworth  
Councillor Colin Hobbs  
Councillor Ray Davies  
Councillor Ron Davies - Cabinet Member for Regeneration and Countryside  
John Rogers – Principal Solicitor  
Dave Whetter – Principal Engineer

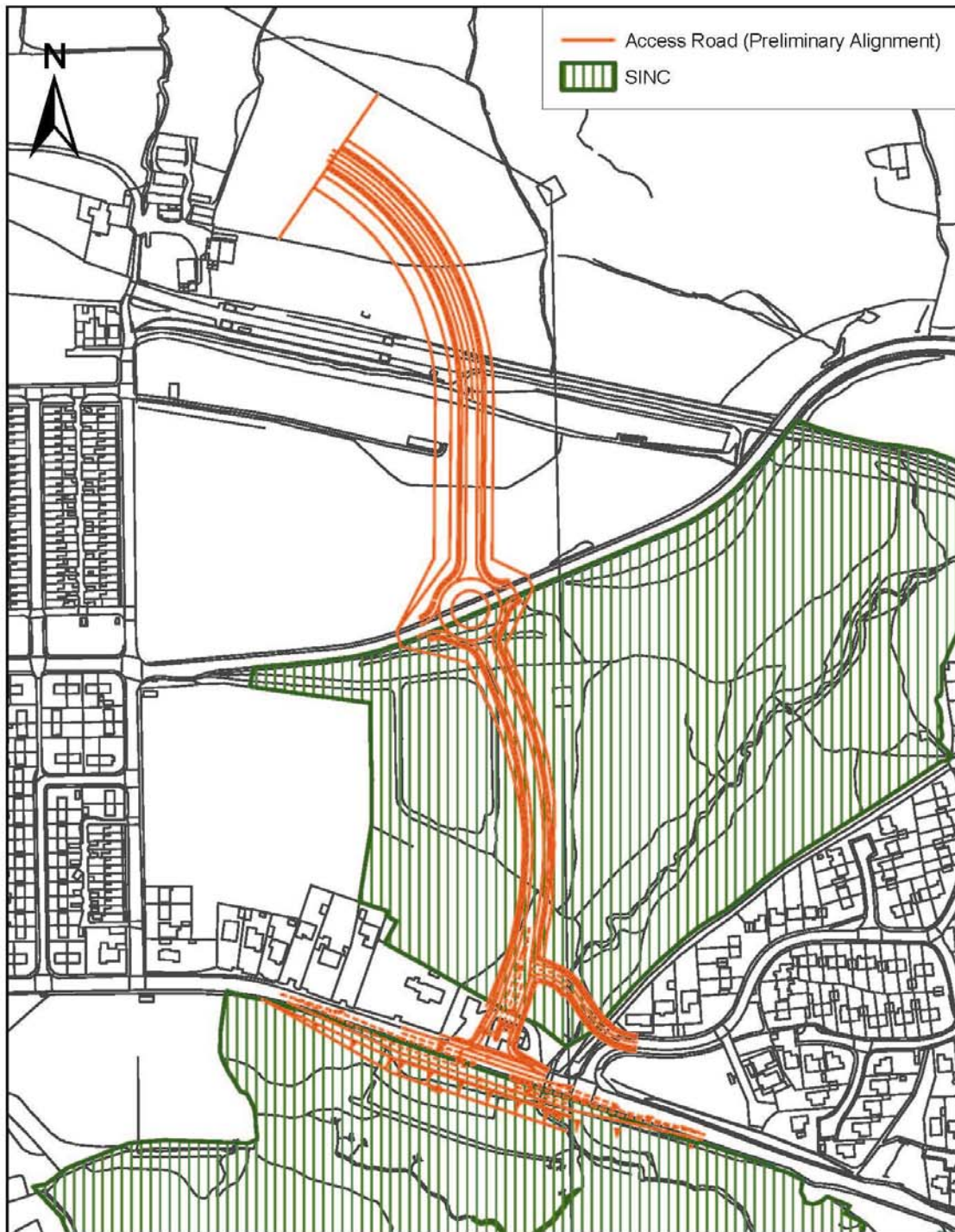
Appendices:

Appendix 1 Map Identifying the Land to be Appropriated

This recommendation is endorsed by Corporate Management Team.

Caerphilly CBC Illustrative Drawing  
Impact of Bedwas Colliery Access Road

1:3,500



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