



**REPORT OF COUNCIL MEETING
15th SEPTEMBER 2009**

**CAERPHILLY COUNTY BOROUGH
DEPOSIT LOCAL DEVELOPMENT PLAN
UP TO 2021:**

**COUNCIL CONSIDERATION
OF REPRESENTATIONS**

- Part 3: Minerals Policy & Sites**
Part 4: Policy Representations in Deposit Plan order
**Part 5: Representations to the Deposit LDP and
Alternative Site Stage that are Not Duly Made**
Part 6: Legislative Changes
Part 7: Corrections

Volume 5 of 6

- Volume 1** Executive Summary
Part 1: Key Issues Paper – Population & Housing
- Volume 2:** Part 2: Cross Boundary Sites
Part 2: Sites Specific Representations: Heads of the Valleys Strategy Area (by electoral ward)
- Volume 3:** Part 2: Sites Specific Representations: Northern Connections Corridor Area (by electoral ward)
- Volume 4:** Part 2: Sites Specific Representations: Southern Connections Corridor Area (by electoral ward)
- Volume 5:** Part 3: Minerals Policy & Sites
Part 4: Policy Representations in Deposit Plan order
Part 5: Representations to the Deposit LDP and Alternative Site Stage that are Not Duly Made
Part 6: Legislative Changes
Part 7: Corrections
- Volume 6 :** Part 8: Representations to the Strategic Environmental Assessment and Sustainability Appraisal (SA/SEA)
Part 9: Representations to the SA/SEA that are Not Duly Made.

Contents

Minerals Policy & Sites	1
Policy Representations in Plan Order.....	63
General Comments	65
Introduction.....	91
Strategy	115
Countywide.....	209
Area Specific Policies.....	265
Appendices.....	289
New Policies	295
Representations Not Duly Made.....	319
Legislative Changes	327
Corrections	331

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MINERALS
Statement of Common Ground

Caerphilly County Borough Council
and the
Welsh Assembly Government

July 2009

STATEMENT OF COMMON GROUND – MINERALS

The LDP Manual June 2006 states:

*“Where there are strategic or substantial objections to the deposit plan, or ones from **statutory consultees** (my emphasis), the LPA may wish to discuss further with the respondent(s), whether they will reconsider their objection, and which aspects can be agreed in order to narrow the disagreement to its essentials. Including areas of agreement/disagreement in a ‘**statement of common ground**’ for the Inspector would be helpful at this stage.”*

Statutory Consultee – Welsh Assembly Government

A meeting was held at officer level with the Welsh Assembly Government (WAG) on 13 January 2009 to try to reach agreement on some of the matters raised in the Assembly’s representation in respect of Minerals issues dated 25 November 2008. The matters on which agreement was reached are set out below.

Policy SP9 Minerals Safeguarding

Policy SP9 in the deposit LDP reads:

“The council will contribute to the regional demand for a continuous supply of minerals by:

- A Safeguarding known reserves of coal, sand and gravel and hard rock, taking into account relevant environmental, planning and transportation considerations**
- B Maintaining a 10 year landbank of permitted aggregate reserves in line with national guidance.”**

SUMMARY OF REPRESENTATION

2282.D3	Welsh Assembly Government	Object	Policy SP9 fails to adequately safeguard mineral resources and national policy has therefore not been satisfactorily transposed to the local level. Environmental, planning and transportation considerations should not be taken into account in determining the safeguarding areas. Sand and gravel safeguarding areas should not be reduced by a buffer zone and hard rock resources should be shown on the Proposals map. The policy should refer to “resources” rather than “reserves”.
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Policy Wording

In their representation the WAG indicated that Policy SP9 should refer to “resources” rather than “reserves” and that the safeguarding of the mineral should not take into account environmental, planning and transportation considerations.

The council accept that “reserves” implies that there is a planning permission for the extraction of the mineral or at least that some degree of assessment by an operator has taken place. The policy seeks to prevent the sterilisation of minerals that society may need in the future in line with national guidance, not only permitted reserves or those that have been tested by the industry.

It is accepted that the safeguarding of the mineral should be unconditional. Planning, environmental and transportation considerations would be considered when an application for planning permission was made or an allocation for development of the resource.

OFFICER RECOMMENDATION

That the Council recommend to the Planning Inspector that to better reflect the intention of the policy the wording below is, therefore, proposed:

The council will contribute to the regional demand for a continuous supply of minerals by:

- A Safeguarding known resources of coal, sand and gravel and hard rock**
- B Maintaining a minimum 10 year landbank of permitted aggregate reserves in line with national guidance.**

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Lafarge Aggregates (4140.D2) also draw attention to the wording of the policy in terms of resources / reserves and say that the ten year period referred to in national guidance is a minimum period and this should be reflected in the policy.

The proposed new wording would address these representations also.

With regard to the reduction of the sand and gravel safeguarding areas by a buffer around settlements, it is agreed that all mineral safeguarding areas should extend up to settlement boundaries. This, together with policy CW 24, will ensure that the implications of new development on safeguarding areas will be fully considered and that the resource is not incrementally sterilised by new development. See also response to representation reference 2282.D4 below.

Para 1.69

Para 1.69 states

“The strategy will balance the need for safeguarding of nationally important mineral resources (eg coal, sand and gravel) against the potential impact of such development on the landscape and on sites of ecological interest. It

advocates that mineral resources as indicated on the Constraints Map should be safeguarded from permanent development that would prevent their working.”

SUMMARY OF REPRESENTATION

2282.D3	WAG	Object	The proposals map does not show any safeguarding of hard rock resources.
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WAG argued that the safeguarding areas should be shown on the Proposals Map rather than the Constraints Map. The pennant sandstone resource covers the majority of the county borough and, on the information available to the council, is fairly uniform in terms of quality and accessibility. The resource was shown on the constraints map to avoid an array of layers that would only be legible on a GIS.

However, it is recognised that MPPW requires that access to mineral deposits that society may need is safeguarded and that the areas to be safeguarded should be shown on the proposals map (Para 13). It is therefore proposed that the Planning Inspector be invited to amend the plan to show the hard rock resources as a background notation on the Proposals Map.

OFFICER RECOMMENDATION

1. That the Council recommend to the Planning Inspector that the LDP be amended as follows:
Paragraph 1.69 be amended to read:
“.....It advocates that minerals resources as indicated on the Proposals Map should be safeguarded from permanent development that would prevent their working.”
2. That the Proposals Map be amended accordingly to show safeguarding areas for coal, sand/gravel, limestone and sandstone.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

SP9 and MN2 Minerals Safeguarding

SUMMARY OF REPRESENTATION

2282.D4	Welsh Assembly Government	Object	The deposit plan has not satisfactorily translated national policy down to the local level in that coal is not safeguarded within buffer zones.
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The Assembly pointed out that there was a conflict because the safeguarding areas did not extend up to settlement boundaries. If new development was permitted within the buffer zones around settlements without reference to the criteria set out in policy CW2, it may sterilise the resource beyond the buffer

zone (this was also raised by Miller Argent (1844.D1) and COALPRO (2183.D1)).

This is accepted, as a result it is now proposed that the safeguarding areas for all minerals should be extended up to settlement boundaries as identified on the proposals map as set out in the proposed amendment above.

The council have considered whether resources should, in addition, be safeguarded under settlements. BGS are currently undertaking research for WAG to inform minerals mapping and safeguarding in LDPs and this option was considered by BGS. The main advantage of this approach is that it flags up opportunities for prior extraction on large development sites within settlement boundaries. If settlement boundaries change there is also no need to re-define safeguarding areas. However, due to amenity considerations close to residential areas, the main opportunity for prior extraction would be for sand and gravel. Sand and gravel deposits within the county borough are generally small and are not found within settlements, although there is a small resource on the edge of Nelson. The council considers that opportunities for prior extraction will, therefore, be limited and any that do exist, could be identified in a design brief for the site.

The Minerals mapping and safeguarding research is due to be published in 2010 and the results will be taken into account in reviews of the LDP.

The Welsh Assembly Government also made representations on buffer zones around dormant mineral sites (2282.D6) and areas where coal operations would not be acceptable (2282.D5). These are matters where agreement has failed to be reached and will be considered by the Planning Inspector during the Examination.

SP09 - Minerals safeguarding
MN02- Minerals safeguarding

Representation Type - Deposit Stage

SP09 - Minerals safeguarding

4203.D4	The Coal Authority	Object	General Approach promoted by Policy SP9 - The 500m buffer zone around coal working sites is too large
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MN02 - Minerals safeguarding

2282.D6	Welsh Assembly Government	Object	Policy Omission - Minerals buffer zones should be identified around dormant sites and there should be a clear strategy for the future use of dormant mineral sites.
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SUMMARY OF REPRESENTATIONS

The Coal Authority

Policy SP9 was objected to on the basis that:

- The effect of a 500m buffer zone would sterilise a large proportion of the workable reserves in South Wales, including those within the County Borough of Caerphilly
- This approach is not based on any locally distinctive basis and is consequently it is not based on a sound evidence base.
- A buffer zone is an inflexible planning tool, which takes no account of local topography, the role and nature of each settlement or the proposed nature of any coal extraction or ground works.
- It fails to recognise the circumstances set out in paragraph 2.16 of the Draft MTAN 2 in which coal extraction may be appropriate within these buffer zones.
- This policy approach could also prejudice the potential of undertaking prior extraction of coal before new development.

Welsh Assembly Government:

MN02 was objected to on the basis that under soundness tests C2, CE1, CE2, the deposit plan has not satisfactorily translated national policy down to the local level and there may be tensions within the plan, namely:

Policy Objection. Omission, Minerals buffer zones should be identified for dormant mineral sites

To accord with the requirements of 'Minerals Planning Policy Wales' paragraph 40 and MTAN: Aggregates paragraphs 70-71, buffer zones should be defined around all mineral sites including dormant (inactive sites) and the LDP should set out a strategy for the future use of all dormant mineral sites as specified in paragraph 19 of MPPW.

Planning History

UDP

At the proposed modifications stage of the UDP the WAG submitted objections to the UDP on the grounds that the council had not included policies on areas of search for coal, buffer zones around quarries and protection of sand and gravel resources.

The council considered these objections and resolved not to modify the plan because the objections related to sensitive issues, consultation on which would inevitably lead to a public inquiry and delay adoption of the plan.

The UDP contained other policies that would provide a level of protection until such time as the specific modifications sought by WAG could be brought forward in a review of the plan.

The objection relating to sand and gravel was not a duly made objection as defined by the UDP Regulations and government guidance.

The council further resolved to carry out an early review of the minerals policies, triggered by adoption, to resolve the WAG objections.

However, upon receipt of the council's intention to adopt the plan, WAG issued a Direction on the council not to adopt until modifications had been made to resolve the objections.

The council considered that the direction in respect of the sand and gravel resources raised fundamental issues of principle in that it was based on draft guidance. Judicial review was sought but the TAN was issued in final form removing the case for JR but leaving the fundamental issues unresolved. The council therefore resolved not to progress towards formal adoption because there was no certainty that other Directions based on emerging or draft guidance would not be issued while the modifications procedures on the minerals policies were progressing. The council concluded that it was not proper use of resources to embark on what could be a series of modifications with no realistic prospect of the plan being adopted.

The UDP was approved for development control purposes in April 2003

COMPLIANCE WITH THE LDP

Preferred Strategy

No evidence has been submitted to justify the representation based on the LDP strategy

SA/SEA/AA - EU Habitats Directive

No justification has been submitted for the representation based on SA/SEA/AA

Tests of Soundness

The Representor claims that the following tests of soundness will not be met without their proposed changes -C2, CE1, CE2

DESIRED CHANGES TO THE DEPOSIT LDP

1. Include a buffer zone around dormant mineral sites and/or set out a strategy for their future treatment.
2. Reduce the width of the buffer zone around coal working sites to take account of local circumstances.

COUNCIL ANALYSIS

Policy Context

The buffer zone is intended to reduce the impact of mineral extraction by ensuring a “stand-off” between mineral sites and residential areas. Within the buffer zone no new sensitive development such as houses will be permitted, nor any new mineral extraction (policy CW25).

Dormant sites are sites which hold an extant planning permission but which, under the terms of the Environment Act 1990, cannot recommence until a set of full modern conditions is submitted to and agreed with the local planning authority. Unlike active sites there is no requirement for the conditions agreed or imposed to not affect the economic viability or the asset value of the site. The Review of Mineral Permissions (ROMP) procedure was introduced to overcome some of the problems caused by the long lifespan of mineral extraction sites.

Paragraph 19 of Minerals Planning Policy Wales refers to Inactive sites. Inactive sites, for the purposes of the mineral review, are sites where there is a valid permission and the site was operating between 22 February 1992 and 6 June 1995 prior to the introduction of the legislation, but which are not currently operational. Cwmleyshon Quarry and Blaengwynlais Quarry are inactive sites and buffer zones are shown around these sites because mineral working could recommence at any time.

At present the buffer zones apply to active sites and inactive sites. There are several dormant sites within the county borough. There has been no indication that any of these sites will be viable again and all have severe environmental constraints attached to working. It is doubtful whether “full modern conditions” could achieve a satisfactory outcome without restricting the viability of the site.

However, if sensitive development encroached on the permission area this would add an additional constraint to recommencement.

There is provision in the 1990 Act to serve Prohibition Orders that prevent the reactivation of the permission. In certain circumstances the compensation that would normally be payable for revocation of the permission is abated so that it does not take account of the value of the unworked mineral.

Local authorities have been reluctant to serve Prohibition Orders after a case at Ewenny Quarry in 1996. In this case the Secretary of State did not confirm an order and costs were awarded against the former Mid Glamorgan County Council. The County Council challenged the decision in the high court on the basis that the Secretary of State had taken into account evidence brought forward at the Inquiry, whereas the council argued the time for deciding whether resumption of operations was likely, was at the time the notice was served. However the challenge was unsuccessful. More recently, several

Prohibition Orders have successfully been made in Gwynedd, Carmarthenshire and the Brecon Beacons National Park. These have, however, tended to be within areas of national landscape designation such as National Parks.

The plan has complied with paragraph 19 of MPPW in that buffer zones have been defined for inactive sites. Paragraph 40 of MPPW also refers to buffer zones stating that they should be drawn around “permitted and allocated mineral extraction sites”. Dormant sites have a permission but cannot recommence until full modern planning conditions are applied (MPG14).

The council will continue to consider the need for and the implications of serving prohibition orders on dormant sites. With regard to the inactive sites the operator in both cases has maintained the sites and stated an intention to work them again if economic conditions permit. They would not, therefore meet the criteria for serving a Prohibition Order at the present time, although this will continue to be reviewed. However, this does not need to be set out in the LDP.

The Coal Authority refers to representations it has made to the WAG in respect of the 500m buffer proposed in Draft MTAN2: Coal. The final MTAN2 was issued in January 2009 and retained the requirement for a 500m buffer around coal sites. The MTAN does allow for coal working within the 500m in exceptional circumstances for example to remediate unsafe or derelict land. The council is required to have regard to the Coal TAN in determining applications for coal extraction.

Compliance with the LDP Preferred Strategy

No evidence has been submitted to justify the representation based on the LDP strategy

SA/SEA/AA - EU Habitats Directive

No justification has been submitted for the representation based on SA/SEA/AA

Tests of Soundness

- **C2 The plan does not have regard to national policy**
- There is no reason for the inspector to conclude that the plan is not sound in this respect
- **CE1 The plan does not set out a coherent strategy or is not compatible with plans of neighbouring authorities**
- There is no reason for the inspector to conclude that the plan is not sound in this respect
- **CE2 The policies are not realistic and founded on a credible evidence base.**
- There is no reason for the inspector to conclude that the plan is not sound in this respect
- **CE4 it is not reasonably flexible.**
- There is no reason for the inspector to conclude that the plan is not sound in this respect

CONCLUSION

Buffer zones of an appropriate width should be defined around active and inactive sites but not dormant sites.

For reasons of consistency it is recommended that no buffer zone be shown around Cefn Onn Quarry, which is a dormant site.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that buffer zones of an appropriate width be defined around active and inactive mineral sites but not dormant sites.

Reason for Recommendation

For the reasons set out in the council analysis.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

SP9 – Minerals Safeguarding
MN02 – Minerals safeguarding
CW24 – Locational Constraints – Minerals
MN2.6 – East of Nelson Coal
MN2.8 – North East of Nelson, sand and gravel

Representation Type – Deposit Stage

MN02 – Minerals safeguarding

1056.D32	CCW		Object	Concern over the amount of land safeguarded. It is recognised that this does not necessarily mean that such areas will be worked for coal, but the extent of land involved is concerning. It is questioned as to whether the allocation of such land has taken sufficient account of environmental constraints.
1763.D1	Councillor Taylor	John	Object	MN02-HOV. Minerals safeguarding areas should not be shown on the proposals map as this repeats national policy. The LDP has not been consistent in its approach in respect of not repeating national guidance. The LDP includes Minerals Safeguarding Areas for both Coal and Sand & Gravel on the Proposals map. The Safeguarding Areas are defined by national policy and are specifically identified in Minerals Technical Advice Notes 1 & 2. Consequently they are not determined within the LDP and cannot be amended through the LDP process. Their inclusion on the Proposals Map not only complicates the map unnecessarily, but also could mislead people into commenting on them.
1763.D2	Councillor Taylor	John	Object	MN02-NCC. Minerals safeguarding areas should not be shown on the proposals map as this repeats national policy.
1763.D3	Councillor Taylor	John	Object	MN02-SCC. Minerals safeguarding areas should not be shown on the proposals map

4203.D8	The Coal Authority	Support	as this repeats national policy. The Coal Authority supports the 8 minerals safeguarding areas in the county borough.
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SP9 – Minerals Safeguarding

4203.D5	The Coal Authority	Support	The Coal Authority supports the principle of safeguarding However the Coal Authority is concerned that in relation to Policy SP9, following an Inspector's decision in Telford & Wrekin, this policy which may not be viewed as having sufficient local distinctiveness. The Coal Authority is strongly of the view that minerals safeguarding for coal is a locally distinctive issue, as the special relationship between the coal resources and the spatial form of the built communities could lead to unusually high pressure from urban growth arising from the proximity to Cardiff and Newport, that warrants safeguarding being a distinctive issue to the Caerphilly county Borough.
2282.D3	Welsh Assembly Government	Object	Objections under soundness tests C2, CE1, CE2: the deposit plan has not satisfactorily translated national policy down to the local level. 1. The proposals map must identify areas to be safeguarded. Policy SP9 fails to adequately do this. 2.: Policy SP9 and paragraph 1.69 propose that safeguarding is affected by relevant environmental, planning and transportation considerations - however, such impacts, other than international and national designations for coal, should not be taken into account in determining the safeguarding area. 3. Sand and gravel safeguarding areas should not be reduced by

2282.D4	Welsh Assembly Government	Object	<p>buffer zones.</p> <p>4. the proposals map does not show any safeguarding of hard rock resources.</p> <p>5. Policy SP9 should refer to known 'resources' rather than 'reserves', and paragraph 1.69 should refer to the proposals map rather than the constraints map.</p> <p>Objections under soundness tests C2, CE1, CE2: deposit plan has not satisfactorily translated national policy down to the local level. Omission to safeguard coal resource in buffer zones.</p>
4203.D6	The Coal Authority	Object	<p>The Coal Authority considers that to only safeguard Primary and Secondary Coal Resources is unlikely to reflect the true picture of the resource available. It is very important that as the County Borough is underlain by Tertiary Coal Resource, across almost all of the plan area, that these Tertiary Coal Resources Areas are also included within the safeguarding areas. The Coal Authority appreciates that this may present a challenge, however, within the plan period it may be the case that these Tertiary Coal Resources are considered by operators as having economic viability and potential for working. Without this policy approach it could be argued that the Plan is inflexible to meet changing circumstances.</p>

CW24 Locational Constraints – Minerals

2183.D1	COALPRO	Object	<p>Objects to the minerals safeguarding zones as defined in the LDP. the minerals safeguarding zones (MSZ) should extend up to the boundaries of settlements to ensure that the identified MSZ</p>
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4203.D9	The Coal Authority	Object	are not compromised by further development outside of the settlement boundary. Object to the wording of criterion A iii 'There is an overriding need for the development' as this wording is imprecise and it could be potentially argued that almost any development proposal potentially has an overriding need.
4203.D10	The Coal Authority	Support	Support the principle of Policy CW24

MN2.6 – East of Nelson Coal

1056.D33	CCW	Object	Concern over MN2.6 East of Nelson - Coal, as it lies immediately adjacent to the boundary of Nelson Bog SSSI. Such safeguarding is not compatible with the safeguarding and conservation of the SSSI.
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MN2.8 – North East of Nelson, sand and gravel

1056.D34	CCW	Object	There is concern regarding MN2.8 as it lies immediately adjacent to the boundary of Nelson Bog SSSI. Such safeguarding is not compatible with the safeguarding and conservation of this SSSI.
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Representation Type – Alternative Site Stage

MN2.6 – Land East of Nelson – Coal

1056.A5	CCW	Comment	This site contains CCW identified UK BAP Priority Habitat (Marshy Grassland). Proximity of sites to statutory sites: CCW seeks reassurance that any development on sites adjacent to statutory sites (SSSI/SAC) will not affect the integrity of these sites, and that if any proposals are likely to have an effect then CCW will be consulted at the
1056.A6	CCW	Comment	

			appropriate time for site MN2.6 as it is immediately adjacent to Nelson Bog SSSI
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MN2.8- Land North East of Nelson sand and gravel

1056.A7	CCW	Comment	Proximity of sites to statutory sites: CCW seeks reassurance that any development on sites adjacent to statutory sites (SSSI/SAC) will not affect the integrity of these sites, and that if any proposals are likely to have an effect then CCW will be consulted at the appropriate time for site MN2.8 as it is immediately adjacent to Nelson Bog SSSI
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Planning History

UDP

At the proposed modifications stage of the UDP the WAG submitted objections to the UDP on the grounds that the council had not included policies on areas of search for coal, buffer zones around quarries and protection of sand and gravel resources.

The council considered these objections and resolved not to modify the plan because the objections related to sensitive issues, consultation on which would inevitably lead to a public inquiry and delay adoption of the plan.

The UDP contained other policies that would provide a level of protection until such time as the specific modifications sought by WAG could be brought forward in a review of the plan.

The objection relating to sand and gravel was not a duly made objection as defined by the UDP Regulations and government guidance.

The council further resolved to carry out an early review of the minerals policies, triggered by adoption, to resolve the WAG objections.

However, upon receipt of the council's intention to adopt the plan, WAG issued a Direction on the council not to adopt until modifications had been made to resolve the objections.

The council considered that the direction in respect of the sand and gravel resources raised fundamental issues of principle in that it was based on draft guidance. Judicial Review (JR) was sought but the TAN was issued in final form removing the case for JR but leaving the fundamental issues unresolved. The council therefore resolved not to progress towards formal adoption because there was no certainty that other Directions based on emerging or draft guidance would not be issued while the modifications procedures on the minerals policies were progressing. The council concluded that it was not

proper use of resources to embark on what could be a series of modifications with no realistic prospect of the plan being adopted.

The UDP was approved for development control purposes in April 2003

SUMMARY OF REPRESENTATIONS

Deposit LDP

- Concern expressed about the extent of land safeguarded.
- Minerals safeguarding areas should not be shown on the proposals map as this repeats national policy
- All safeguarding areas should be shown on the proposals map including hard rock
- Concern that the safeguarding areas might not be considered to be sufficiently locally distinct
- The tertiary coal resource should be safeguarded.
- Support for the mineral safeguarding areas
- Environmental and other impacts should not be taken into account in determining safeguarding areas
- Sand and gravel safeguarding areas should not be reduced by buffer zones
- Policy SP09 should refer to “resources” rather than “reserves”
- The area to the east of Rhymney should be safeguarded.
- Mineral safeguarding areas should extend to the boundaries of settlements
- Support the principle of policy CW24 as it addresses safeguarding.
- Objection to wording of criterion of policy CW24
- Coal and sand/gravel safeguarding is not compatible with the conservation of the Nelson Bog SSSI

Alternative Sites Stage

- The coal safeguarding area east of Nelson contains a UK BAP Priority Habitat. Development should not affect the integrity of statutory sites
- No development should be allowed that would affect the integrity of the sand and gravel safeguarding area north east of Nelson or the coal safeguarding area east of Nelson and CCW should be consulted on any proposals.

COMPLIANCE WITH THE LDP

Preferred Strategy

No substantive evidence has been submitted to justify the representations based on the LDP strategy

SA/SEA/AA - EU Habitats Directive

No substantive evidence has been submitted to justify the representations based on the SA/SEA/AA.

Tests of Soundness

Representors claim that the following soundness tests would apply without their proposed changes:

C1, C2, CE1, CE2, CE3, CE4.

DESIRED CHANGES TO THE DEPOSIT LDP

1. Remove safeguarding areas from proposals map
2. Extend safeguarding areas to the boundaries of settlements
3. Safeguard the tertiary coal resource as well as the primary and secondary
4. Safeguard land to the east of Rhymney.
5. Re-word policy SP9
6. Sand and gravel safeguarding areas should not be reduced by buffer zones.
7. Re-word policy CW24

COUNCIL ANALYSIS

Concern expressed about the extent of land safeguarded

The extent of the land safeguarded reflects the extent of mineral resources in the county borough. There is no presumption in favour of working the resource. The intention is to prevent the sterilisation of minerals that society might need in the future so that a decision can be made at the appropriate time on whether they should be worked or not. A continuous supply of minerals is important for economic and social wellbeing but needs to be balanced against the environmental impact of working it.

Minerals safeguarding areas should not be shown on the proposals map as this repeats national policy

Minerals Planning Policy Wales 2000 requires that the mineral deposits which society may need are safeguarded. The areas to be safeguarded should be shown on the proposals map and policies should protect the resources from permanent development, which would sterilise them or hinder extraction, although it does not indicate an acceptance of working (Para 13).

Minerals Technical Advice Note 1 Aggregates refers to that requirement (Para 32) and sets out the sand and gravel resources to be protected at page 21.

Minerals Technical Advice Note 2 Coal issued in January 2009 requires that the primary and secondary coal resource as defined by British Geological Survey should be safeguarded and the safeguarding areas “*must be shown on the proposals map of the LDP.*” (Paras 22, 34, 38)). While limestone and sandstone are not mentioned specifically in MTAN1, representations made by the WAG on the LDP indicate that they expect those resources also to be shown on the proposals map.

Local Development Plan Wales 2005 paragraph 2.2 states: “*...Though LDPs must have regard to national policies they should not repeat them, but rather explain how they apply to the local area...*” This approach has been consistently applied in the preparation of the LDP in an effort to ensure that the LDP avoids wasteful, unnecessary repetition of national policy. However, the Minerals guidance and discussions held with the WAG during the course of preparation of the LDP make it clear WAG expects safeguarded areas to be shown on the proposals map and for national policy to be repeated contrary to LDP Wales. The council have complied with this as far as possible in order to be able to adopt the plan bearing in mind the history of the UDP set out above.

It is important to note however that the Planning Inspectorate in their guidance document 'A Guide to the Examination of Local Development Plans' indicates that when considering the issue of 'soundness' the need to have regard for national policy is extremely important (Soundness Test C2 Regard for National Policy). Indeed one of the key questions to determine compliance with this test is:

Does it avoid wasteful/unnecessary repetition of national policy? LDPs are intended to be shorter, focussed documents that do not unnecessarily repeat national policy.

In this instance the Council have been required to repeat national guidance unnecessarily in order to comply with MTAN 2 even though this is contrary to LDP Wales.

All safeguarding areas should be shown on the proposals map including hard rock

This is addressed in the Statement of Common Ground. It is proposed that a recommendation be made to the Planning Inspector that the Proposals Map be amended to include hard rock safeguarding areas.

Concern that the safeguarding areas might not be considered to be sufficiently locally distinct

This is a matter for the Inspector to decide having regard to the Telford and Wrekin case. The council would, however draw attention to the fact that the LDP process in Wales differs from that in England and this may affect the decision.

In Wales each unitary authority produces a single Local Development Plan interpreting national policy at the local level. In England the development plan is made up of the Regional Spatial Strategy (RSS), which covers the whole region, and is produced by the Regional Assembly, and Development Plan Documents (DPD) produced by local planning authorities within the local development framework (LDF). The LDF is the collection of *local development documents* produced by the local planning authority, which collectively delivers the spatial planning strategy for its area. The Core Strategy is the principal DPD. Minerals and waste planning is undertaken by counties in two-tier areas.

Although the Inspectors recommended deleting a policy relating to minerals from the Telford and Wrekin core strategy because it repeated national policy, they also concluded that there was a lack of contextual Information on mineral working. Paragraph 3.8 of the report indicates a need for areas that might need to be safeguarded for future mineral working to be indicated in the core strategy. The Inspector concluded that without this the core strategy did not provide clear enough guidance about the broad locations where mineral extraction may take place. In fact, this supports the council's approach to mineral safeguarding In the LDP.

An extract from the Inspector's report is attached at Appendix A. It should, however, be noted that the Welsh planning guidance is more prescriptive in terms of identifying areas for safeguarding sand and gravel and coal than the

English guidance in MPS 1. The areas for safeguarding for sand and gravel and coal are defined in MTAN1 and MTAN2 respectively and there appears to be little opportunity to refine those areas to reflect local circumstances.

Safeguard the tertiary coal resource as well as the primary and secondary

The tertiary coal resource covers a considerable proportion of the county borough. There has been no interest within the county borough in new deep mined coal since 1996. National guidance in Minerals Planning Policy Wales requires only that the primary and secondary resource is safeguarded. In addition access to the tertiary resource is less likely to be restricted by new development at the surface. The tertiary resource may be a target for Coal Bed Methane, this is addressed separately in response to representations made by Centrica.

Support for the mineral safeguarding areas

The support is noted.

Environmental and other impacts should not be taken into account in determining safeguarding areas

This is accepted and is addressed in the Statement of Common Ground. Environmental, transport and planning considerations would, however be a factor in determining applications for mineral development.

Sand and gravel safeguarding areas should not be reduced by buffer zones

This is now accepted, following discussion with WAG, and is addressed in the statement of common ground on minerals. The council propose an amendment to the LDP to safeguard all mineral resources up to settlement boundaries.

Policy SP9 should refer to “resources” rather than “reserves”

This is accepted, following discussion with the WAG, and is addressed in the Statement of Common Ground.

Safeguard land to the east of Rhymney.

The area to the east of Rhymney has been subject to coal working previously, most recently in the Helid Colliery Opencast Coal site. This was completed in the late 1990s. Paragraph 38 of MTAN2: Coal states that areas of the coal resource, which are not realistically viable should be excluded from the safeguarding area and that this may include areas of previous opencast working that are unlikely to be revisited. Since the Helid site has recently been worked it is considered that it would not realistically be viable and therefore it has been excluded from the safeguarding area in line with national guidance.

Mineral safeguarding areas should extend to the boundaries of settlements

This is accepted and is addressed in the Statement of Common Ground for minerals.

Objection to wording of criterion of policy CW24 Locational Constraints - Minerals

Policy CW24 sets out the criteria by which non-mineral development within the safeguarding areas would be judged. Criteria Aiii states that permanent development would be permitted if there was an “overriding” need for the development. While it is not anticipated that there will be a large number of applications within mineral safeguarding areas since they are outside settlement limits, there needs to be a framework for considering those that do arise. Under this criterion the need for the non-mineral development would be weighed against the need for the coal and the likelihood of the coal being exploited in that location and a decision reached on that basis. The availability of alternative sites for both the non-mineral development and coal extraction would also be considered. Exceptionally it is considered that there may be a justification to permit non-mineral development within the safeguarding areas.

Coal and sand/gravel safeguarding is not compatible with the conservation of the Nelson Bog SSSI

The safeguarding areas do not imply any acceptance of working. The compatibility of mineral extraction with all neighbouring land uses would be considered if an application was made.

The coal safeguarding area east of Nelson contains a UK BAP Priority Habitat.

Development should not affect the integrity of statutory sites

The safeguarding areas do not imply any acceptance of working. The compatibility of mineral extraction with all neighbouring land uses would be considered if an application was made.

No development should be allowed that would affect the integrity of the sand and gravel safeguarding area north east of Nelson or the coal safeguarding area east of Nelson and CCW should be consulted on any proposals.

The safeguarding areas do not imply any acceptance of working. The compatibility of mineral extraction with all neighbouring land uses would be considered if an application was made. CCW is a statutory consultee on development that may affect a SSSI.

Compliance with the LDP

Preferred Strategy

No evidence submitted

SA/SEA/AA - EU HABITATS DIRECTIVE

No evidence submitted

Tests of Soundness

C1 - The plan does not have regard to other plans

There is no basis for the inspector to conclude that the plan is not sound in this respect.

C2 - It does not have regard to national policy.

There is no basis for the inspector to conclude that the plan is not sound in this respect

CE1 - It does not have a coherent strategy or is not compatible with the plans of neighbouring authorities

There is no basis for the inspector to conclude that the plan is not sound in this respect

CE2 - Policies are not founded on a sound evidence base.

There is no basis for the inspector to conclude that the plan is not sound in this respect

CE3 - No clear mechanisms for monitoring and implementation

There is no basis for the inspector to conclude that the plan is not sound in this respect

CE4 - Not sufficiently flexible.

There is no basis for the inspector to conclude that the plan is not sound in this respect

CONCLUSION

Minerals Planning Policy Wales (MPPW) 2000 requires that the mineral deposits which society may need are safeguarded. The extent of the land safeguarded reflects the extent of mineral resources in the county borough. There is no presumption in favour of working the resource.

Paragraph 38 of MTAN2: Coal states that areas of the coal resource, which are not realistically viable should be excluded from the safeguarding area and that this may include areas of previous opencast working such as the Helid Colliery Opencast Coal Site that are unlikely to be revisited.

The compatibility of mineral extraction with all neighbouring land uses would be considered if an application was made for its working. (CCW is a statutory consultee on development that may affect a SSSI). With regard to Coal safeguarding, national guidance in MPPW requires only that the primary and secondary resource is safeguarded.

Policy CW 24 Locational Constraints – Minerals: While it is not anticipated that there will be a large number of applications within mineral safeguarding areas since they are outside settlement limits, there needs to be a framework for considering those that do arise.

The Statement of Common Ground addresses the issue of the extent of the minerals safeguarding areas on the Proposals Map, the need for hard rock safeguarding areas to be indicated on the Proposal Map and proposes minor modification to Policy SP9 to more closely translate national guidance to the local level.

The council has not repeated national guidance on any other topic in accordance with LDP Wales, including for example Archaeology and Historic Buildings. However in the case of minerals the guidance (MTAN 2) and comments from WAG require that it be repeated in the LDP. Given the apparent paradox in national guidance in this regard and the content of the Planning Inspectorate guidance document it would be appropriate to invite the Inspector to reach a conclusion on this issue.

OFFICER RECOMMENDATION

1. That the Council recommend to the Planning Inspector that no change be made to the LDP except as indicated in the statement of common ground on minerals
2. That the Council invite the Planning Inspector to consider the need for National Guidance to be repeated in respect of Minerals within the LDP and consider the apparent paradox and determine the appropriate course of action for the development plan in this instant.

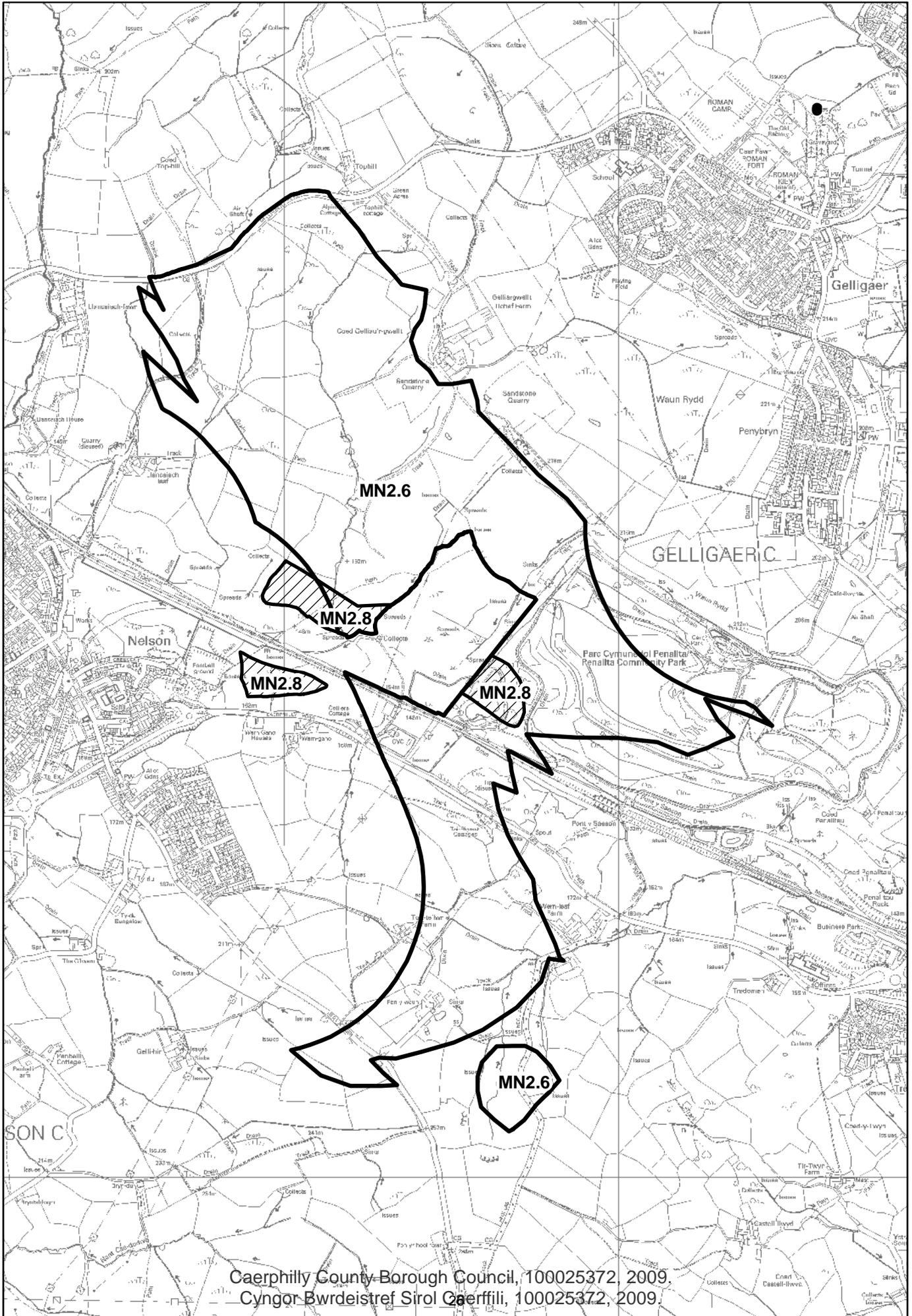
Reason for Recommendation

1. For the reasons outlined in the council analysis and the Statement of Common Ground.
2. To ensure conformity with national guidance whilst ensuring soundness of the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Minerals



APPENDIX**Extract from the Inspectors report on the Telford and Wrekin Core Strategy*****Minerals***

- 3.77. The areas of current mineral working for crushed rock and brick clay are outlined in the spatial profile of the Borough as are workable sand and gravel working areas. However, there are other minerals in the area which have been worked in the past and for which there have been recent proposals, for example, opencast coal, which is only mentioned in the reasoned justification in the context of the need for reclamation schemes. Minerals are not defined as a spatial development issue and not included specifically in the long-term vision for the Borough.
- 3.78. In terms of other contextual material, no supporting evidence was put forward in support of the minerals policy and its reasoned justification and we do not consider that it has a robust evidence base. We were told at the hearing session covering this policy that the Minerals DPD is at an early stage and so it was not submitted as part of the Council's evidence. We also heard that there are other difficulties in setting the apportionment for aggregates for the Borough. Generally, the regional context for minerals development is not adequately addressed in the CS.
- 3.79. Policy CS17 largely reiterates national objectives for minerals planning set out in ¶9 of Minerals Policy Statement 1: Planning and Minerals (MPS1), rather than presenting a locally-focussed, clearly-defined policy for the delivery of minerals planning in the Borough. From the information presented, it is not possible to see how the Borough will contribute appropriately to regional and local demand for minerals, as set out in ¶2.11 of PPS12.
- 3.80. Current areas of mineral working are mentioned in the plan. However, the broad locations of areas, which might be worked during the plan period, and areas which might need to be safeguarded for future working are not indicated either in the text or any strategic diagram. Minerals can only be worked where they occur and it is important that future working is not sterilised by development. As submitted, the CS fails to provide clear guidance to minerals operators and the public about the broad locations where mineral extraction might take place or that should be safeguarded from development. Consideration needed to have been given to showing minerals safeguarding areas on the strategic diagram.
- 3.81. In our view the minerals section of the CS needs to be substantially rewritten. It should incorporate contextual material about minerals occurring in the borough with more detail given on those currently being worked and those, which might come forward for working over the plan period. There is difficulty in assessing reserves and working periods and uncertainty in apportioning the amount of aggregates required over the plan period. However, more guidance is required in the CS to

ensure an adequate supply of minerals though the plan period, together with a broad indication of existing and potential working areas.

- 3.82. Therefore we conclude that if the section on minerals, including Policy CS17, were to remain in the CS it would be unsound: and we recommend that it should be deleted. Policies P64-68 of the Shropshire and Telford and Wrekin Joint Structure Plan 1996-2011 and 26 of the policies in the Shropshire and Telford and Wrekin Joint Minerals Local Plan have been saved, which will provide some minerals planning policy for the area. However, this is only a temporary measure and the Council should explore mechanisms for the early replacement of the minerals policy section.

OFFICER RECOMMENDATION

The following change is necessary to make the CS sound.

1. Policy C17 and the section on minerals shall be deleted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

*(Core Strategy DPD Examination – Telford and Wrekin Borough Council – Inspectors’ Report
Page 24)*

**MN99.2 - Potential Coal Bed Methane Development Areas
SP09 – Minerals Safeguarding**

Representation Type – Deposit Stage

4209.D1	Centrica	Object	A new policy in respect of Onshore Gas Extraction should be included within the development plan and 'Potential CBM Development Areas' should be identified on the Proposals Map, where future extraction and production is acceptable in principle. The inclusion of a new policy and supporting text in the LDP will provide clarity concerning the future development of this resource. This will allow Caerphilly Council to accord with National Guidance.
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Representation Type – Alternative Site Stage

4203.A4	Coal Authority	Support	The coal authority supports the site proposals.
4209.A1	Centrica	Support	Support the area to which MN99.2 refers as an area designated for coal bed methane (CBM) exploration and development.
4209.A2	Centrica	Comment	The area to which MN99.2 refers should be reclassified as an 'Energy' site as despite its name, the exploitation of coal bed methane is not a mineral extraction process. In policy terms it should be considered an energy resource. This relationship with energy and not the minerals extraction process needs to guide any new policy framework in a development plan. This is essential to differentiate CBM's relatively benign operational impacts at the surface from disturbance and disruption normally associated with surface mineral extraction.

Site and Development

The proposed site MN99.2 was proposed by Centrica Energy at the deposit stage and it relates to the license area, PEDL 223, granted to Centrica by the DBERR.

Planning History

UDP

At the proposed modifications stage of the UDP the Welsh Assembly Government (WAG) submitted objections to the UDP on the grounds that the council had not included policies on areas of search for coal, buffer zones around quarries and protection of sand and gravel resources.

The council considered these objections and resolved not to modify the plan because the objections related to sensitive issues, consultation on which would inevitably lead to a public inquiry and delay adoption of the plan.

The UDP contained other policies that would provide a level of protection until such time as the specific modifications sought by WAG could be brought forward in a review of the plan.

The objection relating to sand and gravel was not a duly made objection as defined by the UDP Regulations and government guidance.

The council further resolved to carry out an early review of the minerals policies, triggered by adoption, to resolve the WAG objections.

However, upon receipt of the council's intention to adopt the plan, WAG issued a Direction on the council not to adopt until modifications had been made to resolve the objections.

The council considered that the direction in respect of the sand and gravel resources raised fundamental issues of principle in that it was based on a draft Mineral Technical Advice Note. Judicial Review (JR) was sought but the MTAN was issued in final form removing the case for JR but leaving the fundamental issues unresolved. The council therefore resolved not to progress towards formal adoption because there was no certainty that other Directions based on emerging or draft guidance would not be issued while the modifications procedures on the minerals policies were progressing. The council concluded that it was not proper use of resources to embark on what could be a series of modifications with no realistic prospect of the plan being adopted.

The UDP was approved for development control purposes in April 2003

LDP

Representations have been made at the deposit stage and the alternative sites stage. Meetings have also been held with Centrica Energy.

DC

No applications have been received to date for Coal Bed Methane production within the license area. Octogon Energy some years ago drilled exploratory boreholes in the Nelson Area, but these were not developed further.

App. Ref.	Proposal	Decision Date	Decision
P/99/0940	Exploratory borehole for coal Bed Methane gas. Lwyngoleu, Nelson	23.09.99	Temporary permission

P/00/0132	Exploratory borehole for coal Bed Methane gas. Lwyngoleu, Nelson	13.04.00	Temporary permission.
P/99/0940	Drill exploratory borehole. Gelliargwellt Uchaf.	03.02.2000	Temporary permission.

SUMMARY OF REPRESENTATIONS

Deposit Stage

Centrica Energy proposes a new strategic policy to facilitate Coal Bed Methane (CBM) production in environmentally acceptable areas. The company proposes that “potential CBM development areas” or areas of search should be shown on the proposals map. An area is put forward for the policy, which correlates with the section of the PEDL area granted to Centrica within Caerphilly County Borough. This, the company suggests, is needed to comply with guidance in Minerals Planning Policy Wales paragraph 63 in that the council should identify areas where onshore oil and gas development is likely to be acceptable and areas where it will not be acceptable. A form of wording for a new onshore gas extraction policy is proposed.

Alternative Sites Stage

- The Coal Authority supports the proposal for the potential CBM development area.
- Centrica supports the CBM development areas.
- Centrica objects to site MN99.2 being classified as a minerals site.

COMPLIANCE WITH THE LDP

Preferred Strategy

No substantive evidence has been submitted to justify the representation based on the LDP strategy.

SA/SEA/AA - EU Habitats Directive

No justification has been submitted for the representation based on the SA/SEA/AA.

Tests of Soundness

The company claims that the following apply to the LDP without their proposed changes. C2, CE1, CE3, CE4.

DESIRED CHANGE TO THE DEPOSIT LDP

1. Include a policy to facilitate CBM production in environmentally acceptable areas.
2. Show the PEDL area on the proposals map as a “potential CBM development area”

COUNCIL ANALYSIS

Policy Context

The strategic policy proposed by Centrica to define areas of search simply identifies the PEDL area as an area within which Coal Bed Methane (CBM) operations should be given favourable consideration. The PEDL is the area licensed to the company by DECC so it represents the area within which the

company is *able* to carry out operations not the area where it is *environmentally acceptable* to carry out operations. No analysis of the acceptability of the PEDL area in environmental terms has been submitted to support the representation, nor has any SA/SEA been undertaken.

This demonstrates the difficulty in complying with paragraph 63 of Mineral Planning Policy Wales (MPPW). Coal Bed Methane extraction is potentially feasible within the whole of the license area on the basis of the information currently available. Therefore to define an area where operations would be acceptable, or not acceptable, would involve detailed environmental analysis of the whole PEDL area. The council does not have the resources to undertake this work bearing in mind that the actual “areas of interest” are likely to be much smaller than the PEDL area.

It is understood from discussions with Centrica that the company is working on preparation of “areas of interest” maps, which have regard to the geology of the area and the feasibility of extracting CBM within the license area. These areas will represent the best prospects for CBM development and will be smaller than the license area, providing a better basis for establishing policy. The Council will consider the evidence produced as part of this feasibility work and it will serve to inform the first review of the LDP. However, it is not possible to translate the national policy to the local level until this work is completed.

There is, however, no evidence to suggest that CBM development is disadvantaged by the policy framework currently set out in the LDP or that it merits any different treatment to other mineral or non-renewable energy developments. The LDP does not deal with topic areas as previous plans have. The policies in the plan are cross-cutting to avoid duplication and a single policy may relate to a number of different subject areas. Therefore the fact that there is not a specific policy for CBM does not mean that there is a lack of policy guidance for the development.

The support is noted. Although the rights to the CBM are vested in the Crown, permission is required from the Coal Authority to drill through coal seams to extract the CBM.

The support is noted. (NB Centrica proposed, at the Deposit stage, the site identified in the alternative sites consultation as MN99.2)

Coal bed methane is a natural gas, which is adsorbed onto the coal surface during formation. It is part of the coal in situ and becomes a separate entity when it is released by depressurising the coal seam, usually by dewatering.

In science a mineral is a naturally occurring inorganic (neither of animal or vegetable origin) substance with characteristic chemical composition and physical properties that make it identifiable, useful and/ or valuable. They generally have a crystalline structure. Strictly speaking coal and gas are of organic origin but in the economic context “mineral” is taken to mean any substance that can be extracted from the earth for profit. (British Geological Survey).

Hydrocarbons, the collective term for oil and gas, are fossil fuels that occur concentrated in nature as economic accumulations trapped in structures and reservoir rocks beneath the earth's surface and which are valued as sources of energy.

The Planning Act 1990 defines "Minerals" as:

"All substances of a kind ordinarily worked for removal by underground or surface working except that it does not include peat cut for purposes other than sale."

It seems reasonable therefore to treat onshore oil and gas, including CBM as energy minerals. Both the WAG and the Department for Communities and Local Government (CLG) have followed this approach, publishing guidance for oil and gas in Mineral Planning Guidance, WAG in Minerals Planning Policy Wales and CLG in Minerals Policy Statement 1.

All development is considered on its merits and any application would take account of the specific impacts associated with CBM development rather than any perception of mineral development as a whole.

Compliance with the LDP

Preferred Strategy

No evidence has been submitted.

SA/SEA/AA - EU Habitats Directive

No evidence has been submitted

Tests of Soundness

C2: It does not have regard to national policy

The relevant national policy framework is contained in MPPW, MTAN1 and MTAN2. These have been taken into account in producing the policies.

There is no basis for the inspector to conclude that the plan is not sound in this respect

CE1: The Plan does not set out a coherent strategy or does not have regard to the plans prepared by neighbouring authorities.

The representation draws attention to the Swansea Unitary Development Plan, which, it is claimed, sets out specific policies for CBM development. Swansea is not a neighbouring authority being situated some 60km to the south west of Caerphilly county borough. The Swansea UDP was adopted in November 2008 but will be replaced within four years by a LDP. Work on the Swansea LDP has already commenced. The LDP process is designed to be strategic, focussed, concise and quicker to prepare than UDP's and may therefore lead to different policies coming forward. Neighbouring authorities (Merthyr and RCT) have not included specific policies on CBM in their deposit plans.

There is no basis for the inspector to conclude that the plan is not sound in this respect.

CE3: There are no clear mechanisms for implementation and monitoring.

No evidence has been included to support this claim

There is no basis for the inspector to conclude that the plan is not sound in this respect

CE4: It is not reasonably flexible to deal with changing circumstances.

No evidence has been included to support this claim.

There is no basis for the inspector to conclude that the plan is not sound in this respect

CONCLUSION

There is no justification for a specific policy for onshore gas extraction. With regard to the wording of the policy proposed by Centrica there is no evidence to support that CBM extraction would be acceptable within the whole of the area proposed.

OFFICER RECOMMENDATION

- 1 That the Council recommends to the Planning Inspector that no change be made to the LDP in respect of the representations.**
- 2 That the Council recommends to the Planning Inspector that the representations in support are noted.**

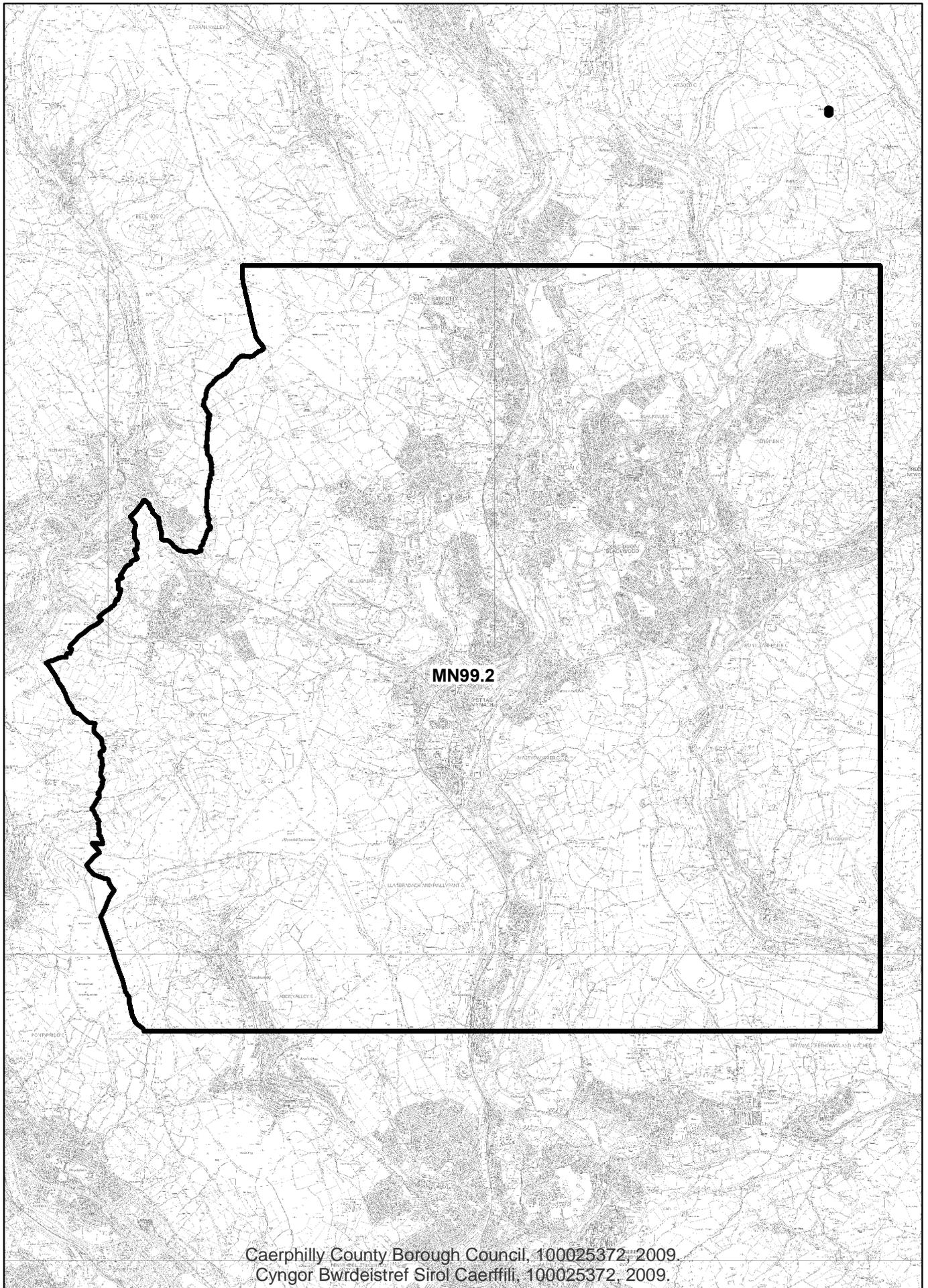
Reason for Recommendation

For the reasons outlined in the council analysis.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Minerals



Caerphilly County Borough Council, 100025372, 2009.
Cyngor Bwrdeistref Sirol Caerffili, 100025372, 2009.

MN99.5 - Ffrwd Farm, Llanbradach.
SP09 – Minerals Safeguarding

Representation Type – Deposit Stage

MN99.5 - Ffrwd Farm, Llanbradach.

4202.D2	Residual Lands Ltd	Object	Objects because land at Ffrwd Farm is not included in minerals safeguarding area for sand and gravel.
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SP09 - Minerals Safeguarding

4202.D1	Residual Lands Ltd	Support	Supports principle of mineral safeguarding areas.
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Representation Type – Alternative Sites Stage

MN99.5 - Ffrwd Farm, Llanbradach.

3962.A8	Dwr Cymru / Welsh Water	Comment	The site is crossed by public sewers, which may restrict the density of development.
3753.A6	Mr Ralph Wright	Object	Objects to the proposed minerals allocation at Ffrwd Farm because the lanes are not suitable for HGV traffic.

Site and Development

The site lies to the north of Llanbradach, just outside the settlement boundary. There is an area of housing to the north-east and the employment area, Dyffryn Estate to the north. The site is bounded on the east by the A469 Caerphilly to Ystrad Mynach dual carriageway. Access is gained from a minor road to the east of the bypass connecting via a bridge over the A469 and emerging at the roundabouts on the A469 at either Ystrad Mynach to the north or Trehir to the south. The River Rhymney curves around the western boundary of the site. The site lies within the floodplain of the river.

Planning History

UDP - The site was allocated as a green wedge C14(25) in the council approved UDP

LDP - A narrow strip on the western boundary of the site is identified as a SINC NH 3.1 and TM1.8 tourism route runs along the western boundary.

DC

App. Ref.	Proposal	Decision Date	Decision
55/86/0709	Fishing lake	27.03.87	Approved
55/91/0729	Remove material for construction of embankments for A469	17.12.91	Approved

P/99/0440	Fishing Lake	23.09.99	Approved
P/06/0763	Retention of C/U for digger training area	17.08.06	Approved
P/93/0260	Land raising	-	Withdrawn.

SUMMARY OF REPRESENTATIONS

The representations relate to the appropriateness of safeguarding sand and gravel resources at Ffrwd Farm.

Deposit Stage

One representation has been received supporting the general principle of safeguarding mineral resources but objecting to the exclusion of the site

Alternative Sites Stage

One representation objects to safeguarding of resources at the site on highway grounds as the access is via narrow lanes not suited to HGVs. In addition a comment has been received that a public sewer crosses the site and this may restrict its development.

COMPLIANCE WITH THE LDP

No evidence has been put forward to support the case for safeguarding any resource that may exist at the site. The respondent states that the resource has been proven but no details have been submitted.

Preferred Strategy

No information has been submitted

SA/SEA/AA - EU Habitats Directive

No information has been submitted

Tests of Soundness

The plan is not sufficiently flexible to enable it to deal with changing circumstances.

DESIRED CHANGES TO THE DEPOSIT LDP

1. To include the site within the minerals safeguarding area for sand and gravel.
2. To omit the site from the safeguarding area.

COUNCIL ANALYSIS

Policy Context

The minerals safeguarding policies have been included in accordance with guidance in Minerals Planning Policy Wales 2000, Minerals Technical Advice Note 1: Aggregates 2001, and Minerals Technical Advice Note 2: Coal 2009.

The purpose of safeguarding the sites is to prevent sterilisation of a finite resource that society needs. There is no presumption in favour of minerals development within safeguarding areas. An application would be considered on its merits having regard to the policies in the plan as a whole. No sites have been allocated for mineral development, as the landbank is currently adequate.

The sand and gravel safeguarding areas are derived from work undertaken by Symmonds for the Welsh Assembly Government (South Wales Sand and Gravel-Appraisal of land based extraction in South East Wales 2000). This study evaluated land based sources of sand and gravel using geomorphological mapping, a review of existing borehole data and a limited amount of new borehole investigations to identify a series of potential resources. Within Caerphilly potential resources were identified in the upper Rhymney Valley at Nelson and Llanbradach and a series of deposits in the lower Rhymney Valley. The site at Frwd Farm was noted as containing floodplain alluvium but was not identified as a possible resource block.

The criteria used by Symmonds to identify workable sand and gravel prospects were:

- the average thickness of material should be no less than 1 metre
- the maximum ratio of overburden to mineral should be no more than 1.5 to 1
- the minimum quantity of extractable mineral should be 0.5 million tonnes.

It is assumed that the Ffrwd Farm site did not meet those criteria. Alternatively the more detailed assessment of technical economic and logistical constraints that followed the initial selection may have indicated that it was not a viable site.

No information has been submitted in support of the representation to indicate the quality or quantity of the resource at the site and in the absence of such information there is no reason to safeguard the site.

Although the site is not safeguarded, an application could still be made for mineral working. Any application would need to take into account other policies in the LDP including the environmental constraints, the transport implications and the implications for the main sewer of development at this location.

In response to the alternative sites objection, it should be noted that mineral safeguarding is not an allocation and does not imply that mineral working will be acceptable. Determination of any application would consider environmental, transport and other implications of the proposed development.

Compliance with the LDP

Preferred Strategy

The safeguarding policy complies with the preferred strategy and with guidance in MTAN1 Aggregates.

SA/SEA/AA - EU Habitats Directive

No information has been submitted in respect of the proposed land use. Consequently there is no basis for the inspector to consider a change to the plan under SEA/AA/SA.

Tests of Soundness

The fact that the site has not been safeguarded does not affect the flexibility of the plan to adapt to changing circumstances. Symmonds did not identify the

site for safeguarding, and no information has been submitted to suggest that it could be commercially viable. Any application could proceed in the normal manner.

CONCLUSION

There is no evidence to support the safeguarding of any mineral resource that may exist at the site.

OFFICER RECOMMENDATION

That the Council recommend to the Planning Inspector that no change be made to the LDP in respect of the representations.

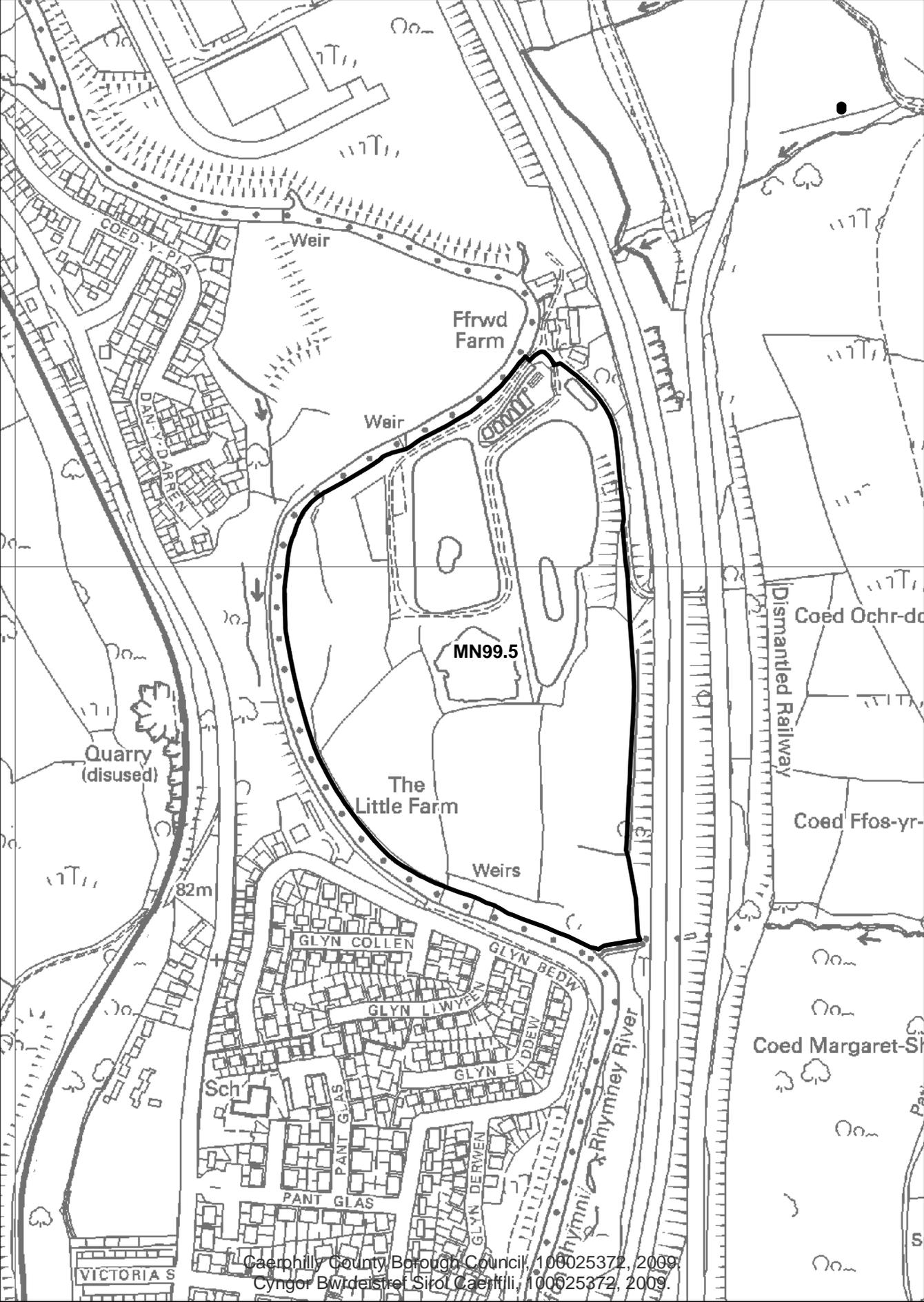
Reason for Recommendation

The desired change would adversely affect the soundness of the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Minerals



Caerphilly County Borough Council, 100025372, 2009.
Cyngor Bwrdeistref Sirol Caerffili, 100025372, 2009.

MN1.2 – Hafod Quarry Buffer Zone
MN99.3 - Hafod Quarry Mineral Safeguarding Area
CW24 - Locational Constraints: Minerals
SP9 - Minerals Safeguarding
Proposals Map

Representation Type – Deposit Stage

MN1.2 – Hafod Quarry Buffer Zone

4140.D1	Lafarge Aggregates Ltd	Object	The buffer zone at Hafod Quarry should be revised.
4140.D5	Lafarge Aggregates Ltd	Comment	The boundary of Hafod Quarry is incorrect.
4140.D4	Lafarge Aggregates Ltd	Comment	The plan notation is confusing.

MN99.3 - Hafod Quarry Mineral Safeguarding Area
CW24 - Locational Constraints: Minerals

4140.D3	Lafarge Aggregates Ltd	Object	Known mineral resources exist in the vicinity of Hafod Quarry.
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SP09 - Minerals Safeguarding

4140.D2	Lafarge Aggregates Ltd	Object	Policy SP9 needs redrafting.
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Proposals Map

4140.D4	Lafarge Aggregates Ltd	Comment	The plan notation is confusing.
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Representation Type – Alternative Site Stage

MN99.3 - Hafod Quarry Mineral Safeguarding Area

2049.A11	RE Phillips and Partners	Object	Supports inclusion of MN99.3 minerals safeguarding area but objects to extent.
4140.A1	Lafarge Aggregates Ltd	Comment	The plan showing the proposed mineral safeguarding area should be amended to show the actual northern extent of the permitted mineral working area and an accurate boundary of the proposed new mineral safeguarding area.
4203.A5	The Coal Authority	Support	Supports inclusion of MN99.3 minerals safeguarding area.

Site and Development

Hafod Fach Quarry lies to the east of the village of Abercarn. The quarry has been in existence for many years and the most recent permission was granted in 2000 for a north-easterly extension over 12.9ha.

The site is an important source of High Specification Aggregate used in applications where skid resistance is needed. It is one of only 4 quarries in England and Wales supplying this type of material and exports stone over a wider than local area.

Planning History

UDP

At the proposed modifications stage of the UDP the WAG submitted objections to the UDP on the grounds that the council had not included policies on areas of search for coal, buffer zones around quarries and protection of sand and gravel resources.

The council considered these objections and resolved not to modify the plan because the objections related to sensitive issues, consultation on which would inevitably lead to a public inquiry and delay adoption of the plan.

The UDP contains other policies that would provide a level of protection until such time as the specific modifications sought by WAG could be brought forward in a review of the plan.

The objection relating to sand and gravel was not a duly made objection as defined by the UDP Regulations and government guidance.

The council further resolved to carry out an early review of the minerals policies, triggered by adoption, to resolve the WAG objections.

However, upon receipt of the council's intention to adopt the plan, WAG issued a Direction on the council not to adopt until modifications had been made to resolve the objections.

The council considered that the direction in respect of the sand and gravel resources raised fundamental issues of principle in that it was based on draft guidance. Judicial Review (JR) was sought but the TAN was issued in final form removing the case for JR but leaving the fundamental issues unresolved. The council therefore resolved not to progress towards formal adoption because there was no certainty that other Directions based on emerging or draft guidance would not be issued while the modifications procedures on the minerals policies were progressing. The council concluded that it was not proper use of resources to embark on what could be a series of modifications with no realistic prospect of the plan being adopted.

The UDP was approved for development control purposes in April 2003

DC

App. Ref.	Proposal	Decision Date	Decision
P/98/1073	Extension of quarry	10.7.2000	Approved

SUMMARY OF REPRESENTATIONS

Deposit Stage

- The quarry boundary shown on the proposals map is incorrect.
- The buffer zone should be revised to take account of the permitted operation and future operations
- Known mineral resources exist in the vicinity and a safeguarding area for pennant sandstone is required. The respondent has identified an area that should be safeguarded.
- Policy SP9 should refer to mineral 'resources', not 'reserves' that need to be safeguarded.
- The annotation on the plan is confusing in terms of colours when cross-referenced to the legend which shows quarry buffer zones identified under Policy MN1 and tourism routes identified under Policy TM1, both being shown as dotted purple lines.

Alternative Sites Representations

- The safeguarding area should include the former Twyn Ganol Tip
- The safeguarding area should be revised
- Support for the safeguarding area.

COMPLIANCE WITH THE LDP

Preferred Strategy

No substantive evidence has been submitted to justify the representation based on the LDP strategy.

SA/SEA/AA - EU Habitats Directive

No information has been submitted to justify the revision of the safeguarding area or the buffer zone.

Tests of Soundness

The respondent claims that the plan fails the tests of soundness in respect of CE1,CE2,CE4,C1,C2 without the changes proposed.

DESIRED CHANGES TO THE DEPOSIT LDP

1. The buffer zone should be revised to take account of permitted and future operations
2. Resources to the north east of the quarry should be safeguarded
3. The wording to SP9 should be changed to avoid confusion over the terms "reserve" and "resource". Also it should refer to "...at least a ten year landbank...."
4. The permission boundary should be shown on the proposals map

COUNCIL ANALYSIS

Policy Context

The quarry boundary is not actually shown on the proposals map. However an area has been left out of the VILL designation surrounding the quarry, which gives that impression. Since the Plan accepts that mineral working is not necessarily inconsistent with the aims of SLAs and VILLs and because quarrying is a temporary activity (albeit long term) the VILL designation should encompass the quarry. This would also give weight to achieving the best

possible restoration of the site once quarrying ceases. Since none of the proposals or policies relates specifically to the permission boundary there is no reason to show the quarry boundary on the proposals map.

The buffer zone is drawn approximately 300m from the current permission boundary. This is considered an acceptable distance having regard to the national guidance in MPPW and TAN1 and the known effects of quarrying operations at the site. No resources are allocated at the site but if there were, the buffer zone would be drawn 300m from any allocated extension areas identified in the plan

The pennant sandstone resource within the county borough is shown on the Minerals section of the Constraints Map page 54 and the safeguarding areas for sandstone and limestone on page 55. Policy SP9 and paragraph 1.69 refer to the safeguarding of sandstone resources shown on the constraints map. The sandstone resource has not been shown on the proposals map because of the extent of the resource and the effect this would have on the clarity of the proposals map. However, in response to representations from the WAG, the council has agreed to show the sandstone and limestone as a background notation on the proposals map in order to comply with national guidance.

It is accepted that the clarity of SP9 would be improved if it was redrafted to refer to “resources” rather than “reserves”. In the planning context “reserves” tends to refer to resources that have planning permission. It is implicit in the wording of the policy that it refers to a minimum 10-year landbank – it would not be practical to seek to maintain an exact 10-year landbank.

The comment is noted. The line for the tourism route policies is thicker than that for the buffer zone policies and there are no tourism routes within or near the buffer zones. This, together with the annotation TM or MN is sufficient to satisfactorily distinguish between the policies.

No justification has been put forward to support the inclusion of the Twyn Ganol Tip in the proposed safeguarding area for the quarry and it is not clear why the respondent has suggested it. However the constraints map identifies that there are resources in the area. The practicality of working any resource under the tip would need to be considered when any allocation was considered.

The resources identified by the respondent are within the safeguarding area identified on the constraints map on page 54/55. There is no justification for an allocation at this time in view of the relatively large landbank at this quarry and within the county borough as a whole.

**Compliance with the LDP
Preferred Strategy**

No evidence has been submitted

SA/SEA/AA - EU Habitats Directive

No evidence has been submitted.

Tests of Soundness

C1 The plan and its processes have failed to take account of other plans policies.

The LDP has taken account of a wide range of documents, the principle ones being set out at Paras 0.42 to 0.65. The background documentation and core document lists demonstrate the number and variety of plans and policies that have been taken into account. The representation is not specific about what has not been taken account of.

There is no basis for the inspector to conclude that the plan is not sound in this respect.

C2 The plan does not have regard to national policy.

The relevant national policy for minerals is contained within MPPW and Minerals Technical Advice notes 1 and 2 for Aggregates and Coal respectively. These have been taken into account in producing the policies.

There is no basis for the inspector to conclude that the plan is not sound in this respect.

CE1 The plan does not set out a coherent strategy or is not compatible with development plans prepared by neighbouring authorities.

No evidence has been submitted to support this claim.

There is no basis for the inspector to conclude that the plan is not sound in this respect.

CE2 The policies are not realistic or not founded on a credible evidence base.

No evidence has been submitted to support this claim

There is no basis for the inspector to conclude that the plan is not sound in this respect.

CE4 It is not reasonably flexible to deal with changing circumstances.

No evidence has been submitted to support this claim.

There is no basis for the inspector to conclude that the plan is not sound in this respect.

CONCLUSION

The term safeguarding in the context of the LDP refers to the long-term protection of mineral resources that society may need in the future. There is no presumption in favour of working the resource that is safeguarded but it prevents its sterilisation before an informed decision can be made. This is rather different to the way the term was used in the UDP where it referred to much smaller areas which may come forward as quarry extensions within the plan period. Although the representation refers to safeguarding, it seems that what is sought may in fact be an allocation of a discreet area of identified resource adjoining the quarry for future mineral extraction. Whilst it is recognised that the High Specification Aggregate worked at Hafod is an important national resource, there is no justification for an allocation at present. Permission was granted in 2000 for 7MT of stone, which at the extraction rate at the time (and which has been stable for many years) would give a life of 28 years. A longer than usual lifespan was allowed because it was tied in with the progressive restoration of the site to a natural valley landform. There are, therefore, substantial reserves remaining at the site and

the respondent has not put forward any justification for allocating additional resources.

OFFICER RECOMMENDATION

1. That a recommendation be made to the inspector that no change be made to the extent of the Buffer Zone for Hafod Quarry.
2. That a recommendation be made to the planning inspector that Policy SP9 be amended as follows (As discussed in the Statement of Common Ground on minerals): -
 - The council will contribute to the regional demand for a continuous supply of minerals by:
 - A - Safeguarding known resources of coal, sand and gravel and hard rock
 - B - Maintaining a minimum 10-year landbank of permitted aggregate reserves in line with national guidance.
3. That a recommendation be made to the planning inspector that no change be made to the safeguarding areas identified on the constraints map other than as set out in the statement of common ground on minerals safeguarding.
4. That a recommendation be made to the inspector that the VILL designation should be extended to cover the quarry and that the permission boundary should not be shown. Also that this should be consistently applied to other mineral working sites within the county borough, including Machen Quarry.

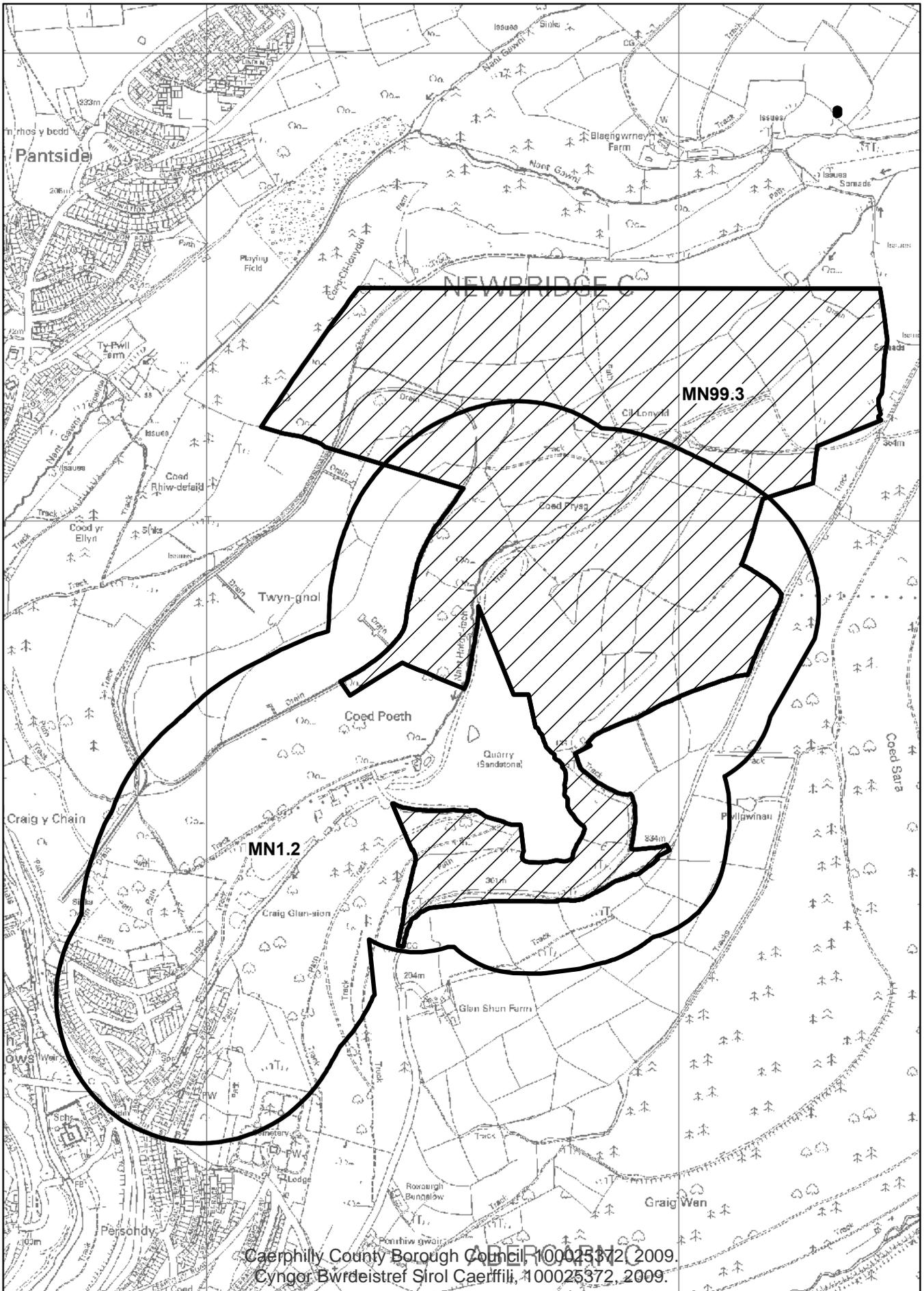
Reason for Recommendations

As outlined in the council analysis.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Minerals



Caerphilly County Borough Council, 100025372, 2009.
Cyngor Bwrdeistref Sirol Caerffili, 100025372, 2009.

E62 - Area of land north of Fochriw, Gelligaer Common**MN99.1 – Nant Llesg Minerals Safeguarding****NH1.1 - Upper Rhymney Valley****NH2.1 - Northern Rhymney Valley****Representation Type – Deposit Stage****E62 - Area of land north of Fochriw, Gelligaer Common**

4203.D7	The Coal Authority	Object	The Plan should also safeguard the Nant Llesg for coal.
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MN99.1 – Nant Llesg Minerals Safeguarding

1844.D1	Miller Argent	Object	Objection. There needs to be an allocation for Mineral Development and revision of Mineral Protection Policies.
4203.D3	The Coal Authority	Object	The Nant Llesg site should be included within the safeguarding area on the Proposals Map and in Policy MN2.

NH1.1 - Upper Rhymney Valley

1844.D6	Miller Argent	Object	Objects to the extent of the SLA at Nant Llesg.
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NH2.1 - Northern Rhymney Valley

1844.D7	Miller Argent	Object	Objects to the extent of the VILL at Nant Llesg, proposes reduction.
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Representation Type – Alternative Site Stage**MN99.1 – Nant Llesg Minerals Safeguarding**

4203.A1	The Coal Authority	Support	Supports the inclusion of 99.1 dereliction at Nant Llesg.
2109.A1	Gelligaer and Merthyr Commoners Association	Object	Objects to the inclusion of site MN99.1 for mineral development.
2109.A2	Gelligaer and Merthyr Commoners Association	Object	Object to the inclusion of site MN99.1 for mineral development (coal).
3962.A18	Welsh Water/Dwr Cymru	Comment	Comments in relation to MN99.1

E62 - Area of land north of Fochriw, Gelligaer Common

4203.A6	The Coal Authority	Comment	Comment in relation to the proposed inclusion of site E62.
3962.A88	Dwr Cymru / Welsh Water	Comment	Comment in relation to E62 - Area of land north of Fochriw, Gelligaer Common.

Representation Type – Member Seminar**E62 - Area of land north of Fochriw, Gelligaer Common**

	Cllr David Hardacre.	Comment	Inconsistency between designations at Land north of Fochriw.
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Site and Development

The area north of Fochriw is part of Gelligaer Common. Mineral extraction including opencast coal extraction has taken place over part of the area in the past. Part of the area is designated as a Site of Interest for Nature Conservation (NH3.17) and part is allocated as a Visually Important Local Landscape (NH2.1). The most northerly area near the Heads of the Valleys Road is allocated as an Special Landscape Area (NH1.1) Miller Argent, a mining company, has an interest in the land immediately to the north of Fochriw and refer to their site as Nant Llesg. This is based on the former coal license area, although the license expired some years ago.

The area is bounded to the north by the Heads of the Valleys Road, to the east by an industrial estate in Rhymney, to the south by the village of Fochriw and to the west by the county boundary with Merthyr. The Cwmbargoed disposal point is located on the boundary and the Ffos Y Fran opencast Coal site, operated by Miller Argent is just on the Merthyr side of the boundary. Further north the Trecatti landfill site straddles the county boundary.

Planning History**UDP**

At the proposed modifications stage of the UDP the WAG submitted objections to the UDP on the grounds that the council had not included policies on areas of search for coal, buffer zones around quarries and protection of sand and gravel resources.

The council considered these objections and resolved not to modify the plan because the objections related to sensitive issues, consultation on which would inevitably lead to a public inquiry and delay adoption of the plan.

The UDP contains other policies that would provide a level of protection until such time as the specific modifications sought by WAG could be brought forward in a review of the plan.

The objection relating to sand and gravel was not a duly made objection as defined by the UDP Regulations and government guidance.

The council further resolved to carry out an early review of the minerals policies, triggered by adoption, to resolve the WAG objections.

However, upon receipt of the council's intention to adopt the plan, WAG issued a Direction on the council not to adopt until modifications had been made to resolve the objections.

The council considered that the direction in respect of the sand and gravel resources raised fundamental issues of principle in that it was based on draft guidance. Judicial review was sought but the TAN was issued in final form removing the case for JR but leaving the fundamental issues unresolved. The council therefore resolved not to progress towards formal adoption because there was no certainty that other Directions based on emerging or draft guidance would not be issued while the modifications procedures on the minerals policies were progressing. The council concluded that it was not proper use of resources to embark on what could be a series of modifications with no realistic prospect of the plan being adopted.

The UDP was approved for development control purposes in April 2003.

LDP

Representations have been made at the deposit and alternative sites stages. Miller Argent also commented on the preferred strategy. Candidate site E.62 was proposed by the Coal authority but it should be noted that this site differs in extent from the former coal license area and the site that Miller Argent have an interest in.

SUMMARY OF REPRESENTATIONS

Deposit Stage

The Coal Authority

- The Nant Llseg site should be included within the safeguarding area on the Proposals Map and in Policy MN2
- An area east of Rhymney, which falls within the secondary coal resource area, is excluded from the safeguarding proposals. It is unclear from the LDP as to why this area is excluded. It is perhaps suggested that this may be an area, which has already been worked, however such areas should still remain safeguarded, as it is possible under the current economic climate to often re-work such sites.
- This area falls within the Upper Rhymney Valley Special Landscape Area (SLA), however safeguarding would help meet the objectives set out in policy NH1.1 in that further surface mining could allow for the restoration and treatment which would meet the long term policy, management and development issues set out in the objectives for the SLA.

Miller Argent

- Objects to the inadequate extent of the Coal Safeguarding Areas because they should be designated right up to the settlement boundaries on the Proposals Map to deliver full resource protection.
- There is no identification in the LDP of those areas where coal operations would not be acceptable.

- There are strong arguments for allocating land at Nant Llesg for mineral development.
- The 500 metre buffers identified in the plan between the settlement boundaries and the coal safeguarding areas are not Buffer Zones.
- Neither Policy MN2 nor Minerals Background Paper 5 make any reference to the important policies of MPPW Furthermore no reference has been made to National energy documents such as the Welsh Affairs Committee Report on energy in Wales.
- Miller Argent objects to the extent of the SLA and the VILL in the area north of Fochriw.

Alternative Sites Stage

- The Coal authority supports the inclusion of the site
- Gelligaer and Merthyr Commoners association objects to the inclusion of the site.
- Dwr Cymru comments that there are restrictions on development of the site. The site is crossed by public sewers and water mains, which may restrict the density of any development. Dwr Cymru Welsh Water has statutory rights of access to its apparatus at all times. Protection or diversion of these assets may be required before development proceeds.
- The Coal Authority comment that site E62 Land north of Fochriw Gelligaer Common, which the Coal Authority put forward as Nant Llesg, differs in the boundary to the licensed area submitted with the coal authority representation.

COMPLIANCE WITH THE LDP

Preferred Strategy

No substantive evidence has been submitted to justify the representations based on the LDP strategy

SA/SEA/AA - EU Habitats Directive

No justification has been submitted based on the SA/SEA/AA

Tests of Soundness

It is claimed that without the proposed changes the LDP fails the following test of soundness: C1,CE1,CE2,CE3.

DESIRED CHANGE TO THE DEPOSIT LDP

1. Extend the Mineral Safeguarding Areas up to the boundary of settlements
2. Delete or clarify buffer zones around settlements
3.
 - a Allocate Nant Llesg as a potential mineral working site (Miller Argent)
 - b Do not allow mineral development on the area north of Fochriw. (Commoners Association)
4. Reduce the extent of the SLA and VILL

COUNCIL ANALYSIS

The Nant Llesg site as identified by Miller Argent and the Coal Authority is partly outside the minerals safeguarding area because a buffer of 500m has been applied around the residential area of Fochriw. In response to representations made to the Deposit Stage it is proposed that the safeguarding areas be extended up to settlement boundaries (see statement of common ground). This would mean that the Nant Llesg site would be within the safeguarding area. However, part of the site is within 500m of the settlement of Fochriw. It should be noted that *Minerals Technical Advice Note 2: Coal* advises that no coal extraction should take place within 500m of settlements and the Council will have regard to this advice in the future determination of any planning applications.

This element of the representation is addressed in the response on Mineral Safeguarding areas.

The Ffos Y Fran site received permission in 2005 for a 15 – 17 year life. There is, no immediate need therefore for a further allocation in this area. The need will be reviewed through the LDP review process. Whilst it is accepted that in the short term renewable energy will not meet all our energy needs, significant advances could be made in the 15 years that Ffos Y Fran will be operating and this may affect the need for an allocation.

The safeguarding of the resource does not in any way indicate that working is inevitable at some stage in the future as suggested by Miller Argent. It is a precautionary measure to ensure that the resource remains available *should it be required*. However, the emphasis for energy policy is firmly moving towards more sustainable forms of energy generation as quickly as possible.

Miller Argent point to the fact that working of the site could remediate old mine shafts in the area as well as remediating polluted mine water discharge. The Coal Authority is charged with dealing with the historic legacy of mining activities. Remediation does not necessarily have to rely on mineral extraction, although there are economic incentives with that option. This is a matter for detailed consideration if an application is made when the disbenefits of opencast coal extraction would be weighed against any benefits.

Paragraph 49 of the *MTAN2:Coal* states that mineral working within 500m of settlements may be permitted if coal extraction is the most effective and sustainable solution to remediate land damaged by previous mining. The area identified as derelict land in the UDP D1(2) covers only a relatively small area between a former railway line and the Deri to Blaencarno road within the former license area for Nant Llesg. The License area did not extend to the area of dereliction closest to Fochriw although it is now included in the proposed allocation (Miller Argent plan ref MA/CAER/LDP/002).

Buffer zones have been used in the plan both in the traditional sense of a buffer around mineral working sites but also to buffer existing settlements against mineral extraction where resources are identified and safeguarded. The safeguarding areas shown on the proposals map are delineated 500m

from settlement boundaries for coal and 200m for other minerals. However, following discussions with the WAG the council has agreed that the safeguarding areas should extend up to the settlement boundaries. This is set out in the statement of common ground on minerals.

MTAN2-Coal sets out in paragraph 29 that coal extraction will not normally be allowed within 500m of settlements. The council considers that there are no local circumstances that would warrant further guidance in the LDP in terms of a “buffer” around settlements and intends to rely on national guidance. For minerals other than coal the policies in the LDP together with the proposed new criteria based minerals policy are sufficient to ensure the amenity of settlements is protected against new mineral development proposals.

The Coal Authority and Miller Argent make reference to their representations to the WAG on the Draft MTAN 2: Coal. The final version of the MTAN 2 was issued in January 2009.

The LDP sets out clear policies for consideration of applications for mineral extraction. The mineral resource (based on the best available information) is safeguarded and any applications would be considered on their merits in relation to the constraints and the policies in the plan. Paragraphs 26 to 31 of MTAN2:Coal (Jan 2009) refer to the requirement in MPPW to identify areas where coal working will not be acceptable. Para 29 states that coal extraction will not generally be acceptable within 500m of settlements. The LDP has taken this into account by allowing a buffer around settlements. Para 28 refers to the surface expression of the coal being the baseline for the areas where coal working will be unacceptable. The resource is shown on the proposals map along with other development proposals, which may be incompatible with coal extraction.

The LDP should not repeat national policy. However regard has been had to national policy for minerals as set out in Background paper no 5 at section 2. National guidance should, itself, take account of national energy documents so there is no need to refer to them separately.

The extent of the SLAs has been reviewed in the preparation of the LDP. The VILL is a new designation with a new evidence base. Both designations are, therefore based on the most up to date evidence. The SLA and VILL boundaries were initially drawn up on the basis of the LANDMAP aspect layer boundaries as supported by PPW which states: “*CCW’s LANDMAP information system methodology is an important resource upon which local planning authorities can draw in making the landscape assessments needed to inform local policy, guidance and decision making in the field*”.(para 5.3.13) The SLA and VILL boundaries were amended in some locations to be taken to defensible boundaries.

The SLA boundaries for the UDP were based on landscape studies based on the visual aspect of the landscape and therefore differ from the SLAs in the LDP because of different assessment methodology.

SLA and VILL designations are not necessarily a constraint to development but are intended to ensure that the landscape value of the area is given full

consideration. In some cases this may mean that areas of low landscape value may be included within a designation because it would benefit from positive management to improve it's quality and to ensure that the land would benefit from high quality restoration if development takes place.

The objection from the commoners association is based on the consequences for graziers who rely on the common land for their agricultural businesses. They claim that the Ffos Y Fran Scheme can supply the power station at Aberthaw for 20 years and that the rail service is working at capacity. They also point to the public access rights that would be lost. These are all valid points in view of the lifespan of Ffos Y Fran.

Compliance with the LDP Preferred Strategy

No evidence has been submitted

SA/SEA/AA - EU Habitats Directive

No evidence has been submitted

Tests of Soundness

C1 - The plan does not have regard to other relevant plans

The LDP has taken into account a wide range of documents the principle ones are set out in paras 0.42 to 0.65. The background documentation and core documents lists demonstrate the number and variety of plans that have been taken into account. There is no basis for the inspector to conclude that the plan is not sound in this respect.

CE1- It does not have a coherent strategy or is not compatible with plans of neighbouring authorities

There is no basis for the inspector to conclude that the plan is not sound in this respect

CE2 - Policies are not founded on a sound evidence base

There is no basis for the inspector to conclude that the plan is not sound in this respect

CE3 - No clear mechanisms for implementation and monitoring.

There is no basis for the inspector to conclude that the plan is not sound in this respect

CONCLUSION

The mineral resource at Nant Llesg is safeguarded and, if the Planning Inspector accepts the council's proposed amendments, the safeguarding areas will be extended to the boundary of settlements to avoid sterilisation of the resource by new sensitive development.

There is currently no justification for allocating the resource although this will be reviewed through the LDP review process.

Instead of reducing the safeguarding areas by a buffer, the council will rely on national guidance in MTAN2 Coal and the policies in the LDP to protect the amenity of settlements against new mineral development.

The evidence base supports the extent of the VILL and the SLA in the area north of Fochriw. The designations would be a material consideration in considering any applications for development in the area.

The policies have taken account of national guidance in MPPW, MTAN1 and MTAN2 but there is no need to repeat these in the plan or minerals background paper.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no changes be made to the LDP, except those stated in the Statement of Common Ground.

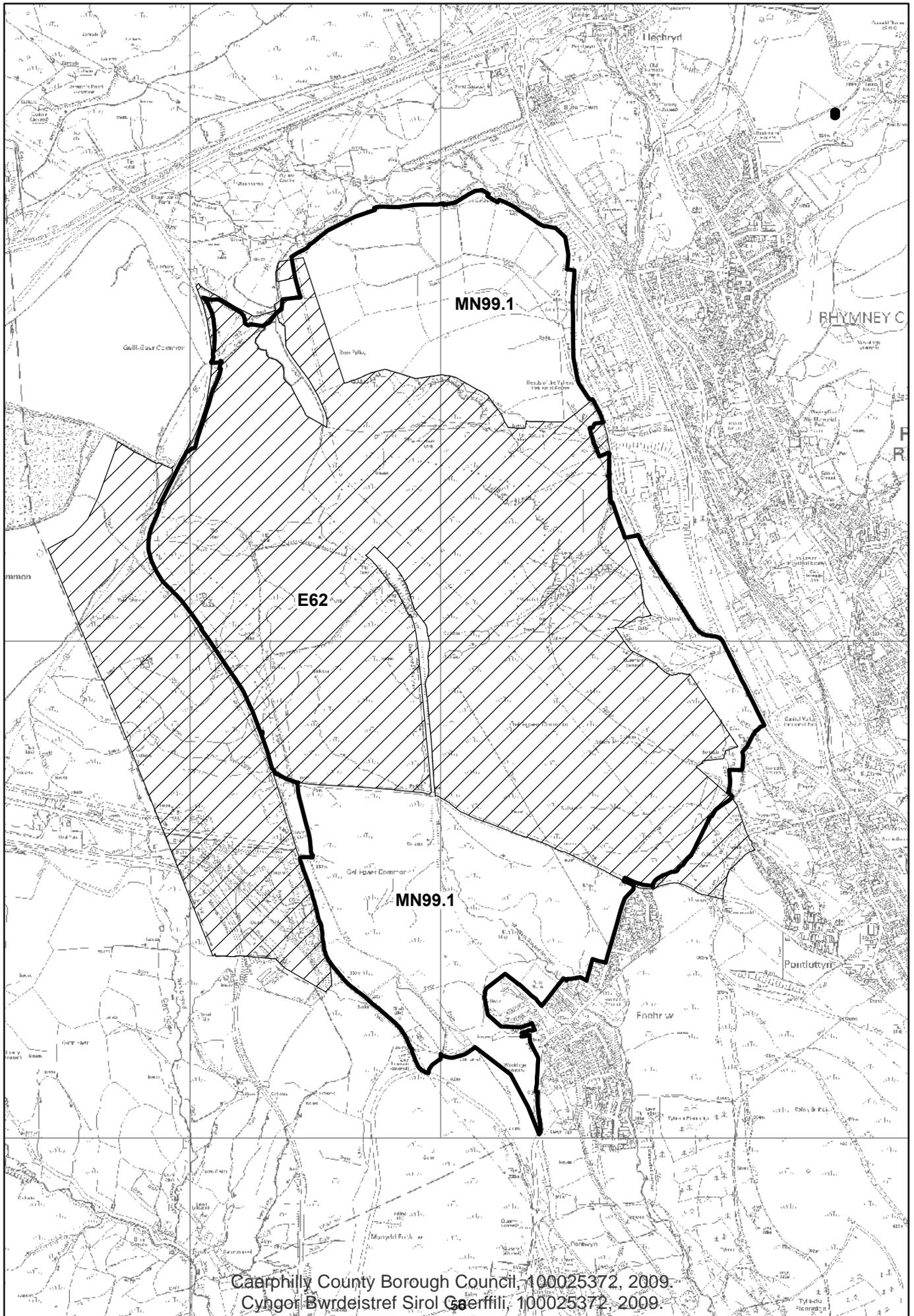
Reason for Recommendation

For the reasons outlined in the council analysis.

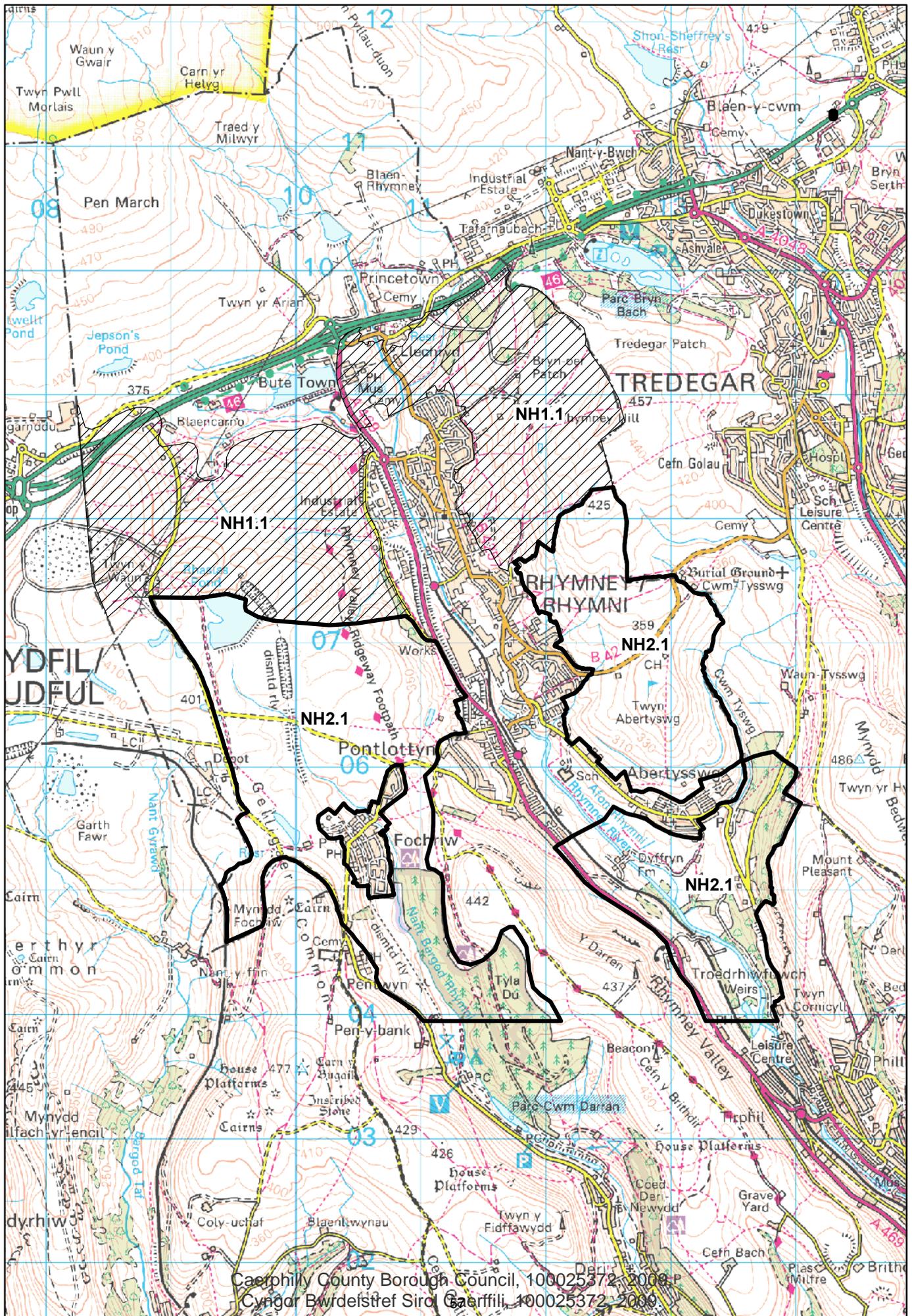
COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Minerals



Minerals



New Policy - Coal Bed Methane Extraction
New Policy - Minerals Working Development Control
CW24 – Locational Constraints: Minerals
SP09 - Minerals Safeguarding

Representation Type – Deposit Stage

4209.D2	Centrica	Object	There is a need for a criterion-based policy to assist the assessment of planning applications in respect of Coal Bed Methane Extraction.
1844.D3	Miller Argent	Object	Whilst Policy CW24 is welcomed as providing a concise set of criteria to protect safeguarded minerals, it highlights the lack of policy that would provide a set of criteria for considering proposals to actually work the safeguarded mineral resources.
1844.D2	Miller Argent	Object	To address the lack of criteria for considering minerals development proposals within the plan period, it is suggested that relevant criteria from MPPW be adopted and included in Policy SP9.
2183.D2	COALPRO	Object	Include a minerals working development control policy in the LDP.

Planning History

UDP

At the proposed modifications stage of the UDP the WAG submitted objections to the UDP on the grounds that the council had not included policies on areas of search for coal, buffer zones around quarries and protection of sand and gravel resources.

The council considered these objections and resolved not to modify the plan because the objections related to sensitive issues, consultation on which would inevitably lead to a public inquiry and delay adoption of the plan.

The UDP contained other policies that would provide a level of protection until such time as the specific modifications sought by WAG could be brought forward in a review of the plan.

The objection relating to sand and gravel was not a duly made objection as defined by the UDP Regulations and government guidance.

The council further resolved to carry out an early review of the minerals policies, triggered by adoption, to resolve the WAG objections.

However, upon receipt of the council's intention to adopt the plan, WAG issued a Direction on the council not to adopt until modifications had been made to resolve the objections.

The council considered that the direction in respect of the sand and gravel resources raised fundamental issues of principle in that it was based on draft guidance. Judicial review was sought but the TAN was issued in final form removing the case for JR but leaving the fundamental issues unresolved. The council therefore resolved not to progress towards formal adoption because there was no certainty that other Directions based on emerging or draft guidance would not be issued while the modifications procedures on the minerals policies were progressing. The council concluded that it was not proper use of resources to embark on what could be a series of modifications with no realistic prospect of the plan being adopted.

The UDP was approved for development control purposes in April 2003

SUMMARY OF REPRESENTATIONS

Miller Argent and COALPRO ask that a policy be included to assess planning applications for mineral development. This, they argue would complement policy CW24 which safeguards the mineral resource from sterilisation and includes criteria to assess non-mineral development within the safeguarding areas.

Centrica Energy asks for the LDP to include a criteria based policy specifically for Coal Bed Methane, which the company views as an energy source rather than a mineral.

COMPLIANCE WITH THE LDP

Preferred Strategy

No substantive evidence has been submitted to justify the representations based on the LDP strategy

SA/SEA/AA - EU Habitats Directive

No substantive evidence has been submitted to justify the representations based on the SA/SEA/AA

Tests of Soundness

The representations claim that the following tests will not be met without their proposed changes; C1,C2,CE1,CE2,CE3,CE4.

DESIRED CHANGES TO THE DEPOSIT LDP

1. Include a criteria based development control policy to guide assessment of minerals working proposals
2. Include a criteria based policy for Coal Bed Methane development.
3. include relevant criteria from MPPW in SP09.

COUNCIL ANALYSIS

Policy Context

The government's intention in introducing the new LDP system is to make plan making faster, more responsive to change and to improve community involvement. The plan should be read as a whole; policies are cross cutting to reduce repetition. Policies in the LDP do not re-iterate national policy. The plan is not subject based so individual policies may relate to a range of subject areas. Policies CW2, CW3, CW6, CW8, CW9, CW17, CW24, CW25, and CW26 are particularly relevant to mineral development. In addition *MTAN1:Aggregates* and *MTAN2:Coal* contain guidance on restoration and aftercare and on reducing the impact of extraction.

Miller Argent claim that the aims of policy SP9 will not be met without a clear set of development control criteria and suggest that the relevant criteria from MPPW for coal development be adopted (para 62). The difficulty with this is that it is re-iterating National guidance and relates only to coal. Any criteria based policy would need to translate national policy at the local level and be relevant to all forms of mineral development to avoid repetition. For this reason also the council would not want to adopt Centrica's proposal for a criteria based policy specific to CBM.

The question that needs to be considered is whether the county-wide policies together with national guidance adequately guide proposals for mineral development and reflect local circumstances adequately.

An example of a criteria based development control policy is set out below. It takes account of the following factors:

- Proposals for new mineral development will be permitted where they are acceptable in terms of their impact on:
 - Impact on quality and quantity of water resources and acceptability in terms of hydrogeological factors
 - Contribution to social and economic wellbeing of local communities
 - Compatibility with neighbouring land uses
 - Impact on highway network and public rights of way
 - Environmental impact including noise, dust, pollution of watercourses and hours of working
 - Impact on stability of adjoining land
 - Quality and timescales of proposed restoration and aftercare.

Comparing this with the County wide policies it can be seen that SP22 and CW2 deal with highway implications of development, SP7 deals with planning obligations which could be a means of achieving community facilities where appropriate, CW3 deals with amenity and compatibility with adjoining land uses. The factors that are not specifically addressed are hydrogeological and hydrological impact, environmental impact, stability of land and restoration and aftercare. In addition Contribution to social and economic wellbeing could mean the contribution of the minerals industry in terms of employment as well as planning gain.

A new countywide policy for water protection is proposed. This deals with water quality and quantity, pollution and detriment to abstractions for all types of development including mineral extraction.

Over arching advice in MPPW identifies the need for planning conditions to be attached to permissions to ensure a high standard of restoration and aftercare (paragraph 48). This is expanded for coal development in MTAN2 and for aggregates in MTAN1. This covers the range of minerals currently worked or likely to be worked in the county borough and there is no need to repeat the guidance in the LDP.

The annex to PPG14 deals with development on unstable land but not with the effects of mineral development on the stability of adjoining land. MTAN2 coal states in paragraph 226 that the level of subsidence likely to be caused by new underground coal extraction is a relevant consideration in determining an application for planning permission. There are no minerals other than coal within the county borough that are normally worked by underground methods.

In response to representations requesting a new policy and site designations for derelict land, the council has argued that there is no need for a criteria based policy when there is little prospect of implementation of remediation schemes. The council have argued that derelict or contaminated land is a constraint that would not preclude development taking place and is satisfactorily covered by national guidance.

The decision whether to include a criteria based policy need to be consistent with the approach for other subject areas including derelict land.

With regard to environmental impact, policies within the LDP cover this generally (CW3) and in addition the technical advice notes on coal and aggregates, together with MPPW, cover issues that are specific to mineral development such as noise and vibration from blasting.

The employment opportunities and other benefits offered by an application for mineral working would be considered along with the environmental impacts. There is, however, no need for a policy setting out that this is the case.

Compliance with the LDP

Preferred Strategy

No evidence has been submitted

SA/SEA/AA - EU Habitats Directive

No evidence has been submitted

Tests of Soundness

C1-The plan does not have regard to other relevant plans

The LDP has taken into account a wide range of documents the principle ones are set out in paragraphs 0.42 to 0.65. The background documentation and core documents lists demonstrate the number and variety of plans that have been taken into account.

There is no basis for the inspector to conclude that the plan is not sound in this respect.

C2 – It does not have regard to national policy

The plan does not repeat national policy except where the WAG has indicated that it should be repeated e.g. mineral safeguarding. However national policy has been taken into account.

There is no basis for the inspector to conclude that the plan is not sound in this respect

CE1 - It does not set out a coherent strategy or is not compatible with plans of neighbouring authorities.

There is no basis for the inspector to conclude that the plan is not sound in this respect

CE2 - The plan is not founded on a sound evidence base

There is no basis for the inspector to conclude that the plan is not sound in this respect

CE3 - No mechanisms for implementation and monitoring

There is no basis for the inspector to conclude that the plan is not sound in this respect

CE4 – It is not reasonably flexible.

There is no basis for the inspector to conclude that the plan is not sound in this respect

CONCLUSION

It is concluded that the issues that would be contained in a criteria based policy for minerals are adequately dealt with by other policies in the plan, a new proposed policy on water quality and by national guidance which should not be repeated in the LDP.

OFFICER RECOMMENDATION

That the Council recommend to the Planning Inspector that no change be made to the LDP in respect of the representation.

Reason for Recommendation

As outlined in the council analysis.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

POLICY REPRESENTATIONS IN PLAN ORDER

GENERAL

The Plan In General

Representation Type – Deposit Stage

605.D1	Newport City Council	Support	Supports the plan in general.
4111.D1	Mr & Mrs Halliwell	Support	Supports the plan in general.

CONCLUSION

Note the support for the plan in general.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the representations in support of the LDP be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Unsoundness of the Plan

Representation Type – Deposit Stage

2012.D13	Caerphilly Greendoorstep	Object	Object that the CIS has not been followed in the plan preparation process, and that the plan lacks judgement, rendering the plan unsound.
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SUMMARY OF REPRESENTATION

The CIS has not been followed in the plan preparation process, and the plan lacks judgement, rendering the plan unsound

DESIRED CHANGE TO THE DEPOSIT LDP

The plan is unsound, and should be re-done.

COUNCIL ANALYSIS

The Deposit LDP was prepared in accordance with the Community Involvement Scheme, which is incorporated in the Delivery Agreement between the Welsh Assembly Government and the Council. The Initial Consultation report identifies the very small number of instances where the CIS was not followed precisely, and this will be updated in the Consultation Report: these minor divergences from the approved CIS do not invalidate the plan preparation process.

The Inspector will form his/her own view as to whether the plan lacks judgement, although obviously the Council disagrees with the representation.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representation.

Reason for Recommendation

The Plan has been prepared in accordance with the Community Involvement Scheme, apart from minor divergences of no significance.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

General Comment - Structure of the Plan

Representation Type – Deposit Stage

4045.D59	Envirowatch	Object	The structure of the LDP is unsound.
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SUMMARY OF REPRESENTATION

The structure of the LDP is unsound because:

- It is a large document with hundreds of sheets of paper;
- It is not in any logical order;
- There is no real overview;
- It is complicated and would be difficult for professional planners to digest and comment on it, much less readable for common folk who just could not be able to do so;

The whole process is causing the good folk of Wales to disengage from the planning process, which was not the aim the LDP process. WAG should take note.

COUNCIL ANALYSIS

The representation is concerned with the difficulties caused by the size of the Plan documents and their intelligibility to both planners and the public. Whilst there is sympathy with this view, the documentation and its content are reflective of the requirements of the procedure for preparing LDPs.

The Plan is being prepared under the new Local Development Plan system. In preparing the Deposit LDP the Council has followed the Planning Guidance issued by the Welsh Assembly Government (WAG), which requires the production of many documents in order to demonstrate that the plan is sound. The process requires the “front loading” of information at the beginning of the process, necessitating the preparation of numerous documents to serve as the evidence base to the LDP. In addition to this the requirements for community involvement requires additional documentation, including the Community Involvement Strategy and Delivery Agreement.

The LDP does not “come on its own” either. The LDP needs to be subject of Strategic Environmental Assessment and Sustainability Appraisal, which itself is subject to requirements from EU Directives and National legislation and guidance.

As can be seen the procedure drives the need for the documentation and as such there is little that can be done to simplify this. Whilst it is agreed that the documentation itself could be improved in terms of clarity and legibility, this will not overcome the issues raised as a result of the process itself. Every effort has been made to prepare documents that are accessible to the public, both in their content and their logical structure, although it is readily conceded that the nature of the required documentation is inimical to the achievement of this goal.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representation.

Reason for Recommendation

The Deposit LDP has been prepared in accordance with WAG Planning Guidance.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Sustainability of the Plan

Representation Type – Deposit Stage

1559.D6	Mr Martin Rickard	Object	The plan is unsound because of its failure on the grounds of sustainability, and should therefore be rejected.
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SUMMARY OF REPRESENTATION

- The plan does not promote sustainable development, will not contribute to the reduction of greenhouse gases, and will worsen social exclusion.
- The plan over-allocates land for housing, at the expense of land for leisure facilities, local amenities, and employment.
- The plan will increase the need to travel, without facilitating the use of public transport.

DESIRED CHANGES TO THE DEPOSIT LDP

1. The plan should include a moratorium on housing, and comply with true sustainable policies by reducing the need to travel.
2. Land should be allocated for leisure and basic human needs within walking, cycling, and public transport distances.
3. The plan should redress the imbalance of excessive housing allocations with the need for leisure and employment opportunities.

COUNCIL ANALYSIS

The development strategy of the Deposit LDP has been prepared with the objective of contributing to the achievement of sustainable development. The plan preparation process has been accompanied by a continuous and rigorous Sustainability Appraisal throughout to ensure that this objective is reflected in the Deposit LDP.

The proposal of the representation to make no provision for housing is unacceptable, since this would mean the plan would fail to meet the housing needs of the residents of the county borough. The justification for the residential land provision in the plan is given in the Background Paper 6 on Population and Households.

The assertions of the representation that there are mismatches between the housing provision and the leisure and employment provision in the plan are similarly not accepted. The justifications for the leisure and employment land provision in the plan are given in the Background Papers 10 Leisure and 7 Employment respectively.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representation.

Reason for Recommendation

The Deposit LDP is considered to be sound, and to meet the requirements of sustainable development.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Strategy General

Representation Type – Deposit Stage

2012.D15	Caerphilly Greendoorstep	Object	The plan does not provide for the needs of the residents of Caerphilly, and is not sustainable because it promotes the need to travel.
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SUMMARY OF REPRESENTATIONS

The representation objects to the whole plan on two main grounds:

1. The plan does not provide for the needs of the residents of the county borough with respect to the land required for:
 - (a) Leisure;
 - (b) Recreation;
 - (c) Education; and
 - (d) Employment.
2. The plan is not sustainable because it increases or perpetuates the existing high levels of travelling, and so does not contribute to the reduction in carbon dioxide levels from transport.

COMPLIANCE WITH THE LDP

The representation relates directly to the LDP Strategy, particularly in respect of the levels of housing, employment, leisure and recreation allocations and their locations.

No evidence has been submitted in respect of the SEA/SA & HRA to support the objection.

The Representor has indicated that the plan is unsound in respect of all ten Tests of Soundness.

DESIRED CHANGE TO THE DEPOSIT LDP

The LDP to be withdrawn and a full community involvement scheme, with early and ongoing input from the public and Local Councillors, undertaken on a new plan.

COUNCIL ANALYSIS

Policy Context

It has been argued that the plan is not sustainable because it does not provide for the needs of its residents as there is a deficit of jobs compared to the projected population, and insufficient leisure space has been identified for the population. The representor has submitted a supporting statement that identifies a shortfall of around 6000 jobs, and a significant shortfall of formal and informal open space, in respect of the proposed population level. It is suggested that reallocating a number of LDP allocations to either employment, education or recreation and leisure use, including sites HG1.61 – Waterloo Works, HG1.64 – Bedwas Colliery, HG1.66 – Land at Venosa Trading Estate and HG1.68 – St Ilans Comprehensive. It should be noted at this point that the Representor has based the entire representation on the Caerphilly Basin in isolation. The LDP, however, is required to plan for the

whole of the County Borough, to meet its needs during the plan period, rather than focusing on parochial issues relating to small areas.

Whilst creating the perfect scenario of everyone working in close proximity to their place of work, and everyone having access to the standard requirement for leisure space is a laudable aim, it is unrealistic. The starting point for the LDP is not a blank canvas. Historic settlement patterns exist on the ground that need to be planned for. It is not possible to turn these existing settlements into sustainable forms of urban development even within the lifetime of the LDP. Consequently the aim of the LDP has to be to make the existing settlements and settlement patterns more sustainable than they currently are. Indeed a development plan can only go so far to reaching the sustainable development goal. Many more interventions, such as government fiscal measures, are required to realise this aim and the development plan has no influence or control over when, or even if, such interventions occur. Therefore it is only realistic to expect the LDP to make existing settlements more sustainable.

Whilst no substantial supporting evidence has been submitted, the representor implies that providing housing in the Southern Connections Corridor (SCC) and employment in the Northern Connections Corridor (NCC) promotes commuting, and suggests that the allocations promote the need to travel. However this is not the case. The provision of housing in the Caerphilly Basin will lead to an increase in the numbers of economically active in the area. Caerphilly is densely populated with existing employment sites that provide jobs for people who already commute into the area. Providing housing in close proximity to such employment could realise both a reduction in commuting and the need to travel. Even the fact that the proposed employment uses are located in the NCC and the housing allocations are in the Caerphilly Basin does not necessarily mean an increase in commuting. The county borough, as a whole, already suffers from very significant out-commuting for employment, with the primary destination being Cardiff. Locating employment opportunities in the centre of the county borough provides the potential for existing out-commuters to find employment closer to their place of residence within the county borough, which would result in a net reduction in distance travelled. Further to this there are three specific rail park and ride points (Llanbradach, Aber and Caerphilly stations) within or in close proximity to the Caerphilly basin, as well as the bus station in Caerphilly.. Increased use of these facilities by those who would otherwise have commuted by car would realise significant benefits. Overall there is no evidence to support the argument that the allocations in the LDP are unsustainable in transport terms. Indeed conjecture can find equal potential to increase the sustainability of the Caerphilly Basin.

In terms of the argued employment and population mismatch, it should be noted that the LDP allocates over 100 hectares of land for employment use, albeit the majority of the land being located in the Northern Connections Corridor, with only 6.9 hectares being located in the Caerphilly Basin. However, there are sound reasons for this spatial distribution. The allocations in the NCC are predominantly comprised of historic allocations that have been inherited from previous plans and are former industrial/mineral sites that have

been the subject of reclamation. Reclamation on these sites was undertaken with the assistance of grant funding from the former WDA. As such their afteruse has been accepted during the pre-planning of the reclamation. In reality the fact these sites are long term allocations and have benefitted from public money, granted in the knowledge of their proposed employment afteruses, means that it is not reasonable to reconsider their reallocation to other uses, unless there are significant grounds to do so. No such grounds exist, as these sites provide appropriate land for employment uses that benefits the county borough as a whole by providing employment opportunities within reach of the residents of the county borough, particularly those in the HOVRA. Reallocating sites in the Caerphilly Basin for employment uses would lead to massive over-allocation of employment land within the county borough, which WAG Guidance advises against and advocates considering alternative uses for, possibly housing. Overall there is not a mismatch between population and employment provision.

In terms of leisure uses, the representor argues there is insufficient informal local leisure/amenity land and formal leisure provision. Firstly it should be noted that the Caerphilly Basin housing allocations will, where appropriate, be required to provide an element of recreation/leisure provision, in accordance with the CCW toolkit, as part of their proposals. However it should be noted that, based upon the provisions of the toolkit, it is not possible to rectify any identified shortfall of play and amenity space for the vast majority of the existing settlements due to the distances they are away from the development sites. Leisure provision for these areas needs to be sought from within those settlements. To address this, sites such as St Ilans Comprehensive and Bedwas Colliery are allocated for mixed use development containing leisure uses along with housing and education uses. In terms of formal open space or park provision the area already a number of parks within Caerphilly, including Virginia Park and the Bedwas Riverside Park and the LDP allocates a Pocket Park around Trethomas and Graig-y-Rhacca.

In respect of the disparity between population and leisure provision, the arguments raised by the objector consider the overall population and leisure provision in the Caerphilly Basin, rather than considering either the county borough as a whole, or more parochially individual settlements. It is clear that parts of the Caerphilly Basin are well served by existing and proposed provision of leisure and amenity facilities. The issue would be, therefore, how the representors contention of argued shortfalls in the Caerphilly Basin could be resolved. Any shortfalls need to be addressed where they are located. However the Representor seeks to allocate large sites within and on the periphery of the settlements for alternative uses without actually identifying whether such problems exist in those areas. Consequently there is evidence that the proposed changes to the LDP sought by the Representor would be any more sustainable than the existing LDP situation. Therefore there is no evidence to support the reallocation of large housing and mixed use development sites to recreation and leisure use.

Compliance with the LDP

The Strategy issues have been addressed by the analysis above. There is no justification for the Inspector to amend the LDP in this respect.

No evidence in respect of the SEA/SA has been provided in support of the Representation. Consequently there is no basis for the Inspector to amend the LDP.

The Representor implies that the LDP fails all 10 tests of soundness because the LDP has not been subject to appropriate public involvement. No evidence has been produced to justify this position or to identify where the LDP has not been produced in accordance with the Delivery Agreement. No evidence has been provided to substantiate why the LDP process and involvement/consultation exercises are so deficient as to warrant the whole process to be undertaken in its entirety again. The LDP has been produced in accordance with the Delivery Agreement, which sets out the Community Involvement Strategy (CIS) that will be implemented for the LDP. This was agreed by WAG on 4th May 2006. Consequently there is no basis for the Inspector to amend the LDP.

CONCLUSION

The LDP has appropriately considered the whole of the county borough in the LDP strategy and has allocated sites that seek to make the existing settlement patterns more sustainable than they are at present. Consequently there is no justification of the changes proposed by the Representor.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representation.

Reason for Recommendation

For the reasons outlined in the Council analysis above.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Amendment to the Plan – Identification of the three strategy areas

Representation Type – Deposit Stage

4008.D2	Gwent Healthcare NHS Trust	Object	Object to the omission of the identification of the three strategy areas.
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SUMMARY OF REPRESENTATION

Deposit Stage

The representor objects to the omission of the three strategy area boundaries on the Proposals Map.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the representor with regards to the conformity with the Preferred Strategy, the SA/SEA/AA/Habitats or the Tests of Soundness.

COUNCIL ANALYSIS

The Key Diagram on Page 29 of the Deposit LDP is drafted to illustrate in a diagrammatic format the strategy for the plan area and provide a very broad indication of the spatial distribution of the three strategy areas. It also provides an indication of the significant external links to neighbouring local authority areas and places the County Borough in a Sub Regional Context. The Strategy Areas cannot be defined precisely on an Ordnance Survey Map nor is it appropriate or desirable to do so.

This approach adheres with Welsh Assembly Government Guidance as contained in paragraph 2.10 of Local Development Plans Wales 2005, which states:

“A **key diagram** could illustrate in a diagrammatic format the broad strategy for the plan area.”

It is not necessary therefore to make any amendment to the Proposals Map in response to this objection.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change be made to the plan.

Reason for Recommendation

This approach to the Key Diagram adheres with Welsh Assembly Government Guidance as contained in paragraph 2.10 of Local Development Plans Wales 2005.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

National Planning Policy

Representation Type – Deposit Stage

2282.D15	Welsh Assembly Government	Object	Repetition of national policy
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SUMMARY OF REPRESENTATIONS

Some policies are considered to repeat national policy, rather than translate it to the local level. These include SP10 (Renewable Energy), SP22 (Transport Requirements for Development), CW4 (Design Statements) and CW7 (Telecommunications).

COMPLIANCE WITH THE LDP

The Representer identified that the representation was not a soundness-based objection; rather it would make the plan clearer.

No evidence has been submitted in relation to the tests of soundness, the LDP Strategy or the SA/SEA. It is considered by the representer that the matters raised relate to the clarity of the plan generally, rather than whether or not it is fundamentally sound.

DESIRED CHANGE TO THE DEPOSIT LDP

None have explicitly been suggested, although the implication of the representation is that those examples given should be amended in order that they are expressions of national policy at the local level, rather than repetitions of it. The exception to this is CW4 (Design Statements), which is surplus to requirements and should be deleted.

COUNCIL ANALYSIS

Renewable Energy

It is not considered that Policy SP10 amounts to repetition of national policy as contained within TAN 8, which states that “LDPs should promote high standards of energy efficiency, energy conservation and the use of renewable energy, and this should be reflected in the strategy of development plans. LPAs should consider the local availability of renewable energy resources and develop suitable policies that promote their implementation. Additionally, LPAs should consider the specific requirements of individual renewable energy technologies which are likely to come forward during the plan period.”

Policy SP10 sets out a broad commitment to incorporating renewable energy technologies into new development, thereby linking the strategic policy framework with Key Objectives 4 and 5, which seek to minimise the environmental impact of new development and improve energy, waste and water efficiency. Therefore, it is felt that SP10 promotes high standards of energy efficiency by providing a means of carrying this strategic approach down to the more locally specific level of the policy hierarchy. In this sense, SP10 satisfies the requirements of TAN 8.

SPG on Sustainable Energy, Resources and Design will be prepared which will ultimately hang from Policy SP10 from the time the LDP is adopted. It will identify in which instances renewable energy technologies are considered

appropriate, in which locations and how they contribute to the renewable energy targets set by the Welsh Assembly Government. This is in line with paragraph 5.6 of TAN 8, which stipulates that the inclusion of a large amount of detail is not appropriate for inclusion within LDPs, and that LPAs should consider producing SPG to cover detailed guidance on the various forms of renewable energy.

Transport Requirements for Development

TAN 18 specifically recognises the roles that walking, cycling and public transport can and should play in terms of accessibility generally. However, it is considered that the inclusion of a 'modal hierarchy' within SP22 goes beyond the requirements of TAN 18 in terms of promoting non-car modes of transport. In this respect, SP22 seeks to elaborate on TAN 18 by setting out a hierarchy that should be utilised in considering the layout and designing development proposals as a means of achieving a more sustainable balance of transportation across the County Borough, as well a facilitating sustainable transport forms in development layouts. Consequently the policy expands on national policy, rather than repeat it.

Telecommunications

Paragraph 32 of TAN 19 requires development plans to take account of the need to minimise the impact of development. Paragraph 33 allows development plans to include policies on the siting and design of telecommunications apparatus, including any locational and landscaping requirements designed to minimise the impact of such apparatus on amenity. It is considered that this is precisely what CW7 does, and therefore it cannot be regarded as repeating national policy.

General Design Considerations

The issue of general design considerations is dealt with in responses to policies CW4 and CW5, where it is recommended that they be deleted.

Compliance with the LDP

It is considered that policies SP10, SP22 and CW7 comply with the following key components of the LDP Strategy:

- Target development to reflect the roles and functions of individual settlements;
- Promote a balanced approach to managing future growth;
- Promote resource-efficient settlement patterns;
- Ensure development contributes towards necessary community facilities;
- Reduce the impact of development upon the countryside.

It should also be noted that the representor has not raised these issues as a soundness objection, and so compliance with the representation, or not, will not affect the soundness of the LDP.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that policies SP10, SP22 and CW7 remain unchanged.

Reason for Recommendation

It has not been demonstrated that policies SP10, SP22 or CW7 contravene any of the ten tests of soundness.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

General - Notation for Area Specific Policies

Representation Type – Deposit Stage

4203.D2	The Coal Authority	Comment	Suggested improvement in the notation for Area Specific policies.
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SUMMARY OF REPRESENTATION

Overall, the document sets out a clear detailed strategy, and the use of three Sub Areas helps to achieve locally distinctive policies. However to the reader it can be confusing that there are, for example, three parts to many policies.

DESIRED CHANGE TO THE DEPOSIT LDP

The document could be improved by the use of a sub area prefix or suffix, i.e. Policy MN2(HV), MN2 (NC), or North-MN2, or similar.

COUNCIL ANALYSIS

The structure of the Deposit LDP was adopted to make clear the distinction between Strategy, Countywide, and Area Specific policies. It is accepted that this may be the cause of some confusion, as for example the problem noted in the representation of the apparent repetition of the same Area Specific Policy for the three Strategy Areas, but it is hoped that this feature will soon become familiar to users of the Plan.

It is considered that the notation proposed in the representation for Area strategic policies might in itself be a source of confusion, and would not necessarily be helpful in clarifying the scope of the policies, and so the simpler notation of the Deposit plan is preferred.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that that no change should be made to the LDP in respect of these representations.

Reason for Recommendation

The proposed notation is not necessary, and may even be unhelpful to users.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

General Comment – New Housing and Employment Sites

Representation Type – Alternative Site Stage

1593.A1	Gwent Wildlife Trust	Comment	Commend the weighting given to biodiversity in the assessment process of Candidate Sites, which should be used for all new or amended sites.
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SUMMARY OF REPRESENTATION

Any proposal which involves the allocation of new or additional land should be subject to the same appraisal process as the candidate sites already put forward. The weighting given to biodiversity as part of this process is commended. It is appropriate that and new sites are assessed against the same criteria.

CONCLUSION

The comment on the weighting given to biodiversity in the assessment process be noted.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the comment be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

General Comment – Proposals for public open space and natural green space

Representation Type – Alternative Site Stage

1593.A16	Gwent Trust	Wildlife	Comment	Supportive of proposals from community groups aiming to protect green space. This is supported by policy in the Local Development Plan.
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SUMMARY OF REPRESENTATION

Supportive of proposals from community groups or individuals aiming to protect natural green space from development, and promote the benefits in amenity, health and recreation that these spaces provide. This is supported by strategic policy SP20, and is in line with aims of policies CW10 and CW13, in the draft LDP.

CONCLUSION

The comment on the support of proposals from community groups aiming to protect green space be noted.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the comment be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

General Comment

Representation Type – Deposit Stage

3962.D6	Dwr Cymru/ Welsh Water	Comment	The Representer's comments on sites, which have been incorporated in the Plan, may need to be reviewed if they are implemented at a late stage.
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SUMMARY OF REPRESENTATION

With regards to development allocations, we are pleased to have had the opportunity to work with you in assessing the impact of the potential demands on our water supply and sewerage assets. We note that you have also incorporated our comments, where appropriate, within the site-specific information.

Generally, for the development allocations proposed, we do not envisage any major issues with the provision of our services; however, if these allocations do not come to fruition until the latter half of your Plan, we may need to review our comments at the appropriate time.

COUNCIL ANALYSIS

The comments and support for the amendment of the LDP to reflect Dwr Cymru comments is noted.

In respect of the comment relating to Dwr Cymru amending comments later on in the LDP period, it is likely that the LDP will either have been reviewed or the sites would have been brought forward for development by the time amended comments will have been identified. In any case both the review of the LDP and the consideration of planning applications provides the opportunities for Dwr Cymru to update and amend any previous comments as necessary.

CONCLUSION

The comments are noted and the statutory procedures for both LDP review and planning applications afford the requested opportunity to revise previously made comments.

OFFICER RECOMMENDATION

That the Council recommends the Planning Inspector that the comment be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

General Comment**Representation Type – Deposit Stage**

3826.D1	Health Wales	Commission	Comment	The LDP conforms with the strategic direction of Health Commission Wales
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SUMMARY OF REPRESENTATION

The LDP conforms with the strategic direction of Health Commission Wales.

CONCLUSION

The comment on the conformity with Health Commission Wales is noted.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the comment be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Primary Healthcare Facilities

Representation Type – Deposit Stage

4198.D3	Caerphilly TLHB	Comment	Acknowledge the inclusion of health and care facilities.
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SUMMARY OF REPRESENTATION

The inclusion of new primary healthcare facilities, the new hospital at Ystrad Mynach and the health and social care resource centre at Rhymney is acknowledged.

Caerphilly Teaching Local Health Board would welcome the opportunity to work closely with the Council in order to ensure that the number and variety of such facilities keeps apace with changes in population and increases in the number of dwellings.

CONCLUSION

The comment regarding new primary healthcare facilities is noted.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the comment be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

General - Means of Realisation of LDP policies and proposals

Representation Type – Deposit Stage

2282.D11	Welsh Assembly Government	Object	More explicit demonstration needed of how the LDP policies and proposals will be realised.
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There is a need to demonstrate more clearly that the LDP policies and proposals will be deliverable, flexible, and their implementation and monitoring are sufficiently clear.

SUMMARY OF REPRESENTATION

The Welsh Assembly Government (WAG) has indicated that whilst not considered to be fundamental to the soundness of the LDP, there is a lack of certainty or clarity on the following matters:

- the strategy and policies are deliverable
- the plan is flexible to enable it to deal with changing circumstances
- the mechanisms for implementation and monitoring are sufficiently clear

COMPLIANCE WITH THE LDP

Preferred Strategy

Not relevant

SA / SEA / AA - EU Habitats Directive

Not relevant

Tests of Soundness

WAG has identified soundness tests CE2, CE3, and CE4 that the Deposit Plan has failed to pass because it appears that it has not satisfactorily translated national policy down to the local level and there may be tensions within the Plan

DESIRED CHANGES TO THE DEPOSIT LDP

1. The plan would benefit from a more explicit demonstration of how and when development will be realised over its lifetime, greater clarity on the timing, linkages to infrastructure and funding sources, albeit at a strategic scale, would add clarity and certainty.
2. The monitoring framework should be embedded in the plan with greater transparency and links to SMART objectives for indicating when strategy or policy review will be necessary.

COUNCIL ANALYSIS

It is adequately demonstrated through the Strategy formulation stage, the extensive consultations and discussions held during plan preparation, and the information contained in the broad evidence base, that the Plan strategy and policies are fully deliverable.

The Plan is sufficiently flexible to be fully future proof to changes in circumstances in terms of all proposed development.

Appendix Twenty adequately describes the implementation and monitoring processes.

Compliance with the LDP

- The representation would be in accord with the Preferred Strategy
- There are no implications for the SA/SEA/AA - EU Habitats Directive
- The representation would meet the Tests of Soundness in relation to the LDP

CONCLUSION

It has that it has already adequately demonstrated how the LDP policies and proposals will be realised.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no changes should be made to the LDP in respect of the representation.

Reason for recommendation

Existing published information is sufficient.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

General – Constraints and Proposals Maps

Representation Type – Deposit Stage

1056.D46	Countryside Council for Wales	Object	Objects to the SSSI legend on the Constraints Map Key.
3970.D2	Dr Candido Choo Yin	Comment	Clarification of status of white land on Proposals Map legend.
4203.D1	The Coal Authority	Comment	Proposed improvements to the Proposals and Constraints Maps.

SUMMARY OF REPRESENTATIONS

- Clearer form of marking of SSSIs and SAC needs to be made on the Proposals Map
- Clarification of what white land is should be made on the Proposals Map legend
- The Coal Authority suggests a change to improve the usability of the proposals map and the constraints map. The change includes bringing both sets of plans together in a single document, with the proposals map shown on the left hand page and the corresponding constraints map on the right hand page or vice-versa in order to allow for easier comparison between both sets of plans.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the Representer with regards to the conformity with the Preferred Strategy, the SA/SEA/AA/Habitats or the Tests of Soundness.

DESIRED CHANGES TO THE DEPOSIT LDP

1. A clearer form of identifying SSSIs and SACs be used on the Proposals Map.
2. An legend be placed on the Proposals Map Key to explain what is meant by white land on the Proposals Map
3. The Coal Authority suggests a change to improve the usability of the proposals map and the constraints map. The change includes bringing both sets of plans together in a single document, with the proposals map shown on the left hand page and the corresponding constraints map on the right hand page or vice-versa in order to allow for easier comparison between both sets of plans.

COUNCIL ANALYSIS

There is a specific objection to the SSSI legend on the constraints map, as it is considered to make the identification of SSSI's difficult. The legends have been chosen to ensure that all of the legends for both the proposals and constraints map are individual. This is to ensure that when the interactive maps are used, there is no overlap or confusion as to what proposals or constraints are being displayed. With a total of 41 constraints and proposals that needed plotting, it has been difficult to use distinctive legends for them all,

although every endeavour has been made during the process to ensure that the legends are as clear and comprehensible as possible.

Officers will endeavour to explore ways in which the clarity of the Proposals and Constraints Maps can be improved and will make any necessary amendments. However it is not considered necessary to specifically amend the way in which SSSIs are illustrated on the Proposals Maps.

With regards to the comment seeking clarification on the status of white land on the proposals map, it should be noted that the purpose of the proposals map is to show land that is allocated or protected for a particular use. As 'white land' is essentially land that is not subject to a specific designation, it would be inappropriate to highlight this on a legend showing proposals.

Whilst the Council will have regard to both sets of maps in considering development proposals the Council has specifically chosen to set out the Proposals Map and Constraint Map as two distinct and separate documents. The Proposals Map sets out the Councils Proposals as set out in the LDP, whereas the Constraints Map shows constraints to development that are either identified outside the remit of the LDP or are created by separate legislation. The Constraints Map, therefore, shows constraints that are outside of the ability of the LDP to amend or alter, e.g. Sites of Special Scientific Interest, Conservation Areas and Flood Plains. The constraints can change at any time, without requiring any change to the LDP. Consequently joining the 2 sets of Maps would cause significant problems in maintaining an up-to-date Map set for use with the LDP due to irregular changes to the Constraints elements.

Compliance with the LDP

No evidence has been submitted by the Representor with regards to the conformity with the Preferred Strategy, SA/SEA/AA/Habitats Directive or Tests of Soundness.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change be made to the plan.

Reason for Recommendation

The changes to the Proposals Map Key are unnecessary, and joining the Proposals and Constraints Maps would lead to problems of the combined Maps being made out-of-date by matters outside the remit of the LDP.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

INTRODUCTION

Paragraph 0.14 - Council Strategies

Representation Type – Deposit Stage

1056.D1	Countryside Council of Wales	Object	Object to the omission of an explanation of relationships with CCBC's other strategic policies and programmes, and other Authorities policies.
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SUMMARY OF REPRESENTATION

The introduction to the Written Statement should explain the Plan's relationship with the Council's other strategies and programmes. An explanation of the relationship with the planning policies of neighbouring authorities should also be included.

DESIRED CHANGE TO THE DEPOSIT LDP

Explain the plan's relationship with other strategies and programmes, and with the planning policies of neighbouring authorities.

COUNCIL ANALYSIS

Council Strategies

In the Section on Council Strategies (Paragraphs 0.14 & 0.15) the Introduction to the Plan provides users with the information on other Council strategies that are considered to be most helpful to them at this point, i.e. the key strategies are identified, and the role of the LDP as the means of delivering the land-use elements of these and other strategies is specified. The representation does not specify which elements of the relationship of the LDP with these other key Council strategies not already included should be explained here.

The Introduction is already over 20 pages long and consists of 107 Paragraphs, and it is considered that it should only be extended on compelling grounds. The representation presents no reasons for the proposed additions. It is therefore considered that the Introduction should not be amended to include an explanation of the Plan's relationship with the Council's other strategies and programmes as proposed.

Other Authorities' Planning Policies

The relationship of the policies of the Deposit LDP with those of neighbouring authorities are considered throughout the Plan, and throughout the Background Papers and other elements of the Evidence Base. The representation does not specify which elements of the relationship it is proposed should be included at this point. As before, and for the same reasons, it is considered that the Introduction should not be amended to include an explanation of the Plan's relationship with the policies of neighbouring authorities as proposed.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representation.

Reason for Recommendation

The representation fails to provide any reasons for the proposed changes to the Plan, which is considered to not be helpful to users.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Paragraph 0.23 – SA/SEA/HRA**Representation Type – Deposit Stage**

1056.D2	Countryside Council for Wales	Object	Object to omission of Appropriate Assessment requirements.
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SUMMARY OF REPRESENTATION

Reference should be made to the fact that appropriate assessment needs to take account of the effects of the plan on any SAC sites in neighbouring authorities in addition to SAC sites within the County Borough.

DESIRED CHANGE TO THE DEPOSIT LDP

Amend Paragraph 0.23 to include reference to the fact that appropriate assessment needs to take account of the effects of the plan on any SAC sites in neighbouring authorities in addition to SAC sites within the County Borough.

COUNCIL ANALYSIS

Paragraph 0.23 states that appropriate assessment is required “for any plan or project that may have an effect, either individually or in combination with other plans or projects, on a European designated site”, which obviously implicitly includes SAC sites both inside and outside the county borough. The representation seeks to amend the plan to make this explicit.

The proposed amendment is obviously true, but it is not clear how the Plan would be improved by the change, nor does the representation give any reasons why this addition is proposed.

It is considered that making explicit the inclusion of SAC sites both inside and outside the county borough is unhelpful, and therefore unnecessary.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representation.

Reason for Recommendation

The proposed amendment would not significantly improve the Plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Paragraph 0.47 - Wales Spatial Plan

Representation Type – Deposit Stage

1492.D2	Home Federation	Builders	Object	Paragraph 0.47 should be amended to reflect the current status of the Wales Spatial Plan
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SUMMARY OF REPRESENTATION

Paragraph 0.47 states that the update to the Wales Spatial Plan was released for consultation in February 2008. However, the update has now been formally approved by the Welsh Assembly Government (WAG), in order to reflect the aspirations of the One-Wales document, and to provide a more relevant context to the needs and requirements of each area of Wales.

DESIRED CHANGE TO THE DEPOSIT LDP

The Deposit LDP should acknowledge the WAG approval of the document, and Paragraph 0.47 should be changed to make reference to this.

COUNCIL ANALYSIS

The Deposit LDP will be updated to reflect changes to the national and regional context, where this is possible.

The Plan will be amended to reflect the revised Wales Spatial Plan as proposed by the representation.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that Paragraph 0.47 be amended to read:

The Wales Spatial Plan 2008 Update divides South East Wales functionally into three zones. The City and Coast zone includes the M4 corridor and the cities of Cardiff and Newport, just south of Caerphilly County Borough. The central zone, termed the Connections Corridor, links the prosperous City and Coast zone to deprived communities in the Heads of the Valleys Plus zone.

Reason for Recommendation

To reflect the changed status of the update of the Wales Spatial Plan

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Paragraphs 0.83 - 0.88

Representation Type – Deposit Stage

4045.D31	Envirowatch	Object	Object to paragraphs 0.83 to 0.88
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SUMMARY OF REPRESENTATION

The Representor objects to the length and detail of paragraphs 0.83 to 0.88.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the Representor with regards to the conformity with the Preferred Strategy, the SA/SEA/AA/Habitats or the Tests of Soundness.

COUNCIL ANALYSIS

Length and Detail of Paragraph 0.83 to 0.88

The representor objects to the length and the level of detail of paragraphs 0.83 to 0.88 and considers that the environmental issues need to be expanded to include full policy coverage in respect of biodiversity.

Paragraphs 0.83 to 0.88 are within the introduction section of the plan and are included to provide a brief overview of the key land use issues identified through the pre-deposit public consultation exercise with key stakeholders and it is this information that is summarised in paragraphs 0.83 to 0.88 in respect of Environmental Issues. A detailed discussion of the broad issues that are relevant to the LDP is contained in the 'Strategic Environmental Assessment/Sustainability Appraisal Scoping Report'.

Additional information specifically in respect of the protection of the Natural Heritage and in particular Biodiversity is contained in *Background Paper 2: Natural Heritage*. This document sets out the detailed information, evidence and reasoning behind the countryside and natural heritage policies in the LDP.

CONCLUSION

The expansion of paragraphs 0.83 to 0.88 is considered unnecessary as the detailed discussion of the broad issues that are relevant to the LDP is contained in the 'Strategic Environmental Assessment/Sustainability Appraisal Scoping Report' and Background Paper 2.

The changes are unnecessary as the appropriate level of information is provided in the evidence base that underpins the plan. It is not practical to include all of this evidence within the plan itself, as this would unnecessarily lengthen the plan.

OFFICER RECOMMENDATION

That the Council recommend to the Planning Inspector that no change be made to the plan.

Reason for Recommendation

The changes are unnecessary as the appropriate level of information is provided in the evidence base that underpins the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Vision Statement

Representation Type – Deposit Stage

4045.D3	Envirowatch UK	Object	Amend the Vision statement to ensure a high protection of the natural environment and cultural heritage.
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SUMMARY OF REPRESENTATION

The Vision Statement should ensure a high protection of the natural environment and cultural heritage in order to meet the legal requirements of EU legislation and should be amended accordingly.

DESIRED CHANGE TO THE DEPOSIT LDP

The following be added to the Vision Statement:

“The vision is also to ensure a high protection of the natural environment and the cultural heritage.”

COUNCIL ANALYSIS

Policy Context

The Vision Statement for the LDP sets out a broad statement of how the LDP will affect the county borough over the plan period, identifying the broad issues the LDP will address, without prescribing the detail of how the changes will be realised. The Vision Statement has been drawn from the principles of the council’s Community Strategy and has been produced utilising workshops with key stakeholders as part of the Pre-Deposit Participation Stage of Plan Preparation. The key policy issues that reoccurred throughout each of the workshop sessions have shaped and informed the Vision Statement for the LDP.

The Representor seeks to include a specific issue within the statement, namely the protection of the natural environment and cultural heritage. However it would be inappropriate to include a detailed issue within the generic Vision Statement as it is too detailed and prescribes a specific action on the part of the LDP. This is dealt with more appropriately through the aims, objectives and subsequent policies in the LDP. Indeed protection of the general environment is included as an LDP Aim, whilst the protection of the historic, natural and built environment is included as a Key Objective.

Compliance with the LDP

No evidence has been submitted in respect of the LDP Strategy, the SEA/SA & HRA or the Tests of Soundness to justify the representations. Consequently there is no justification basis for the Inspector to recommend a change to the plan.

CONCLUSION

The issue of the protection of the natural environment and cultural heritage are already adequately covered in the LDP Aims and Objectives and it would be inappropriate to include a detailed action into the broad context of the Vision Statement.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representations.

Reason for Recommendation

For the reasons outlined in the Council analysis above.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Paragraph 0.91

Representation Type – Deposit Stage

50.D1	Mr Stuart Banks	Object	Objects to the wording of paragraph 0.91 as it is considered that the sustainable role of individual communities is not met.
2195.D1	Mr Morgan Thomas	Object	Objects to the wording of paragraph 0.91 as it is considered that the sustainable role of individual communities is not met.

SUMMARY OF REPRESENTATIONS

The Representor objects to the wording of paragraph 0.91 as it is considered that the sustainable role of individual communities is not met as many of the smaller towns and villages will not be allowed to grow. The Representor considers that the indigenous population of any particular village community will for the most part wish to remain there. Therefore the housing stock will need to grow or regenerate.

COMPLIANCE WITH THE LDP

Tests of Soundness

The wording of paragraph 0.91 is considered to conflict with tests of soundness P2, C1, C2, C3, C4, CE2, CE3 & CE4

DESIRED CHANGES TO THE DEPOSIT LDP

Amend the wording of paragraph 0.91 to reflect the need to allow smaller villages and towns to grow to create sustainable communities.

COUNCIL ANALYSIS

Paragraph 0.91

Paragraph 0.91 states:

There are a number of key concepts that guide the plan's aims and strategy including: *"...Reflecting the specific role and function of individual settlements – the Plan identifies a sustainable role for all the towns and villages in the county borough and promotes appropriate development or restraint in each so that all parts of the county borough will benefit."*

The concept of 'Reflecting the role and function of individual settlements' is not intended to prevent all forms of development within existing villages / settlements, instead it is intended to be a key factor in determining how the strategy responds to the needs of an individual settlements, with only appropriate uses being allocated. The appropriateness of uses will be considered against the role and function of each settlement.

With respect to towns and villages that are referred to as primarily residential, it is important to note that these areas also contain complementary facilities such as schools and shops and often some local employment. The emphasis within residential areas will be on retaining their distinct identity; providing a

choice of housing types; and maintaining and creating attractive sustainable communities where people will want to live.

Tests of Soundness

The Representor has not submitted any further evidence to substantiate the claim that paragraph 0.91 conflicts with tests of soundness P2, C1, C2, C3, C4, CE2, CE3 & CE4.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representation.

Reason for Recommendation

The Representor has misinterpreted the key concepts

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Paragraph 0.92

Representation Type – Deposit Stage

4045.D32	Envirowatch	Object	Object to paragraph 0.92, Bullet point 1
4045.D4	Envirowatch UK	Object	Additional aims need to be included to ensure the protection of the natural environment and cultural heritage.
1056.D3	Countryside Council for Wales	Support	Support LDP aim to protect the environment.
4203.D11	The Coal Authority	Support	Support the spatial strategy as it relates to coal legacy issues.
4141.D1	Mr Mark Tebboth	Support	Support for Aims of the LDP in relation to climate change.
1492.D4	Home Builders Federation	Object	Object to the omission of provision of sufficient housing as an aim of the Plan.

SUMMARY OF REPRESENTATIONS

- The Representer objects to the wording of bullet point 1 under paragraph 0.92.
- The Aims should ensure a high protection of the natural environment and cultural heritage in order to meet the legal requirements of EU legislation by the inclusion of 5 new Aims.
- Support is given to aims relating to protection of the environment, coal legacy issues and climate change.
- There is a lack of emphasis within the LDP Aims on the need to provide a sufficient amount of appropriate housing for the residents of Caerphilly in accordance with WAG guidelines.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the Representer with regards to the conformity with the Preferred Strategy, the SA/SEA/AA/Habitats or the Tests of Soundness.

DESIRED CHANGES TO THE DEPOSIT LDP

1. The LDP needs to be changed to ensure the first aim can be realised.
2. The following Aims be included in the LDP:
 - “Balance the need for development with the need to conserve natural resources to ensure only necessary development is allowed.”
 - “To maintain local village/town distinctiveness and allow essential growth of organic form”
 - “To improve the townscape both through regeneration and when other opportunity occurs.”
 - “To prevent light pollution from all new development so as to be able to claim our night (nightscape)”

- “To reduce all types of pollution/emissions from new development/activities so as to improve the quality of life for people and biodiversity.”
3. Amend Paragraph 0.23 to include an aim that reflects this representation.

COUNCIL ANALYSIS

Object to wording of Bullet Point 1, Paragraph 0.92

The Representor considers that the LDP does not contain sufficient policy in respect of biodiversity to meet the aims of bullet point 1 under paragraph 0.92.

The Aims are overarching actions that the LDP is seeking to take, which are then expanded on by the Key Objectives and the LDP policies, which address the issues in increasing detail. Two of the 24 Key objectives of the plan contribute to achieving this aim in respect of biodiversity as follows:

- 12 Identify, protect and enhance sites of nature conservation and earth science interest and ensure biodiversity of the County Borough is enhanced.
- 13 Create appropriate new landscape and ecological features and habitats as an integral part of new development wherever appropriate.

Policy SP12 Conservation of Natural Heritage, Policy CW5 General Design Considerations, CW8 Natural Heritage Protection, CW9 Trees and Woodland Protection and Policy NH3 Sites of Importance for Nature Conservation taken together with all relevant national guidance provide an appropriate level of policy in respect of biodiversity to meet the stated aim of the Deposit LDP:

To protect the environment as a whole whilst balancing the need for development with the need to conserve valuable resources

Further details of the environmental issues that the plan is seeking to address together with biodiversity requirements are provided throughout the plan and specifically in Background Paper 2: Natural Heritage.

Additional aims on natural environment and cultural heritage need to be included.

The Representor seeks the inclusion of 5 new aims into the list of LDP aims. The Aims are overarching actions that the LDP is seeking to take, which are then expanded on by the Key Objectives and the LDP policies, which address the issues in increasing detail. Whilst not expressly stated in the same manner, the current LDP Aims encompass all of the issues that the Representor wishes to see addressed in a strategic way, whilst the Objectives and Policies address the issues in more detail. Consequently it is neither necessary, nor appropriate to include the Aims proposed by the Representor.

National Planning Guidance requires the LDP to be consistent with other plans and strategies of the local authority, including in particular the Community Strategy, which has already identified the overarching Vision, Aims, and Objectives of the Council.

The Aims of the plan have been derived from land-use issues emanating from the four themes of the Community Strategy (i.e., Living Environment, Regeneration, Education for Life and Health, Social Care and Well-Being).

The representation proposes an amendment to the Aims of the Plan, but since these are derived from the Community Strategy, they cannot therefore be amended through the consultation on the Plan.

However, it should be noted that the importance of the provision of appropriate housing is recognised in the Aims of the Plan, even if the wording does not precisely reflect that of the National Housing strategy.

Compliance with the LDP

No evidence has been submitted in respect of the LDP Strategy, the SEA/SA & HRA or the Tests of Soundness to justify the representations. Consequently there is no justification basis for the Inspector to recommend a change to the plan.

CONCLUSION

The amendment to the wording of bullet point 1 of paragraph 0.92 is considered unnecessary.

The LDP Aims already cover the issues raised by the Representor and consequently it would be inappropriate to include the new Aims in the list.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change be made to the LDP in respect of the representations.

Reason for Recommendation

For the reasons outlined in the Council analysis above.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Paragraph 0.94 – Key Objectives

Representation Type – Deposit Stage

1056.D4	Countryside Council for Wales	Council	Support	Support for Key Objective 2 alongside other objectives
1056.D52	Countryside Council for Wales	Council	Object	Object to lack of clarity of term “natural green space” in Key Objective 2
1593.D1	Gwent Wildlife Trust		Object	Object to limitations of Key Objective 2.
2215.D1	Wildlife Trust of South & West Wales		Object	Object to limitations of Key Objective 2.
1056.D4	Countryside Council for Wales	Council	Support	Support for Key Objective 3 alongside other objectives
4203.D12	Coal Authority		Object	Alternative wording suggested for Key Objective 3
2215.D2	Wildlife Trust of South & West Wales		Object	Object to the wording of Objective 4.
1593.D2	Gwent Wildlife Trust		Object	Object to the wording of Objective 4.
1056.D53	Countryside Council for Wales	Council	Support	Support for Key Objective 4 alongside other objectives
1056.D53	Countryside Council for Wales	Council	Object	Object to limitations of Key Objective 5.
4203.D12	Coal Authority		Object	Alternative wording suggested for Key Objective 7
4045.D5	Envirowatch UK		Object	Amend Key Objective 11 to refer to the requirements of the Habitats Directive.
4045.D6	Envirowatch UK		Object	Key Objective 12 be amended to refer to the requirements of the Birds and Habitats Directives.
1056.D4	Countryside Council for Wales	Council	Support	Support for Key Objective 12 alongside other objectives
4045.D7	Envirowatch UK		Object	Key Objective 13 be amended to refer to the creation of a green and blue habitat network.
1056.D4	Countryside Council for Wales	Council	Support	Support for Key Objective 13 alongside other objectives
4045.D8	Envirowatch UK		Object	Amend Key Objective 19 to ensure protection of communities and maintenance of rights of way.

4274.D8	Steering Group for the Future of the Caerphilly and District Miners	Support	Support for Key Objective 21
4274.D9	Steering Group for the Future of the Caerphilly and District Miners	Support	Support for Key Objective 24
1056.D4	Countryside Council for Wales	Support	Support for Key Objective 24 alongside other objectives
4045.D60	Envirowatch UK	Object	Include a new Objective on Rights of Way.
4198.D1	Caerphilly Teaching Local Health Board	Support	General support for the Key Objectives

SUMMARY OF REPRESENTATIONS

Objective 2

Under Key Objective 2, further clarity on “natural green space” is required. Reference should be made to the CCW Greenspace Toolkit.

The Representors strongly supports Key Objective 2, but consider that it should be extended to include newly created ecological features and habitats, and the need to require ongoing management to encourage and maintain biodiversity.

Objective 3

Key Objective 3 should be reworded to state “*ensure that the effective and efficient use of natural and built resources while preventing the unnecessary sterilisation of finite resources through safeguarding from inappropriate development.*”

Objective 4

The Representors object to the Objective, as it should take into consideration newly created ecological features and habitats and the need to require ongoing management to encourage and maintain biodiversity.

Objective 5

There is no explicit intention among the stated Key Objectives with regard to measures in relation to climate change adaption.

Objective 7

Encourage the re-use and/or reclamation of appropriate brownfield, contaminated, or unstable land and prevent the incidence of further contamination and dereliction.

Objective 11

Key Objective 11 be amended by the deletion of the word "valuable" and the addition of "to meet the requirements of the EU Habitats Directive".

Objective 12

Key Objective 12 be amended by the inclusion of the word "wetlands" and the addition of "to meet the requirements of the EU Birds and Habitats Directives".

Objective 13

Key Objective 13 be amended by the inclusion of "Reduce fragmentation and provide green and blue corridors where possible to create a green and blue network between urban/countryside and fragmented habitat"

Objective 19

Key Objective 19 be amended by the extension of the final sentence with "in a sustainable manner without negative impacts on the relevant local communities in consultation with the local affected community".

New Objective

Include a new Objective seeking maintenance of Rights of Way to aid the tourist economy.

General support

As well as a general representation of support, Key Objectives 2, 3, 4, 10, 12, 13, 21 and 24 are supported.

COMPLIANCE WITH THE LDP

With regards to Objectives 3 and 7, it is considered that the plan fails to meet Tests of Soundness C3, CE1 and CE4. It is argued that the changes would ensure that the document is thoroughly addressing the mining legacy, which is a locally distinctive issue within the Caerphilly plan area. Considering land instability is part of the requirements of Planning Policy Wales and it is important to the Coal Authority that existing mining legacy issues are not compounded throughout the plan period, but are addressed through new development undertaken during the plan period to ensure public safety is not compromised.

No evidence in respect of the LDP Strategy, the SEA/SA & HRA or the Tests of Soundness has been submitted to support the other representations.

DESIRED CHANGES TO THE DEPOSIT LDP

1. Amend Key Objective 2 to:
 - Provide further clarity regarding the definition and identification of "natural green space".
 - Make reference in appropriate sections to use of the CCW Greenspace Toolkit. Amend Key Objective 2 to include newly created ecological features and habitats, and the need to require ongoing management to encourage and maintain biodiversity.
2. Amend Key Objective 3 to state that "the effective and efficient use of natural and built resources while preventing the unnecessary sterilisation of finite resources through safeguarding from inappropriate development".
3. Amend Key Objective 4 to take into consideration newly created ecological features and habitats and the need to require ongoing management to encourage and maintain biodiversity.
4. Amend Key Objective 5 to include objectives with regard to measures in relation to climate change adaption.

5. Amend Key Objective 7 to state “encourage the re-use and/or reclamation of appropriate brownfield, contaminated, or unstable land and prevent the incidence of further contamination and dereliction
6. Key Objective 11 be amended to read “Identify, protect and, where appropriate, enhance landscapes and landscape features and protect them from unacceptable development *to meet the requirements of the EU Habitats Directive*”.
7. Key Objective 12 be amended to read “Identify, protect and enhance sites of nature conservation, wetlands and earth science interest and ensure the biodiversity of the County Borough is enhanced *to meet the requirements of the EU Birds and Habitats Directives*”.
8. Key Objective 13 be amended to read “Create appropriate new landscape and ecological features and habitats as an integral part of new development wherever appropriate *and reduce fragmentation and provide green and blue corridors where possible to create a green and blue network between urban/countryside and fragmented habitat*”.
9. Key Objective 19 be amended to read “Encourage the development of high quality, all season tourist attractions and tourist accommodation that complements the natural and built environment of the County Borough *in a sustainable manner without negative impacts on the relevant local communities in consultation with the local affected community.*”
10. A new objective be included to read “*To maintain the Public Rights of way to ensure full access throughout the network so as to aid the tourist economy*”

COUNCIL ANALYSIS

National Planning Guidance requires the LDP to be consistent with other plans and strategies of the local authority, including in particular the Community Strategy, which has already identified the overarching objectives of the Council.

The Key Objectives of the plan have been derived from land-use issues emanating from the four themes of the Community Strategy (i.e., Living Environment, Regeneration, Education for Life and Health, Social Care and Well-Being) through prolonged community involvement. In light of this, any proposed changes to the Objectives at this stage could undermine the process, and the remainder of the Objectives, if robust and compelling evidence for the change is not provided.

Objective 2

As part of the Evidence Base for the Plan, the Council commissioned a study providing a Natural Green Space Assessment of the county borough using the CCW Green Space Toolkit: the results of this study are reported in Background Paper 10 Leisure (see Section 4.1). This may provide some of the additional clarity requested in the representation. It is inappropriate for the objective to contain this level of detail.

Objectives 12, 13 and 24 provide the basis for protecting and managing both new and existing ecological features and habitats, whilst the requested amendments to Key Objective 2 in respect of the creation of new landscape

and ecological features and habitats are partially covered by Objective 13. It would be inappropriate to alter the Objective 2 when other Objectives cover matter raised by the Representor.

Objective 3

The representor wishes for a minor change to the wording of the objective. It is considered that the proposed change to the wording to include the phrase 'safeguarding from' would add little to the clarity of the policy and therefore is considered unnecessary.

Objective 4

The Representor is suggesting changes to the policy that seek to protect and enhance the natural heritage of the county borough, through the protection and management of newly created ecological features and habitat. Objective 4, however, relates to the environmental impact of proposed and new development, rather than the protection of the natural heritage. Objectives 12, 13 and 24 provide the basis for protecting and managing both new and existing ecological features and habitats and as such it would be inappropriate to alter the nature of Objective 4 to reflect matters that are addressed by three other objectives already.

Objective 5

Objective 5 is not intended on its own to be an objective in response to Climate Change. The Aims and Objectives of the plan when considered holistically seek to address the land use issues that arise in the consideration of climate change as this is central in terms of sustainable development.

Climate responsive developments are those that tackle the causes of climate change and those that incorporate effective mitigation and adaption measures. National Guidance requires development proposals to mitigate the causes of climate change and to include features that provide effective adaptation to and resilience against the effects of climate change.

The modification of Objective 5 would undermine the intention of the plan to holistically address all areas of land use planning that would have an impact on climate change.

Objective 7

The representor seeks to include the term 'unstable land' alongside brownfield and contaminated land. It is not considered necessary to amend the wording of the policy to include reference to 'unstable' land, as it would be dealt with under either derelict or contaminated land. By amending the wording of the policy to include 'unstable' the Key Objective would become unnecessary long and repetitive.

Objectives 11 and 12

It is not the intention of the Objectives to confirm that the LDP conforms with legislative, or other, requirements. Consequently it would be inappropriate to include statements, such as those suggested for inclusion by the Representor, that identify where requirements are met as they do not accord with the purpose of the paragraph.

Objective 13

The proposed amendment to Objectives 13 suggested by the Representor is actually covered by Objective 12 that seeks to protect areas of nature conservation interest, which includes wildlife corridors, habitats and the issue of fragmentation. It would be inappropriate to duplicate it in this Objective that considered new landscape and ecological features being provided from new development.

Objective 19

In response to the representation seeking addition text to be included with Objective 19, it should be recognised that the requirement to provide development in a sustainable manner is set out across a number of the Objectives, rather than being addressed as an issue in its own right. Consequently it is not necessary to specifically require development to be provided sustainably as this is realised through the application of the Objectives as a whole.

In addition, community involvement in the development process is not a landuse policy matter, it is an administrative process. Consequently it would be inappropriate to include an amendment as suggested by the Representor.

New Objective

Public rights of way, and the need to ensure that the network is open and accessible, is set out in legislation separate from that covering the LDP. National Guidance advises that matters that are governed or identified through other legislation should not be included within the LDP. Consequently it would be inappropriate to include an Objective on such an issue.

Support

The representations of support for a number of the objectives should be noted

Compliance with the LDP

The representor has submitted insufficient evidence to substantiate the claim that the Plan Objectives fail to comply with Tests of Soundness C3, CE1 and CE4.

CONCLUSION

As the Key Objectives have been derived from the themes of the Community Strategy in consultation with the community, changes to them should only be made where robust and compelling case has been made for them. None of the representations provides sufficiently robust or compelling cases to warrant changes to be made to the Objectives.

OFFICER RECOMMENDATION

- 1 That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representations in objection.**
- 2 That the Council recommends to the Planning Inspector that the representation in support be noted.**

Reason for Recommendation

The Key Objectives of the Deposit LDP are derived from the Community Strategy, and there is insufficient case to justify the changes.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Paragraphs 0.95-0.107 - Monitoring

Representation Type – Deposit Stage

1056.D5	Countryside Council for Wales	Object	Object to the omission of monitoring and implementation from Section A of the LDP.
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SUMMARY OF REPRESENTATION

LDP Wales and the LDP Manual advises that the Strategy section should include targets and indicators that will assist the annual monitoring of the implementation and effectiveness of the plan's policies.

DESIRED CHANGES TO THE DEPOSIT LDP

1. LDP Wales and the LDP Manual advises that the Strategy section should include targets and indicators that will assist the annual monitoring of the implementation and effectiveness of the plan's policies.
2. Further consideration should be given towards how such information could be included.

COUNCIL ANALYSIS

WAG Planning Guidance is clearly not intended to be prescriptive on the structure of the Written Statement. One of the main considerations in the preparation of the extensive documentation required by the LDP process has been to make it as comprehensible as possible, and it is considered the manner of dealing with the issues of monitoring and implementation in the Deposit LDP reflects this aim. The representation does not argue that the selected manner is ineffective, and it is therefore considered that there are no grounds for amending the Plan as proposed.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representation.

Reason for Recommendation

The Deposit LDP has been prepared in accordance with WAG Planning Guidance.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Paragraph 0.105 - Viability of Housing Sites

Representation Type – Deposit Stage

1492.D4	Home Federation	Builders	Object	Reference Paragraph viability.	required 0.105 on	in site
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SUMMARY OF REPRESENTATION

Paragraph 0.105 explains that the ability of the private sector to deliver the criteria mentioned in paragraph 0.104 will be heavily influenced by external economic circumstances, and goes on to state that this might affect the delivery of housing.

The recognition that the viability of individual sites will also have a significant effect on the ability of the private sector to deliver the infrastructure improvements mentioned in Paragraph 0.104 is recognised within Background Paper 6 Population and Housing, and therefore should also be recognised within the Deposit LDP.

DESIRED CHANGE TO THE DEPOSIT LDP

Include a sentence within Paragraph 0.105 that recognises the characteristics of individual sites might have an impact on the viability of the particular development planned for that site, which in turn might have an effect on the ability of the private sector to deliver the infrastructure criteria mentioned in paragraph 0.104.

COUNCIL ANALYSIS

It is certainly not disputed that the ability of sites to make a contribution to the provision of infrastructure depends on their individual characteristics: indeed, this may be considered to be so obvious that a statement to this effect is not necessary.

However, the main point being made in the Section on Implementation is to emphasise that considerable variations can be expected in the rates of development that take place in the county borough over the fifteen-year Plan period. The inclusion of the additional point as proposed might obscure this fundamental message.

It is therefore considered that the proposed amendment is not necessary, and could be unhelpful.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of this representation.

Reason for Recommendation

It is not considered that the proposed addition to the text of the Plan is either necessary or helpful, as explained in the Council Analysis above.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

STRATEGY

Development Strategy

Representation Type – Deposit Stage

4142.D5	Emporium Consultants	Object	Objection to the LDP Strategy seeking to push development to the north of the county borough.
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SUMMARY OF REPRESENTATION

The Council should consider changing the emphasis of the LDP Strategy that seeks to push development to the north of the county borough. This strategy was formulated in a period of rising house prices and a buoyant housing market. The current economic climate will have repercussions for the delivery of the strategy. Many marginal schemes will become unviable and the emphasis for demand will be on existing key and proven locations such as Caerphilly.

DESIRED CHANGES TO THE DEPOSIT LDP

The Council should consider changing the emphasis of the LDP Strategy that seeks to push development to the north of the county borough.

COUNCIL ANALYSIS

The Development Strategy of the Deposit LDP was formulated through an extensive engagement with interested parties, followed by a statutory public consultation on the Preferred Strategy, as detailed in the Community Involvement Scheme in the Delivery Agreement. It aims to provide for sustainable development throughout the county borough, as indicated by the eight Key Components of the strategy:

The claim of the representation that the Development Strategy seeks to push development to the north of the county borough is not accepted: the Development Strategy rather aims to provide for the level of development appropriate for each area.

It is possible that the claim was prompted by the Key Component of the Strategy to allow for development opportunities in the Heads of the Valleys Regeneration Area. However, the north of the county borough is identified in this way not to divert development from other parts of Caerphilly, but because of the difficulties that have been experienced in the past in attracting private investment there. The Welsh Assembly Government has prioritised the area as part of the Heads of the Valleys Programme area, and the Development Strategy is consistent with this initiative.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representation.

Reason for Recommendation

The Development Strategy of the Plan does not seek to push development to the north of the county borough as claimed.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Key Component 4

Representation Type – Deposit Stage

4203.D13	The Coal Authority	Object	Amend the wording of Key Component 4
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SUMMARY OF REPRESENTATION

Suggest an addition to the wording of Key Component 4.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the Representer with regards to the conformity with the Preferred Strategy or the SA/SEA/AA/Habitats.

The Coal Authority considers that the plan does not comply with tests of soundness C3 and CE4.

DESIRED CHANGE TO THE DEPOSIT LDP

That Key Component 4 be amended to read “Exploit brownfield opportunities where appropriate, including tackling legacy issues and constraints.’

COUNCIL ANALYSIS

It is not considered necessary to amend the wording of the component to include reference to “legacy issues and constraints”. The Council has purposely adopted brief and succinct descriptions for the 8 Key Components and considers that the suggested amendment contains detail that is fully implied in the text as it stands.

CONCLUSION

The amendment to Key Component 4 to include reference to “legacy issues and constraints” is considered unnecessary and undesirable.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change be made to the plan.

Reason for Recommendation

The change is unnecessary.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Key Component 8

Representation Type – Deposit Stage

1593.D6	Gwent Wildlife Trust	Object	Object to omission of reference to the importance of the natural heritage within urban areas.
2215.D6	Wildlife Trust of South and West Wales	Object	Object to omission of reference to the importance of the natural heritage within urban areas.

SUMMARY OF REPRESENTATIONS

The Representors support the principle of Key Component 8 *Reduce the impact of development upon the countryside* of the strategy. However, the wording of component 8 should be extended to include all aspects of the natural heritage including the built environment and not just the countryside. The natural heritage areas within settlement boundaries are often more valued by local residents.

DESIRED CHANGES TO THE DEPOSIT LDP

The title of Key Component 8 *Reduce the impact of development upon the countryside* should be changed to "*Reduce the impact of development upon biodiversity and the countryside*" to acknowledge the importance of the natural heritage in both the urban and rural areas.

COUNCIL ANALYSIS

The Representors' view on the importance of the natural heritage of urban areas is fully accepted. However, the purpose of Key Component 8 is not aimed primarily at protecting the natural heritage of all areas of the county borough.

The Settlement Boundary, which separates urban areas from the countryside, is one of the most powerful tools in the development plan in controlling future development. The purpose of Key Objective 8 is to focus on the countryside, and to assert the aim of the Development Strategy to protect these areas from inappropriate development.

For this purpose the natural heritage of urban areas is not relevant, and it would obscure the important point that is being made about the Strategy to include any reference to it at this point.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representation.

Reason for Recommendation

The proposed change would not be helpful to the explanation of the Key Components of the Development Strategy of the Plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Key Components - General

Representation Type – Deposit Stage

4198.D2	Caerphilly TLHB	Object	Key components should include a commitment to developing joint facilities, where practical.
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SUMMARY OF REPRESENTATION

The key components should be enhanced to incorporate a commitment to develop joint facilities, where practical. This could bring about economies of scale in terms of development and build costs as well as provide opportunities for closer partnership planning and delivery.

COMPLIANCE WITH THE LDP

No evidence has been submitted in relation to the LDP Strategy, the tests of soundness, the SA/SEA or the AA – EU Habitats Directive.

DESIRED CHANGE TO THE DEPOSIT LDP

The key components should include a commitment to develop joint healthcare facilities.

COUNCIL ANALYSIS

The LDP Strategy, as explained in Local Development Plans Wales, should include the plan's vision for the future (based on the objectives and priorities of the Community Strategy), a concise statement of the plan's aims and objectives and the means of achieving them. In terms of the latter, it should have regard to the likely level of both public and private sector resources.

In the case of Caerphilly, the Strategy itself is formed of eight key components, each one focusing on a distinct, yet complementary, facet of the overall direction that the plan is seeking to take, through the implementation of its policies. Each component concentrates on an overarching concept, which in turn tends to cover more than one specific policy area. For this reason, it is not considered that a relatively narrow topic such as the means of implementation of new health facilities would constitute an appropriate inclusion in this section of the plan.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change be made to the LDP Strategy.

Reason for Recommendation

It has not been demonstrated that the Strategy in its current form contravenes any of the ten tests of soundness.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Paragraph 1.19 - Additional Key Component – Fossil Fuel

Representation Type – Deposit Stage

4141.D2	Mr Mark Tebboth	Object	Object to the omission of a key component on fossil fuel.
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COMPLIANCE WITH THE LDP

No evidence has been submitted by the Representor with regards to the conformity with the Preferred Strategy, or the SA/SEA/AA/Habitats.

The Representor considers the proposed changes will assist towards improving the plan by addressing test of soundness CE1 and the amendment will ensure the Plan will flow more logically between the aims, objectives and key components.

COUNCIL ANALYSIS

The Representor considers that an additional key component is required as only one of the eight components (component 5) addresses energy consumption and supply, a key factor in tackling climate change. An additional component should be introduced focusing specifically on reducing demand on fossil fuel-based energy sources through the promotion of renewable energy generation and energy efficiency.

One of the stated aims of the Deposit LDP is: *To ensure that new development minimises emissions of greenhouse gases as far as is practically possible in order to mitigate the effects of climate change.* Key objective 5 contributes to the achievement of this aim and also serves to address key components 3 and 5, which help to realise the Vision and the Development Strategy of the plan. Objective 5 states: *Improve energy, waste and water efficiency while promoting environmentally acceptable renewable energy to maintain a cleaner environment and help reduce our impact on climate change.*

The Strategy policies in the plan deliver the wider aims and objectives of the strategy and are supplemented by more detailed county-wide and area specific policies. Strategy Policy SP10 – Renewable Energy reads: *The Council will require new developments to incorporate energy saving and renewable energy technologies where appropriate, in order to promote sustainable development.* Policy SP10 serves to meet key components 3 & 5.

The promotion of renewable energy generation and energy efficiency is one of the key objectives of the plan, which serves to address the key components of the plan. There is no need to include an additional component to highlight this issue specifically.

CONCLUSION

The components are intended to provide a broad overview of the spatial implications of the development strategy of the plan together with the infrastructure requirements to deliver that strategy and cannot possibly cover in detail all of the policy areas that the plan as a whole seeks to address. There is sufficient recognition of the need to promote renewable energy in the

plan and there is no need to specifically highlight this issue as a key component of the development strategy.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change be made to the plan.

Reason for Recommendation

The changes are unnecessary as the issue is adequately covered in the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Paragraph 1.28 – Key Assumptions

Representation Type – Deposit Stage

4045.D15	Envirowatch UK	Object	The third bullet point be amended to include opportunity for rail freight.
2012.D19	Caerphilly Greendoorstep	Object	The plan is not sustainable because it will lead to increased car use, while not securing needed improvements in public transport.

SUMMARY OF REPRESENTATIONS

1. The third bullet be amended by to include a statement that requires the provision for freight transfer to rail where developments adjoining railheads, rail sidings or the line itself.
2. All government statistics show that forecast increases in traffic will come firstly from increased journey distances on motorways, and secondly from increased trips for leisure purposes. Caerphilly has no motorway and leisure trips are not at peak times so even with a do nothing policy peak hour traffic will not increase and there is no need for increase in road capacity. Government policies demand decrease in private car use in favour of public and green transport. Therefore peak hour traffic should decrease. Public transport needs improving and jobs need to be provided locally.

COMPLIANCE WITH THE LDP

Preferred Strategy

- Reference has been made to the LDP Objectives in respect of the first objection issue.
- No evidence in respect of the LDP strategy has been submitted to support the other objections.

SA/SEA/AA - EU Habitats Directive

No evidence in respect of the SEA/SA/HRA to support any of the objections.

Tests of Soundness

One Representor has identified the LDP is unsound in respect of all of the Tests of Soundness on the grounds that the plan must be withdrawn and a full Community Involvement Scheme be carried out with early and ongoing input from the public and local councillors.

DESIRED CHANGE TO THE DEPOSIT LDP

1. The amendment of the third paragraph by the addition of the following *“The Council will seek to have employed in new major development which lead to railheads, sidings or are adjacent to railroads, such infrastructure to allow goods to go by rail instead of road. This will also make the rail network more viable and reduce climate change. Also new rail lines could be made and the reuse of disused track beds.”*
2. The withdrawal of the LDP.

COUNCIL ANALYSIS

Policy Context

The county borough does not currently have an interchange where freight can be changed between lorry and rail. There are no known sites that would meet the requirements for such a facility and it is unlikely that sufficiently large sites that meet the requirements are going to become available during the plan period. Consequently the potential for increasing freight transit by rail is very limited and is likely that freight transport for the county borough will continue to be lorry based for the foreseeable future.

It should be noted that if a site, which meets the requirements for an interchange, becomes available, or is thought to be coming available, the LDP could be reviewed to reflect the new situation. However, at this time these circumstances are unlikely to occur and it would, therefore, be inappropriate to include a change to reflect the need for sites to provide such a facility.

Road Transport Forecasts 2008: Results from the Department for Transport's National Transport Model, produced by the Department for Transport, provides forecasts of vehicle use, along with journey distance and emissions information for England and is a robust source of information relating to future traffic levels. The document includes traffic growth forecasts disaggregated by road type, which show the following based upon 2008 base figures:

- I. In 2010 Motorway traffic will have grown by 4%, the same as urban traffic (settlements under 250,000) growth.
- II. In 2015 Motorway traffic will have grown by 19% in comparison to urban traffic that will have grown by 14%
- III. In 2025 Motorway traffic will have grown by 37% in comparison to urban traffic that will have grown by 27%

Whilst the figures show that motorways will have higher growth levels, it also confirms that traffic levels in urban areas, like Caerphilly, will grow by in excess of 25%. This contradicts the assertion made by the Representor that Caerphilly would not see an increase in traffic level as it does not have a motorway.

In addition to this, whilst the figures are not disaggregated by time of day, it would be unreasonable to consider growth of this size would not be reflected at peak hours. The assumed population levels grow by around 14% over the period to 2025 and corresponding changes to other modes do not cover this growth. Even without the increase in population levels, the growth in car ownership will continue. There is a point at which car ownership will reach saturation, where households will not require further cars even if expendable income continues to rise. However the report identifies that there is scope for continued car ownership and this will also increase peak time traffic.

The Representor's assertion that national guidance, which seeks the reduction of the use of the car and increases in public transport, and delivered improvements in public transport will realise a reduction in traffic levels is unrealistic. However, in reality, it must be acknowledged that, without legislative intervention or the introduction of fiscal measures, car travel will

continue to be the dominant transport mode for the majority of people who live and work within the County Borough.

Overall the Representors contention that Caerphilly will not realise peak time increases in traffic, and hence require the highway improvements, is unfounded.

Compliance with the LDP

Preferred Strategy

No evidence in respect of the LDP Strategy has been provided in support of the representation. Consequently there is no basis for the Inspector to amend the LDP.

SA/SEA/AA - EU Habitats Directive

No evidence in respect of the SEA/SA has been provided in support of the Representation. Consequently there is no basis for the Inspector to amend the LDP.

Tests of Soundness

The implication from the grounds of objection in respect of the Tests of Soundness, is that the LDP has not been produced with appropriate community involvement. Whilst the Representor has contested that the LDP is unsound against all ten Tests of Soundness, the grounds for this relate solely to Test P1 as it is the Delivery Agreement (DA), with its Community Involvement Scheme (CIS), that set out the community involvement for the process. Consequently the response in respect of the Tests of Soundness will be restricted to this test.

The Representor has not submitted any evidence to support the contention that the LDP has not been subject of appropriate Community Involvement, nor that it has not been produced in accordance with the DA. The LDP has been produced in accordance with the DA and CIS that was formally agreed by WAG on 4 May 2006. The LDP has been prepared in accordance with consultation and involvement procedures as set out in the DA. Therefore the LDP is sound in respect of test P1.

CONCLUSION

There is no real justification for any amendment to be made to the LDP

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representation.

Reason for Recommendation

For the reasons outlined in the Council analysis above.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Paragraph 1.31 – Brownfield Opportunities

Representation Type – Deposit Stage

4203.D14	The Coal Authority	Object	Amend the wording of Paragraph 1.31
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SUMMARY OF REPRESENTATIONS

Deposit Stage

Suggests an addition to the wording of Paragraph 1.31 to address legacy issues.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the Representor with regards to the conformity with the Preferred Strategy or the SA/SEA/AA/Habitats.

The Coal Authority considers that the plan does not comply with tests of soundness C3 and CE4.

DESIRED CHANGE TO THE DEPOSIT LDP

That Paragraph 1.31 be amended to read "...industrial and cultural heritage of the area, and redevelopment often offers potential to address the legacy of these former uses such as contamination or ground stability for the benefit of local communities and the natural and built environment. The most important sites are....'

COUNCIL ANALYSIS

It is not considered necessary to amend the wording of the paragraph to include reference to "legacy issues". This paragraph is introducing the concept of utilising brownfield land in preference to greenfield sites wherever this is practicable. The Council considers that this paragraph is not the place to describe just one particular benefit of reusing brownfield land, and to mention all the other benefits would mean that the paragraph would become unnecessarily long and detract from the main message.

CONCLUSION

The amendment to the paragraph include reference to "legacy issues" is considered unnecessary and undesirable.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change be made to the plan in relation to the proposed amendment to Paragraph 1.31

Reason for Recommendation

The change is unnecessary.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Paragraphs 1.31-1.33

Representation Type – Deposit Stage

4045.D18	Envirowatch UK	Object	Amend paragraph 1.31 to consider undevelopable Brownfield sites.
1593.D7	Gwent Wildlife Trust	Object	Object to omission of reference to nature conservation value of Brownfield land.
2215.D7	Wildlife Trust of South and West Wales	Object	Object to omission of reference to nature conservation value of Brownfield land.

SUMMARY OF REPRESENTATIONS

- Paragraph 1.31 should be amended to identify how Brownfield sites, which are incapable of being developed, will be treated.
- Object to the wording of *Paragraphs 1.31 - 1.33 Exploit Brownfield opportunities where appropriate* for the following reasons:
 - (1) Brownfield sites often support significant nature conservation interest
 - (2) Brownfield sites are a priority habitat on the S.42 list.
 - (3) Brownfield sites support and provide a range of habitats.
- The Representors recommend that caution is applied when presenting Brownfield sites as the first option for development and each site should be considered on its individual merits.

DESIRED CHANGES TO THE DEPOSIT LDP

1. Paragraph 1.31 be amended to read as follows:
"Where Brownfield sites cannot be used for development, the site will be returned to Greenfield/public amenity use. "
2. Paragraphs 1.31 - 1.33 - 'Exploit Brownfield opportunities where appropriate' should be amended to acknowledge that Brownfield sites also have significant nature conservation interest and should be considered on a site-by-site basis.

COUNCIL ANALYSIS

The Representors' view that some Brownfield sites have high ecological value is fully accepted, and this will be fully taken into account when development proposals affecting these sites are being considered.

However, the Paragraphs referred to are in a Section outlining the eight Key Components of the Development Strategy of the Deposit Plan, one of which is that Brownfield opportunities will be exploited where appropriate. Many factors, including nature conservation value, were taken into account in the site selection process, and the absence of reference to them certainly does not mean that they were ignored. However, addressing all of these factors would only obscure the important point that is being made.

This Key Component of the Strategy of the Plan is in accordance with Welsh Planning Guidance, which recognises the nature conservation value of some

Brownfield sites, but nevertheless expresses a strong preference for the use of Brownfield to Greenfield sites. Planning Policy Wales (WAG, March 2002) states (Paragraph 2.7.1)

2.7.1 previously developed (or Brownfield) land (see Figure 2.1) should, wherever possible, be used in preference to Greenfield sites, particularly those of high agricultural or ecological value. The Assembly Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.

Where brownfield sites exist and the redevelopment of these sites for alternative uses would be viable and realistically likely to be developed within the plan period, these sites have been allocated for appropriate forms of development in the plan.

It is not considered appropriate to amend paragraph 1.31 in light of the above representations, as the Council cannot require landowners to bring privately owned Brownfield sites back into beneficial re-use. The two exceptions to this rule are where sites are either identified as part of a wider redevelopment scheme, and are considered necessary for the implementation of such scheme, or are sufficiently contaminated to warrant action. This would be done through compulsory purchase and Remediation Notices respectively, although their use is rare and always a last resort.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representation.

Reason for Recommendation

The proposed change would not be helpful to the explanation of the Key Components of the Development Strategy of the Plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Paragraph 1.33**Representation Type – Deposit Stage**

1492.D6	Home Builders Federation	Builders	Object	Object to the growth strategy of the Plan outlined in Paragraph 1.33
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SUMMARY OF REPRESENTATIONS

Paragraph 1.33 states that the Southern Connections Corridor is particularly well provided for in terms of large Brownfield sites and the Plan aims to balance the need to redevelop these Brownfield sites against the need to ensure that growth is managed across the whole of the County Borough in order to promote regeneration in the more deprived areas, where fewer significant Brownfield opportunities exist.

There is concern with this policy approach, as it seems to indicate that development opportunities in the Southern Connections Corridor will be restricted, even on Brownfield sites, if they do not correspond with the local authority's aims to bring forward Brownfield sites in other strategy areas. This policy approach raises further concerns, as the LDP recognises that some northern areas have experienced difficulty in attracting investment and people to those particular areas in the past. It is agreed that it is important to make efforts to regenerate communities that have experienced decline, but it is not considered that this approach is the most appropriate way to facilitate that regeneration. The Deposit LDP should recognise that the regeneration of these areas could be a considerably lengthy process and is likely rely on the availability of appropriate forms of employment and upgrades to the transport system etc, as well as the availability of housing. Land allocated in these areas should not take priority over land in other areas of the County Borough in terms of the delivery or allocation of housing. Indeed, paragraph 0.48 (page 14) states that the Southern Connections Corridor is where development pressures from Cardiff and Newport are strongest and one of the key concepts in the vision statement that guide the LDP strategy is to exploit the proximity of the County Borough to the major economic hubs of Cardiff and Newport. Therefore, to prioritise the delivery of sites in the northern areas detracts from the vision of the Deposit LDP, as it would not be taking full advantage of the development opportunities that exist in the southern areas.

In terms of fostering regeneration, the LDP recognises that a holistic approach to development and investment is required, in order to ensure regeneration is achieved. In this context, paragraph 1.4 (page 28) states that the strategy aim is to designate a wide variety of land uses to exploit and build on the recent investment that some northern areas have benefited from. However, the paragraph also points out that this investment has not attracted private sector investment to the levels anticipated. As a result, it would seem sensible to assume that northern areas would require more time to attract the various forms of investment necessary to facilitate regeneration. Therefore, even though it is appropriate to allocate land in order to accommodate various forms of development, it would not be appropriate to try and force such development into these areas, by restricting opportunities in areas that are

currently attractive to private sector investment. If areas are not currently attractive to private sector investment, policies that aim to redirect growth into these areas, without allowing sufficient provision in areas that are attractive to investment, might re-direct investment out of the County Borough all together. This would obviously be detrimental to the success of Caerphilly County borough as a whole, but could also have implications to the success of the wider South East Wales region. As a result of this, it would seem sensible to allow the northern areas sufficient time to attract to the various forms of development and investment that would help to foster regeneration, e.g. employment, transport and housing. This would mean providing suitable allocations in the northern areas, but also ensuring there is sufficient land allocated in other areas of the County Borough, particularly the Southern Connections Corridor, in order to cope with any incoming investment and development requirements.

This policy approach also assumes that the allocation of development sites in the Southern Connections Corridor would somehow jeopardise the realisation of development sites in the other strategy areas of the Deposit LDP and there is no evidence to indicate that this would be the case. The LDP does, however, provide evidence to show that there is significant potential for investment in the Southern Connections Corridor, which it is considered should be harnessed and exploited in order for the area to retain its attractiveness to investment and to build on the success it has already achieved. This could provide a sound foundation to attract further investment, which in turn could prove to be a catalyst for further regeneration in other areas of the County Borough.

DESIRED CHANGE TO THE DEPOSIT LDP

The LDP Strategy on managing growth, particularly paragraph 1.33, should be changed to reflect this representation.

COUNCIL ANALYSIS

The main concern of the representation is that the Council may seek to prevent development in the Southern Connections Corridor in order to achieve the Plan aims of securing development in the other Strategy Areas. This concern is in fact entirely misplaced, and proposals are made to the text in the Deposit LDP for the purpose of clarification and to avoid such misunderstandings.

The Plan seeks to ensure that there is a balance in the developments in the county borough, and that appropriate development takes place in each of the three Strategy Areas. The primary way in which the Plan, which is of course a land-use plan, seeks to achieve this aim is through the land allocations that are made in the Plan. These allocations reflect the differences between the Strategy Areas in terms of the availability of Brownfield sites, as can be seen in the different treatment of Brownfield sites in the three Strategy Policies SP1-3 which define the Development Strategy of the Plan.

The Southern Connections Corridor has the most Brownfield opportunities available, and so there are very few Greenfield allocations here; in the Northern Connections Corridor, development is encouraged on both

Brownfield and Greenfield sites; while in the Heads of the Valleys Regeneration Area the difficulties of attracting developers to the area are recognised by accepting that more Greenfield opportunities may be needed to secure the desired levels of development.

The Council intends to pro-actively seek the development of all sites allocated in the Plan, and it is agreed that those in the Southern Connections Corridor are generally most attractive to developers, not least because of their proximity to Cardiff, Newport, and the M4 Corridor. A prime example of the Council's role is the recent reclamation and development of the Penrhos site in Caerphilly for housing and commercial uses, which required the co-operation of the Council and developers to achieve the successful outcome. The Council does not consider that the development of sites in the Southern Connections Corridor would jeopardise the development of sites in the other Strategy Areas.

The Paragraph to which the representation primarily takes exception, i.e. Paragraph 1.33, is contained in a Section which is intended to explain in broad outline the eight Key Components of the Development Strategy: the Key Component to which the Paragraph refers is that expressing the Council's intention to "exploit Brownfield opportunities where appropriate." Paragraph 1.33 does not therefore refer to the Development Strategy as such, but only to the role of Brownfield land in the Strategy, and it is suggested that this difference may explain some of the concern of the representation.

In addition to this, it must be noted that the Plan has to make provision for many land-uses, not only for housing. The need for balance in the development of Brownfield sites across the county borough referred to in the text actually applies to all of the uses for which allocations are made in the Plan, not simply housing.

In the light of these two factors, it is suggested that the concern expressed in the representation in respect of Paragraph 1.33 is misplaced, and that any amendment to the text is unnecessary.

However, it is also noted that the current wording of Paragraph 1.4 may provide some justification for the concern expressed in the representation. This Paragraph states (emphasis added for clarification) "The Development Strategy of the Plan seeks to **direct** development to (the Heads of the Valleys Regeneration Area Strategy Area), and exploit and build on this investment." While this statement could be interpreted as having the construction that the representation places on it, this was certainly not the intention. Indeed, the Council clearly does not have the power to "direct" development in the full sense of the term: for example, the failure of the development of sites in other Strategy Areas would not be a material planning consideration in determining an application on a site in the Southern Connections Corridor. For the purpose of clarification, therefore, it is proposed to replace the word "direct" with "attract", which more reflects the aim of the Plan. It is hoped that this amendment will satisfy the main concern of the representation.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that Paragraph 1.4 be amended to read (emphasis added for clarification):

In recent years the HOVRA has experienced unprecedented levels of public investment in its infrastructure, in particular in the transportation network, which to date has not been accompanied by significant private sector investment. The Development Strategy of the Plan seeks to attract development to this area and exploit and build on this investment. It therefore designates land for a wide variety of land uses across the HOVRA to not only meet the role and function of individual settlements but also to positively regenerate those areas over the plan period.

Reason for Recommendation

For the purpose of clarification of the text of the Plan, as explained in the Council Analysis above.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Paragraph 1.37

Representation Type – Deposit Stage

1492.D7	Home Builders Federation	Builders	Object	Objection to negative wording of Paragraph 1.37
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SUMMARY OF REPRESENTATIONS

Paragraph 1.37 states “Care has been taken to ensure that vulnerable land uses such as open space, leisure land and community uses have sufficient protection to avoid their loss to more profitable development such as housing.”

It is considered that this Paragraph portrays a very negative impression of the role and function of new housing. The sentence suggests that the only reason the land uses mentioned would be redeveloped for housing would be to maximise on profit. There are many reasons that a Local Authority might choose to allow the redevelopment of a piece of open space (for example) for housing. For instance, the area of open space might be surplus to requirements, or the need for housing might take precedence to the need for that particular piece of open space and therefore a change in the designation of the land use might be appropriate.

New housing is not only necessary in terms of providing homes for the people of Caerphilly, but it also plays a critical role in the success of the economy of Caerphilly, which in turn has an impact on the wider Wales economy. New housing also plays a crucial role in the regeneration of communities both physically and socially and it is considered more appropriate to try and promote the benefits of new housing, rather than to project such a negative message as contained in paragraph 1.37.

DESIRED CHANGES TO THE DEPOSIT LDP

Paragraph 1.37 should be changed so as not to portray such a negative impression of the role and function of new housing as explained in this representation. It is suggested that this paragraph be changed to read:

“Care has been taken to ensure that land uses such as open space, leisure land and community uses have sufficient protection to avoid their loss to alternative forms of development.”

COUNCIL ANALYSIS

It is fully accepted, as argued in the representation, that housing plays an important role in the economy of the county borough, and in the regeneration of communities.

The benefits of new housing are recognised in the Plan, and it is indeed the case that the land allocations for housing are the largest for any single land use.

However, it is also the case that currently the most profitable land use is for housing, and this is reflected in the fact that the majority of objections to the Plan involving a change of use are unsurprisingly for a housing use.

Paragraph 1.37 simply reflects this fact, and there are no pejorative intentions either implied, nor, it is suggested, likely to be inferred.

There are no reasons for changing the Plan in the manner suggested by the representation.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representation.

Reason for Recommendation

For the reasons set out in the Council Analysis above.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Paragraph 1.41**Representation Type – Deposit Stage**

1056.D7	Countryside Council for Wales	Support	Support sustainable transport objectives to switch from car use to public transport.
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CONCLUSION

Note the support for Paragraph 1.41.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the representation in support of the LDP be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Paragraphs 1.52-1.54 Wildlife Corridors

Representation Type – Deposit Stage

1056.D54	Countryside for Wales	Council	Object	Object to omission of strategy for development of wildlife corridors.
1056.D8	Countryside for Wales	Council	Support	Support for the proposals to direct development according to environmental capacity, and the intention to ensure the creation and maintenance of wildlife corridors.

SUMMARY OF REPRESENTATIONS

Deposit Stage

Wildlife corridors should not be limited to proposed Greenfield development in the Heads of the Valley Regeneration Area of the Northern Connections Corridor. The plan should seek to develop networks of statutory and non-statutory sites and of landscape features, which provide links between habitats.

The proposal to direct development according to environmental capacity and have regard to the protection and conservation of valued aspects of landscape and biodiversity is supported. The intention to ensure the creation and maintenance of wildlife corridors is welcomed.

DESIRED CHANGE TO THE DEPOSIT LDP

Wildlife corridors should not be limited to proposed Greenfield development in the HOVRA or NCC. The plan should seek to develop networks of statutory and non-statutory sites and of landscape features, which provide links between habitats.

COUNCIL ANALYSIS

The Paragraphs in question are part of the description of Key Component 8 Reduce the impact of development upon the countryside.

The purpose of Key Objective 8 is to focus on the countryside, and to assert the aim of the Development Strategy to protect these areas from inappropriate development.

One of the significant features of the Development Strategy of the Plan is the variation in the treatment of Greenfield sites throughout the county borough. In the SCC there are very few Greenfield sites allocated for development, whereas this restriction is relaxed in the NCC, and even more so in the HoV regeneration Area.

The references to wildlife corridors in Paragraph 1.53 are intended to provide assurance that efforts will be made to identify measures to mitigate the possible adverse effects of the release of Greenfield sites on the biodiversity of the areas affected.

The intention at this point is not to describe the proposals in the Plan for the protection of the natural heritage, including such measures as Green Corridors, which are rather the subject of Policy CW8 Natural Heritage protection.

The inference drawn by the representation that the Plan proposes that wildlife corridors should be limited to proposed Greenfield development in the HOVRA or NCC are not correct.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representation.

Reason for Recommendation

For the reasons set out in the Council Analysis above.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Paragraph 1.56**Representation Type – Deposit Stage**

1056.D9	Countryside Council for Wales	Support	Support the recognition that the countryside is a positive asset.
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CONCLUSION

Note the support for Paragraph 1.56.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the representation in support of the LDP be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Paragraph 1.59 – Utilisation of Brownfield Sites

Representation Type – Deposit Stage

4203.D15	The Coal Authority	Object	Amend the wording of Paragraph 1.59
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SUMMARY OF REPRESENTATION

Deposit Stage

Suggests an addition to the wording of Paragraph 1.59.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the Representor with regards to the conformity with the Preferred Strategy or the SA/SEA/AA/Habitats.

The Coal Authority considers that the plan does not comply with tests of soundness C3 and CE4.

DESIRED CHANGE TO THE DEPOSIT LDP

That Paragraph 1.59 be amended to read

“..the reclamation and the beneficial after-use of contaminated or unstable land will be considered favourably.”

COUNCIL ANALYSIS

It is not considered necessary to amend the wording of the paragraph to include reference to ‘unstable’ land, as this circumstance would be dealt with in the same way as either derelict or contaminated land.

CONCLUSION

The amendment to the paragraph to include reference to ‘Unstable’ land is considered unnecessary.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change be made to the plan in relation to the proposed amendment to Paragraph 1.59.

Reason for Recommendation

The change is unnecessary.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

SP1 - Development Strategy – Heads of the Valleys Regeneration Area

Representation Type – Deposit Stage

1593.D8	Gwent Wildlife Trust	Object	Objection to the omission of "Protects the natural heritage from inappropriate forms of development"
1056.D11	Countryside Council for Wales	Object	Objection to the omission of "Protects the natural heritage from inappropriate forms of development"
2215.D8	Wildlife Trust of South & West Wales	Object	Objection to the omission of "Protects the natural heritage from inappropriate forms of development"
3996.D1	Rev Rosie Dymond	Object	Objection to the imbalance between the large housing allocations in Aberbargoed, and the very limited provision of leisure facilities.
4045.D17	Envirowatch UK	Object	Objection to the 45% Greenfield development in the HoV Strategy Area
4120.D8	Howses Limited	Support	Support the strategy stance of seeking to exploit opportunities where they exist
4254.D1	Howses Limited	Support	Support the strategy stance of seeking to exploit opportunities where they exist
4254.D5	Howses Limited	Support	Support the strategy stance of seeking to exploit opportunities where they exist
3840.D3	Mr & Mrs D Roberts	Support	Support the strategy element that seeks to exploit development opportunities in the HoV Area.
4254.D9	Howses Limited	Support	Support the strategy stance of seeking to exploit opportunities where they exist
409.D1	Merthyr Tydfil CBC	Support	Support Policy SP1 for the Heads of the Valleys Regeneration Area
4008.D13	Gwent Healthcare NHS Trust	Support	Supports Policy SP1, particularly the need to exploit appropriate development opportunities in the more deprived northern part of the county borough.

SUMMARY OF REPRESENTATIONS:**Protection of natural heritage:**

Representors object to the omission of "Protects the natural heritage from inappropriate forms of development", which is included in both Policy SP2 and SP3.

It is noted in particular that:

- The natural heritage of the Heads of the Valleys area is recognised as an important asset in "Turning Heads - A strategy for the Heads of the Valleys 2020" (2006);
- The protection and sensitive management of the natural heritage is recognised as a key issue; and
- The LDP acknowledges that 67% of the countryside in the HOVRA is protected by environmental designations.

Greenfield sites:

Objection to the 45% Greenfield development in the HoV Strategy Area.

Balance between house-building and community facilities:

Object to the level of house-building in the Heads of the Valleys Area unless sufficient community facilities are provided to support this level of development.

Support for Policy SP1:

The approach set out in Policy SP1 for the Heads of the Valleys Regeneration Area is welcomed by Merthyr Tydfil County Borough Council as the promotion of the north of the Caerphilly County Borough as a tourist, employment and residential area has the potential to contribute to the overall regeneration of the Heads of the Valleys.

Support the strategy element that seeks to exploit development opportunities in the HoV Area.

Support the principle of exploiting development opportunities where they exist in the HoV Strategy Area. Support is also given to the Strategy stance seeking to accommodate new housing stock in areas where stock is in need of diversification.

The Representor supports policy SP1 in the LDP and the Total Housing requirements proposed between 2006 and 2021, particularly the need to exploit appropriate development opportunities in the more deprived northern part of the County Borough.

DESIRED CHANGES TO THE DEPOSIT LDP**1. Protection for the natural heritage:**

Amend Policy SP1 Development Strategy - Development in the Heads of the Valleys Regeneration Area to include "Protect the natural heritage from inappropriate forms of development" as a criteria".

2. Greenfield sites:

Reassess all the allocations in the HoV Strategy Area to meet government requirement to utilise Brownfield sites before Greenfield, and delete the 45% level of Greenfield development from the plan.

3. Balance between house-building and community facilities:

A full review of community facilities in the Heads of the Valleys needs to be undertaken to determine what level of provision is required to support the level of house-building proposed in the plan.

COUNCIL ANALYSIS

Protection of natural heritage

The Plan aims to secure appropriate development across the whole of the county borough, to ensure that opportunities for housing, employment, and community facilities are available to all residents.

However, it is recognised that development pressures vary widely across the area, decreasing generally from south to north, and therefore that policies may vary between the three Strategy Areas of the Plan to reflect these differences.

The purpose of Policies SP1 – SP3 is to describe in broad detail the main elements of the Development Strategy of the Plan. The omission of reference to the protection of the natural heritage from Policy SP1 is intended to indicate the need for flexibility in the Heads of the Valleys Area, which may be required in order to attract developers to the area. The County wide natural heritage protection policies still apply in the Strategy Area, to ensure that inappropriate development does not occur. However, it may be acceptable for example to allow Greenfield development in the Heads of the Valleys Regeneration Area (HOVRA) that would be more likely to be resisted in the other Strategy Areas.

Greenfield sites

One of the key components of the strategy is to promote development opportunities in the HOVRA to allow for development. In this context, allocations have been made in all settlements in the HOVRA where appropriate land was available. The provision of land for housing is a key tool in terms of sustaining communities. The designation of land for housing within these areas serves to provide for the development of a wider range of housing in communities that typically have a limited choice. It is anticipated that the provision of new housing development will act as a catalyst for the wider regeneration of these settlements.

WAG Planning Guidance emphasizes that preference should be given to the use of Brownfield over Greenfield sites, which is strongly endorsed in the Deposit LDP. However, it is recognised that in order to overcome the reluctance of developers to take advantage of opportunities in some parts of the county borough, and particularly in the Heads of the Valleys Regeneration Area, there must be a degree of flexibility in terms of the choice of sites that are made available for development in this area. Constraints associated with the development of Brownfield sites can sometimes lead to abnormal development costs, and together with the lower land values in the north of the county borough this can represent an economic barrier to development. This is recognized in the Deposit LDP.

With regards to the objection that too much Greenfield land has been allocated for housing in the HOVRA, it should be noted that in line with the search sequence for the allocation of sites, appropriate Brownfield land has been allocated where sites are available. However, settlements in the HOVRA are characterised primarily by steep valley terraced housing and the topography of the land is such that in some areas few Brownfield development opportunities are available. Furthermore, there are fewer significant Brownfield sites in the HOVRA than in other parts of the County Borough, meaning that it is necessary to look towards Greenfield sites in order to ensure sufficient land is allocated to meet the requirements of the population.

It should also be noted that several of the significant Greenfield sites allocated in the HOVRA already have planning consent (e.g. Bedwellty Road, Aberbargoed - 180 dwellings, Carn Y Tyla Terrace, Abertysswg – 133 dwellings, Land adjacent to Brynglas, Pontlottyn – 56 dwellings). Given the fact that the principle of development has already been established on these sites through the granting of planning permission, it would be unrealistic and inappropriate to remove these sites as allocations.

All sites allocated in the plan have been subject to a robust assessment procedure including consideration by the Countryside and Landscape Services. Sites with significant ecology value have not been taken forward as allocations. However, where features of ecological importance have been identified on sites that have been allocated, the need to protect these features and undertake appropriate ecological surveys to inform development are both requirements set out within the Appendices of the plan as a means of minimising and mitigating against any adverse effects on biodiversity. It is important to note that biodiversity value is not just limited to Greenfield sites as some Brownfield sites may have significant value too. Brownfield sites have therefore also been subject to the robust sites assessment. Furthermore, all sites allocated for housing have been subject to Sustainability Appraisal and Strategic Environmental Assessment.

Having regard to the above, it is considered that the amount of Greenfield land allocated in the plan for housing is justifiable given land availability and the other objectives of the plan.

Balance between house-building and community facilities

The representation is concerned about the level of community facilities proposed in the plan, particularly for Aberbargoed, compared with the level of housing allocations. It is recognised that the balance between house-building and community facilities is an important issue for the development plan.

One of the aims of the Plan is to ensure the viability of existing communities, and one of the ways in which it endeavours to achieve this is to allocate housing land to all settlements, particularly those where there is a need for a wider range of housing choice in order to retain the present population who might otherwise move to other areas to meet their housing aspirations. In this context the significant housing land allocations in the Plan represent as much an opportunity for the provision of community facilities, as a burden on existing or planned facilities. The increased population, together with the

possibility of planning gain through section 106 Obligations, provide opportunities to provide and sustain community facilities in line with the aims of the representation. It would be defeatist, and could lead to a spiral of decline, to seek to stop housing development in settlements in the north of the county borough until community facilities for an enhanced population had been provided.

OFFICER RECOMMENDATION

That a recommendation be made to the Planning Inspector that no change should be made to the LDP in respect of the representations.

REASON FOR RECOMMENDATION

1. Protection for the natural heritage:

There is a need for flexibility in the interpretation of policies in some parts of the county borough in order to ensure the successful implementation of the Development Strategy of the Plan.

2. Greenfield sites:

There is a need for flexibility in the interpretation of policies in some parts of the county borough in order to ensure the successful implementation of the Development Strategy of the Plan.

3. Balance between house-building and community facilities:

The proposed house-building in the Heads of the Valleys Area is aimed at promoting the viability of settlements, and provides opportunities for the provision of enhanced community facilities.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

SP2 - Development Strategy – Northern Connections Corridor**Representation Type – Deposit Stage**

4045.D19	Envirowatch UK	Object	Object to the reference to Greenfield sites in Criterion A.
697.D1	Ashtenne Industrial Fund Ltd	Support	Support SP2 Development Strategy – Northern Connections Corridor
409.D2	Merthyr Tydfil CBC	Support	Support SP2 Development Strategy – Northern Connections Corridor
4219.D2	R & J Morris	Support	Support SP2 Development Strategy – Northern Connections Corridor
4219.D11	R & J Morris	Support	Support SP2 Development Strategy – Northern Connections Corridor
1056.D6	Countryside Council for Wales	Support	Support SP2 Development Strategy – Northern Connections Corridor
1056.D10	Countryside Council for Wales	Support	Support SP2 Development Strategy – Northern Connections Corridor
2534.D1	Hengoed Developments Ltd	Support	Support SP2 Development Strategy – Northern Connections Corridor
2632.D4	GB Engineering Ltd	Support	Support SP2 Development Strategy – Northern Connections Corridor
2632.D7	GB Engineering Ltd	Support	Support SP2 Development Strategy – Northern Connections Corridor
2632.D8	GB Engineering Ltd	Support	Support SP2 Development Strategy – Northern Connections Corridor
4002.D2	Bowen Partners	Support	Support SP2 Development Strategy – Northern Connections Corridor
4006.D1	Mr & Mrs Thomas-Davies	Support	Support SP2 Development Strategy – Northern Connections Corridor
4008.D1	Gwent Healthcare NHS Trust	Support	Support SP2 Development Strategy – Northern Connections Corridor
4010.D1	Moyle, Mr & Mrs	Support	Support SP2 Development Strategy – Northern Connections Corridor

SUMMARY OF REPRESENTATIONS

Objections to the Policy:

Criterion A should be amended to remove the reference to Greenfield sites.

Support for the Policy:

Policy SP2 was supported because it:

- Provides further employment along the Northern Connections Corridor, including at Ty Du and Ystrad Mynach, which will increase job opportunities for the residents of Merthyr Tydfil County Borough;
- Promotes sustainable forms of development;
- Seeks to capitalise on development opportunities in the Principal Towns in the Strategy Area;
- Promotes the principle of a balanced approach to future housing and employment growth;
- Capitalises development opportunities on the Oakdale/Penyfan Plateaus;
- Promotes sustainable development;
- Protects natural heritage from inappropriate forms of development;
- Seeks to focus significant development on both Brownfield and Greenfield sites that have regard to the social and economic functions of the area;
- Seeks to make efficient use of existing infrastructure; and
- Targets development to settlements with good public transport links to encourage travel by sustainable modes.

DESIRED CHANGES TO THE DEPOSIT LDP

Criterion A of policy SP2 should be amended to read as follows:

"A Focuses significant development on Brownfield sites that have regard for the social and economic functions of the area."

COUNCIL ANALYSIS

WAG Planning Guidance emphasizes that preference should be given to the use of Brownfield over Greenfield sites, which is strongly endorsed in the Deposit LDP. However, it is recognized that that in order to increase the attractiveness of some parts of the county borough, and particularly in the Northern Connections Corridor, there must be a degree of flexibility in the interpretation of policies in these areas.

The Strategic Policies SP1 – SP3 are intended to give a broad description of the main features of the Development Strategy of the Plan, and to show how variations throughout the county borough have been adopted in order to take advantage of local circumstances.

In the case of the Northern Connections Corridor it is considered appropriate to adopt a more flexible approach to the development of Greenfield sites than would apply in the Southern Connections Corridor, and this is reflected in the wording of Criterion A of policy SP1. It is considered that this wording reflects the required degree of flexibility in the development strategy of the plan, and will increase the likelihood of its successful implementation.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representation.

Reason for Recommendation

The wording of Criterion A of the Policy reflects the required degree of flexibility in the Development Strategy of the Plan, and will increase the likelihood of its successful implementation.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

SP3 - Development Strategy – Southern Connections Corridor

Representation Type – Deposit Stage

4005.D4	Mr & Mrs Ian Weedon	Object	Object to restriction of housing allocations in the SCC to Brownfield sites.
4005.D7	Mr & Mrs Ian Weedon	Object	There is no evidence to support the statement that a strategy, which relies on the south of the county borough for economic progress, is unsustainable.
2712.D8	Trustees of Joseph Thomas Davies (Deceased)	Object	Object to restriction of housing allocations in the SCC to Brownfield sites.
2712.D18	Trustees of Joseph Thomas Davies (Deceased)	Object	Object to restriction of housing allocations in the SCC to Brownfield sites.
2712.D25	Trustees of Joseph Thomas Davies (Deceased)	Object	Object to restriction of housing allocations in the SCC to Brownfield sites.
4299.D3	Mr Gary Greenhaf	Object	Object to restriction of housing allocations in the SCC to Brownfield sites.
4299.D8	Mr Gary Greenhaf	Object	Object to restriction of housing allocations in the SCC to Brownfield sites.
4004.D1	Caerphilly Investments Ltd	Object	Object to Policy SP3.
154.D10	Mr Christopher Brimble	Object	Seeks an Urban Masterplan for the Caerphilly Basin area.
1492.D8	Home Builders Federation	Object	Object to restriction of housing allocations in the SCC to Brownfield sites.
1056.D47	Countryside Council for Wales	Support	Support for Policy SP3.
2500.D1	P D Edenhall Ltd	Support	Support for the emphasis of developing previously developed land inside settlement limits.
4120.D3	Howses Ltd	Support	Support for the restriction of growth in the SCC to previously developed land.
4008.D6	Gwent Healthcare NHS Trust	Support	Support for the focusing of growth in the SCC on Brownfield land.

SUMMARY OF REPRESENTATIONS

Objections to the Policy

Objections to the Brownfield strategy in the SCC:

There were objections to the Brownfield strategy in SP3 Development in the Southern Connections Corridor for the following reasons:

- Selective Greenfield site release would be compatible with a strategy, which sought to promote a balanced approach to managing housing demand.
The policy fails to identify limited Greenfield releases in sustainable locations that can provide good quality housing and can promote a balanced approach to managing future growth;
- The policy restricts growth and development to within the settlement boundary, consequently Caerphilly will be unable to maintain its status in the settlement hierarchy of South East Wales as a major retail, tourism and employment centre;
- Paragraph 1.60 acknowledges that Caerphilly town is the most attractive part of the county borough to potential investors. However the statement that a strategy that relies upon the south of the county borough for economic progress is unsustainable is unqualified and unsupported by firm evidence;
- There is concern that restricting development to Brownfield sites might have a significant adverse impact on development viability and could also have a negative impact on the range and choice of new housing delivered; and
- Within the SCC the plan seeks to consolidate development within existing settlement boundaries, and as a consequence 97% of all housing sites are located on Brownfield sites. To restrict the development of the principal towns in this way is unsustainable, as the Lower Islwyn area needs to maintain its strategic advantages and to capitalise on its proximity to Newport and Cardiff.

Need for an Urban Masterplan for the Caerphilly Basin area:

Beneath the LDP as a general policy document, and in order to realise the principles and vision of that plan, a more strategic and overarching set of development criteria need to be in place for the Caerphilly Basin, more closely aligned to an urban design framework that encompasses specific sites, including housing and employment sites. All sites should be cross referenced, particularly to SP3, SP4, SP6, SP10, SP18, SP19, SP21 and SP22.

Support for the Policy

Policy SP3 is supported because it:

- promotes sustainable development;
- protects the natural heritage from inappropriate forms of development; and
- emphasises the redevelopment of previously developed land inside settlement limits

DESIRED CHANGES TO THE DEPOSIT LDP

1. Objections to the Brownfield strategy in the SCC:
The Strategy should be amended to ensure that current Brownfield allocations are viable and able to be delivered, and to increase the amount of Greenfield land allocated for housing in the Southern Connections Corridor to ensure flexibility.
2. Need for an Urban Masterplan for the Caerphilly Basin area:
There is a need for an Urban Masterplan for the Caerphilly Basin area to implement the LDP Development Strategy in the area.

COUNCIL ANALYSIS

Objections to the Brownfield strategy in the SCC

WAG Planning Guidance emphasizes that preference should be given to the use of Brownfield over Greenfield sites, which is strongly endorsed in the Deposit LDP.

The Strategic Policies SP1 – SP3 are intended to give a broad description of the main features of the Development Strategy of the Plan, and to show how variations throughout the county borough have been adopted in order to take advantage of local circumstances.

In the case of the Southern Connections Corridor (SCC) it is considered appropriate to apply this preference in a strict manner, as explained in Paragraph 1.31:

“It is important to note that the Southern Connections Corridor is particularly well provided for in terms of large Brownfield sites, and the plan aims to balance the need to redevelop these Brownfield sites against the need to ensure that growth is managed across the whole of the County Borough in order to promote regeneration in the more deprived areas, where fewer significant Brownfield opportunities exist.”

It may be noted that this Brownfield strategy for the Southern Connections Corridor is a continuation of the same strategy for the Area of Consolidation in the Caerphilly Council Approved Unitary Development Plan 1996 – 2011. This is considered to have been successful in achieving the aims of the Plan, the most significant example probably being the reclamation of the Penrhos site and its subsequent mixed-use development, with accompanying community benefits in terms of highways improvements, affordable housing, and leisure facilities.

A strategy which relies on the south of the county borough for economic progress is considered to be unsustainable because development pressures would lead to the deterioration of the environment, and would fail to achieve a distribution of economic prosperity throughout the county borough.

It is not accepted that promoting development in the part of the county borough most attractive to investors, and taking advantages of its proximity to Cardiff and Newport, requires the allocation of Greenfield land. In fact such land releases would provide a positive disincentive to the redevelopment of the existing Brownfield opportunities in the SCC.

Viability is recognised as an important issue for the Plan, and a study of the viability of the allocated housing sites is currently being undertaken and will be reported to the Inspector.

Need for an Urban Masterplan for the Caerphilly Basin area

It is recognised that the Caerphilly Basin represents an identifiable development area that in principle could warrant separate treatment in planning terms, as indeed it has in the past. However, at the present time it is not considered either necessary or helpful to identify sub-areas of the county borough below the Strategy Area level for separate study in order to implement the Plan. The LDP will be supported by Supplementary Planning Guidance, which will include Town Centre Action Plans for the major retail centres in the county borough.

OFFICER RECOMMENDATION

1. **Objections to the Brownfield strategy in the SCC:**
That the Council make a recommendation to the Planning Inspector that no change should be made to the LDP in respect of the representation.
2. **Need for an Urban Masterplan for the Caerphilly Basin area:**
That the Council make a recommendation to the Planning Inspector that no change should be made to the LDP in respect of the representation.

Reason for Recommendation

1. **Objections to the Brownfield strategy in the SCC:**
The Brownfield strategy in the Southern Connections Corridor is an important element of the Development Strategy of the Plan.
2. **Need for an Urban Masterplan for the Caerphilly Basin area:**
The need for area plans below the Strategy Area level has not been established at this time.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

SP4 – Settlement Strategy**Representation Type – Deposit Stage**

697.D2	Ashtenne Industrial Fund Ltd	Support	Supports Policy Settlement Strategy.	SP4	-
2500.D2	P D Edenhall Ltd	Support	Supports Policy Settlement Strategy.	SP4	-
2632.D3	GB Engineering Ltd	Support	Supports Policy Settlement Strategy.	SP4	-
2712.D7	Trustees of Joseph Thomas Davies (Deceased)	Support	Supports Policy Settlement Strategy.	SP4	-
2712.D24	Trustees of Joseph Thomas Davies (Deceased)	Support	Supports Policy Settlement Strategy.	SP4	-
4004.D7	Caerphilly Investments Ltd	Support	Supports Policy Settlement Strategy.	SP4	-
4006.D8	Mr & Mrs Thomas-Davies	Support	Supports Policy Settlement Strategy.	SP4	-
4008.D7	Gwent Healthcare NHS Trust	Support	Supports Policy Settlement Strategy.	SP4	-
4010.D2	Mr & Mrs Moyle	Support	Supports Policy Settlement Strategy.	SP4	-
4120.D2	Howses Ltd	Support	Supports Policy Settlement Strategy.	SP4	-
4200.D1	Property Merchant Group	Support	Supports Policy Settlement Strategy.	SP4	-
4299.D2	Mr Gary Greenhaf	Support	Supports Policy Settlement Strategy.	SP4	-
4299.D7	Mr Gary Greenhaf	Support	Supports Policy Settlement Strategy.	SP4	-

CONCLUSION

Note the support for Policy SP4 – Settlement Strategy

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the representation in support of the LDP be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

SP5 – Settlement Boundaries

Representation Type – Deposit Stage

337.D1	Mr. Prana Ballava Das	Object	Allow development of small Brownfield sites outside settlement boundaries
226.D2	Mr. Howard Davies	Object	Objection to wording of Policy SP5
226.D3	Mr. Howard Davies	Object	Objection to wording of Policy SP5
3720.D1	Miss Linda James	Support	Support location of settlement boundary with respect to Maesycwmmmer

SUMMARY OF REPRESENTATIONS

Policy SP5 is objected to on two grounds:

- It should allow for the development of small Brownfield sites outside of settlement boundaries;
- Criterion A of Policy SP5 is too far-reaching and should therefore be modified, along with the supporting text contained within paragraph 1.35 of the plan.

The settlement boundary in respect of Maesycwmmmer is supported.

COMPLIANCE WITH THE LDP

Evidence has been submitted in the form of an inspector's report extract, which offers an opinion on the purpose of settlement boundaries and policy wording within the development plan. However, this advice was issued in 1997 and relies upon English national guidance to reach its conclusion. Therefore, it is not considered to be entirely appropriate.

No evidence has been submitted in relation to the LDP Strategy, the tests of soundness, the SA/SEA or the AA – EU Habitats Directive.

DESIRED CHANGE TO THE DEPOSIT LDP

That criterion A of Policy SP5 be replaced with “delineate the predominantly built-up part of a settlement from the countryside beyond” and paragraph 1.35 be amended so as to reflect this. Individual settlement boundaries, as shown on the Proposals Map, should also be altered in order to reflect this change.

COUNCIL ANALYSIS

It is contended that criterion A of Policy SP5, as it currently stands, is not consistent with the established purpose of a settlement boundary, which is to delineate the predominantly built-up part of a settlement from the countryside beyond. Seeking to “define the area in which development would normally be allowed, taking into account material considerations” goes beyond this remit. This would result in confusion and, for this reason, criterion A should be changed.

It is not considered that any part of Policy SP5, including criterion A, contravenes national policy. There is no specific guidance in relation to the creation, implementation or purpose of settlement boundaries. Criterion A sets out the purpose of settlement boundaries from a practical point of view, with the following criteria serving to specify the means by which proposals will be determined, depending on whether or not sites are within settlements and whether or not the proposed use is urban or rural in nature. In this sense, the wording of the policy, when read in conjunction with the key components and with other relevant development plan policies, provides clarity to the public in terms of the sort of uses that would be permitted inside and outside of settlement boundaries. At the same time, however, it is not overly prescriptive to the extent that it removes discretion and judgement from the Council's decision-making process.

Where Brownfield sites are on the edge of existing settlements and are considered suitable for development the settlement boundary has been delineated to include them. It is worth noting that just because a site is Brownfield this does not automatically mean that the site is suitable for development. It is not appropriate therefore to indicate that a site is suitable for development purely due its status as a Brownfield site. There are many other factors that need to be taken into consideration in assessing the suitability or otherwise of a site for development. It is inappropriate therefore to amend Policy SP5 as indicated by the objector.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no changes be made to the plan.

Reason for Recommendation

It has not been demonstrated that Policy SP5, in its current form, contravenes any of the ten tests of soundness.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

SP6 – Place Making**Representation Type – Deposit Stage**

2282.D12	Welsh Assembly Government	Object	A reference to the enhancement of the historic/built environment be included to accord with LDP Objective 24.
1205.D1	Glamorgan Gwent Archaeological Trust	Object	Policy SP6 make reference to the Historic environment as well as the natural environment.
415.D1	Design Commission for Wales	Object	Reference to inclusive design required in SP06.
4045.D20	Envirowatch UK	Object	Amend policy to protect greenfield land.
4203.D16	The Coal Authority	Object	Amend part H of Policy SP6.
846.D5	Environment Agency	Object	Amend Policy SP06 to strengthen the positive management of surface water runoff.
1056.D12	Countryside Council for Wales	Support	Welcome and support criterion G.
1593.D9	Gwent Wildlife Trust	Support	Strong support for policy, especially introducing criterion E, F and G in the design stage.
2215.D9	Wildlife Trust of South & West Wales	Support	Strong support for policy, especially introducing criterion E, F and G in the design stage.
697.D3	Ashtenne Industrial Fund Ltd	Support	Support for Policy SP6 in relation to the use of Sustainable Drainage Systems (SuDs).

SUMMARY OF REPRESENTATIONS**Deposit Stage**

Six objections to the policy have been submitted. The objections relate to the following issues:

1. The omission of a reference to the enhancement of the historic/built environment in the policy, which does not accurately reflect LDP Objective 24 that states "Protect and enhance the overall quality of the historic, natural and built environment of the county borough".
2. Welcome the policy but object to the omission of a reference to inclusive design
3. The omission of a statement that seeks the protection of greenfield land
4. The policy should reference reclamation measures and environmental quality within Criterion H.

5. The policy could be strengthened by amendment to encourage positive management of surface water run off at source and enhance water quality through such measures as SUDS. This objection is a secondary supporting representation to a primary objection seeking the inclusion of a policy relating to water quality. The primary objection will be considered through a separate response.

In addition to this, 4 representations in support of the policy were submitted.

COMPLIANCE WITH THE LDP

Preferred Strategy

Reference has been made to the LDP Objectives in respect of the first objection issue.

No evidence in respect of the LDP strategy has been submitted to support the other objections.

SA/SEA/AA - EU Habitats Directive

No evidence in respect of the SEA/SA/HRA to support any of the objections.

Tests of Soundness

Test CE1 has been identified in respect of this issue on the grounds that it will provide internal consistency and ensure the LDP meets its Objectives.

Test CE4 has been identified in respect of this issue on the grounds that it would ensure that mining legacy, which is a locally distinctive issue within the county borough, is addressed by the LDP ensuring that legacy issues are not compounded and public safety is not compromised.

Tests C1, C2 and CE” have been identified in respect of this issue on the grounds that the changes will ensure the LDP is in accordance with Planning Policy Wales and the water Framework Directive, whilst ensuring the Strategic Policies are realistic and appropriate in light of the findings of the evidence base.

DESIRED CHANGE TO THE DEPOSIT LDP

1. The inclusion of a reference to the enhancement of the historic/built environment in the policy.
2. The inclusion of a reference to inclusive design
3. The policy be amended by the inclusion of the following after the criteria:
4. “Where such would not increase green land take or cause ribbon development”.
5. Criterion H of the policy be reworded as follows:
6. “The incorporation of necessary reclamation and mitigation measures that improve and maintain environmental and air quality”
7. The inclusion of a statement encouraging positive management of surface water run off at source and enhancing water quality through such measures as SuDs.

COUNCIL ANALYSIS

Policy Context

The planning context of the historic environment issue is contained within legislation and national policy guidance. Paragraph 5.3.1 of the LDP Manual advises that LDPs should not replicate national policy, which is reinforced in paragraph 7.3.3. Consequently it would be inappropriate to include a policy in the LDP relating to the Historic environment, as it would be repeating policy contained in national documents.

However the purpose of the policy is to set out the key strategic elements relating to place making within the county borough. It is accepted that the historic environment is an essential and integral part of the local character in the county borough. Whilst it would be inappropriate to include a policy in this respect, the importance of the historic environment to place making, to sense of place in particular, should not be ignored. The inclusion of a criterion relating to the historic environment would, again, be close to repeating national guidance. However the simple amendment of including the historic environment as one of the environment elements would provide the necessary policy context without replicating national policy.

Whilst it is agreed that inclusive design is an essential consideration in the layout and design of development proposals, the issue is addressed through national guidance documents, namely Manual for Streets (2007) and TAN12 Design (2009). The LDP Manual advises against replicating national policy and as such it would be inappropriate to include such a reference.

The purpose of the policy is to set out the key strategic elements relating to place making within the county borough. Whilst the undeveloped open areas surrounding and within the settlements are an important element in the character of the county borough, seeking to restrict development to only brownfield sites would be unnecessarily restrictive. It is important to protect open areas that have significant value and the LDP policy framework provides this. However it would be inappropriate to stifle development on greenfield sites where this would be appropriate, and could potentially provide benefit. Therefore it is inappropriate to include the protection of greenfield sites into the policy.

The issue of general environmental protection is contained within national guidance, whilst reclamation for contaminated or derelict land is contained in both national guidance and legislation. In addition to this the aim of the policy is to set out the key strategic elements relating to place making and it would be inappropriate to include the detailed issue of whether reclamation is required on a site.

The requirement to control run-off from developments to reduce flooding is set out in paragraph 8.1 of TAN15 Development and Flood Risk. Section 8 of TAN15 also provides guidance in respect of the use of Sustainable Drainage Systems (SUDs). It should be noted that the policy does acknowledge the potential of SUDs in design and is included in criterion E. However, the council, as the appropriate authority, has not adopted SUDs as part of

development proposals to date and as such it is inappropriate to encourage a form of development that the council is reluctant to adopt.

However this situation is changing with the publication of the consultation Flooding and Water Bill in April 2009. The bill, when given assent, will set up a SUDS Drainage Board which will adopt SUD schemes and ensure mechanisms are in place for their future maintenance. The Bill will also end the automatic right for developments to link to sewers and will require developers to put SUDs in place wherever practical. Even with this changing position it would be inappropriate to include a policy or criterion in the LDP as it would be covered by national legislation that should not be repeated in the LDP.

Compliance with the LDP

Preferred Strategy

LDP Objective 24 seeks the protection and enhancement of the historic, natural and built environment. Whilst there is a requirement not to replicate national policy, the inclusion of the historic environment in this policy assists in defining local character and providing local distinctiveness and as such it provides interpretation of the national policy at the local level. Consequently a change is appropriate.

No evidence in respect of the LDP Strategy has been provided in support of the other objections. Consequently there is no basis for the Inspector to amend the LDP.

SA/SEA/AA - EU Habitats Directive

Whilst no evidence in support of the representations has been submitted in respect of the SEA/SA, the proposed change to the LDP will improve the policy in terms of the original SEA/SA assessment. Consequently the proposed change is acceptable in SEA/SA terms.

No evidence in respect of the SEA/SA has been provided in support of the other objections. Consequently there is no basis for the Inspector to amend the LDP.

Tests of Soundness

It is agreed that the proposed change would more accurately reflect the LDP Objective 24 and would improve consistency through the plan. Consequently the proposed change is acceptable in Test of Soundness terms.

The proposed amendment to the LDP repeats national guidance, which is contrary to the provisions of the LDP Manual. It is disputed whether the mining legacy is a locally distinctive issue, in that the legacy is prevalent throughout the South Wales coalfield, with many other authority areas being similarly affected. The representor contends that the LDP is not sufficiently flexible to deal with changing circumstance, but given the stance on repeating national policy, it is considered that the LDP is sufficiently flexible to meet changing circumstances.

The issues that the Representor seeks to introduce into the policy are covered in national guidance, which the LDP should not replicate. In respect of these

issues the LDP has due regard to national policy by their omission. There is no evidence to support the contention that the LDP is unsound because it does not have regard to other policies plans or strategies and that the Strategy Policies are not based upon a credible evidence base. Consequently there is no justification to justify a change to the LDP.

No evidence in respect of the Tests of Soundness has been provided in support of the other objections. Consequently there is no basis for the Inspector to amend the LDP.

CONCLUSION

The proposed amendment to reference the historic environment into the policy is appropriate as it relates to LDP Objective 24 and it is a contributory factor to local distinctiveness in design terms. Consequently it is appropriate to amend the LDP in this respect.

There is no justification to amend the LDP in respect of the other representations.

OFFICER RECOMMENDATION

1. That the Council recommend to the Planning Inspector that the principal part of Policy SP6 be amended to read as follows:
 - i. "Development proposals should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features through:"*
2. That a recommendation be made to the Planning Inspector that no change should be made to the LDP in respect of the other representations.

Reason for Recommendation

1. The proposed change is not substantive but would improve the clarity of /remove any ambiguity in the LDP. Importantly the change would not affect the soundness of the plan.
2. For the reasons outlined in the Council analysis above.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

SP7 - Planning Obligations

Representation Type – Deposit Stage

1056.D13	Countryside Council for Wales	Object	Object to omission of environmental protection and enhancements
1593.D10	Gwent Wildlife Trust	Object	Object to omission of biodiversity
2215.D10	Wildlife Trust of South & West Wales	Object	Object to omission of biodiversity
4146.D4	Urban Train	Object	Object to Highways Obligations in the Southern Connections Corridor
4247.D1	The Theatres Trust	Object	Object to the omission of Leisure Facilities from Criterion C of Policy SP07.
3962.D1	Dwr Cymru/Welsh Water	Support	Support for Policy SP07.
697.D4	Ashtenne Industrial Fund Ltd	Support	Support for Policy SP07.

SUMMARY OF REPRESENTATIONS

The use of planning obligations may be used, where appropriate, to protect and enhance valued aspects of the environment.

Planning Obligations, in the form of legal agreements, could be used to fund the creation of new biodiversity sites, the improvement of existing sites, and ongoing management.

Policy SP7 of the LDP is objected to on the grounds that the Strategic Highway Network Obligation does not comply with the guidance set out within Circular 13/97 on Planning Obligations. The Circular requires the negotiation of planning obligations only where they are appropriate and where the benefits are 'relevant to planning, directly related and necessary to the development' and are 'reasonable and related in scale and kind to the development.' Given that the requirement to provide £8,026 per unit applies to all new residential development within the Caerphilly Basin Area regardless of the size or location of development, it is not considered that an application for a single dwelling within Machen or Rudry with a requirement to provide the levy towards highway improvement schemes to the north of Caerphilly would be 'directly related and necessary to the development.' It is therefore considered that the requirement for a 'roof tax' does not comply with the guidance set out within Circular 13/97.

Criterion C of Policy SP7 should be amended to read 'Community and Leisure Facilities' for clarification purposes, as all other policies in the document refer to Community and Leisure Facilities. It is reasonable to expect developers to contribute towards the cost of community infrastructure where the need for those facilities arises directly from a development.

Dwr Cymru fully support Policy SP7 Planning Obligations, and the use of Planning Conditions and related Section 106 Agreements of the Town & Country Planning Act, which may enhance the quality of development and enable proposals to go ahead that might otherwise be refused. Where development may create a need for extra facilities, in advance of an Undertaker's Regulatory investment, it may be reasonable for developers to meet or contribute towards the cost of providing such facilities.

DESIRED CHANGES TO THE DEPOSIT LDP

1. Amend Policy SP7 to secure planning obligations, where appropriate, to protect and enhance valued aspects of the environment.
2. Amend Policy SP7 to include biodiversity as a separate point under the planning obligation list.
3. Delete the reference to planning obligations for strategic highway improvements in the Southern Connections Corridor.
4. Amend Criterion C of Policy SP7 to read 'Community and Leisure Facilities.'
5. Support for Policy SP7.

COUNCIL ANALYSIS

Environment and Biodiversity

The representations propose that Planning Obligations should be used to secure the protection and enhancement of the environment and biodiversity.

These objectives are currently achieved through planning conditions attached to planning permissions granted. The LDP provides policy protection, and scope for enhancement, for the environment and biodiversity through County-wide policy CW8 Natural Heritage. However this does not preclude the use of obligations to particularly secure enhancements. The list of obligations contained in Policy SP7 is neither definitive nor exhaustive. The policy framework within the LDP does not preclude the use of obligations for uses other than those identified in Policy SP7, and consequently it is not appropriate to amend Policy SP& in respect of this issue.

Highways

The representation is an objection to the "roof tax", and in particular its applicability to the Southern Connections Corridor, proposed in the draft SPG on Planning Obligations that was the subject of public consultation at the same time as that on the Deposit LDP.

It is this particular form, and the area to which it applies, of the Highways Planning Obligation to which the representation objects: the representation does not provide any objection in principle to a Highways Obligation. Indeed, it would be difficult to do so, because it is obvious that there are developments that require highways improvements, and that obligations satisfying the conditions of Circular 13/97 can be required by the authority.

It is therefore considered that the issues by the representation are more appropriately dealt with in the consultation on the Highways Obligations SPG, which is not a matter for the Examination of the Deposit LDP.

Highways Obligations Issue: this will be dealt with in the consultation on the Highways Obligations SPG associated with the Policy.

Community and Leisure

The representation seeks the amendment of Policy SP7 Criterion C to read 'Community and Leisure Facilities.'

However, Criterion E of Policy SP7 identifies 'Formal and informal open and leisure space', and it is considered that this will cover the situations likely to arise from the proposed amendment.

It is therefore considered that no change to the Plan is required to meet the objection.

Support

The support of Dwr Cymru / Welsh Water for Policy SP7 Planning Obligations is noted and welcomed.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of these representations.

Reason for Recommendation

The proposed amendments to the Deposit LDP are unnecessary to achieve the desired ends.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

SP8 - Flood Risk

2282.D16	Welsh Government	Assembly	Object	Objection - Policy SP8 is not drafted as a land use policy.
2282.D2	Welsh Government	Assembly	Object	Objection - The Deposit Plan has not satisfactorily translated national policy down to the local level with regard to flooding.
1492.D9	Home Federation	Builders	Object	Objection to inclusion of Criterion A of Policy SP8.
846.D7	Environment Agency		Object	Amend Policy SP8 to strengthen the positive management of surface water runoff.
846.D3	Environment Agency		Object	Policy SP8 on Flood Risk does not accurately reflect allocations.
846.D9	Environment Agency Environment Agency		Object	Amend Appendix 7 to make reference to the need for an FCA to be undertaken as part of any further applications on site HG1.61.
846.D10	Environment Agency		Object	Amend Appendix 8 to make reference to the need for an FCA to be undertaken as part of any further applications on site HG1.03.
846.D11	Environment Agency		Object	Amend Appendix 8 to make reference to the need for an FCA to be undertaken as part of any further applications on site HG1.58.
846.D12	Environment Agency		Object	Amend Appendix 8 to make reference to the need for an FCA to be undertaken as part of any further applications on site HG1.60.
846.D13	Environment Agency		Object	Amend Appendix 8 to make reference to the need for an FCA to be undertaken as part of any further applications on site HG1.61.
846.D14	Environment Agency		Object	Amend Appendix 8 to make reference to the need for an FCA to be undertaken as part of any further applications on site HG1.71.

Policy Issue

The key issues in relation to Policy SP8 relate to three distinct areas. The first relates to the wording of Policy SP8, the second to the translation of this

Policy on a site-specific basis and the third to references to Flood Consequences Assessments (FCA) in Appendix 7 and 8.

SUMMARY OF REPRESENTATIONS

Policy translation

It is considered that the key national policy test (paragraph 6.2 TAN 15) that “highly vulnerable development in C2 should not be permitted” has not been given adequate weight in deriving the outcomes from the broad level assessment. Planning consents for reasonably large-scale development have been forthcoming in the floodplain despite national policy, and sites where consents are still subject to section 106 agreements remain as default allocations. Whilst it is recognised that sites with planning consent cannot be reviewed as part of the plan, the cumulative releases of land for development on the floodplain is a matter of strategic concern which would have implications at the catchment scale and will add to the burden faced by the public purse in terms of protecting communities in the future. It is interesting to note that 8.5% of the total area of the County Borough is zone C and that 7.5% of this is actually C2 and that more than 10% of the total residential allocations are being made in zone C.

Whilst the LDP Background Paper 13 ‘Broad Level Flood Risk Assessment’ outlines how the principles of national planning policy have been embraced in site selection, the element of national policy which encourages a move away from continued reliance of engineering solutions to flooding is not referenced, and would appear not to have been considered.

Policy SP08 on Flood Risk has not been translated on a site specific basis due to the inclusion of two allocations HG1.25 (Navigation Colliery) and HG 1.68 (St Ilans Comprehensive) where criterion B of Policy SP8 has not been met i.e. the potential consequences of flooding have not yet been considered and found to be acceptable in accordance with national policy. To date, the assessment work that has been commissioned remains incomplete and therefore insufficient to meet Criterion B of the Policy.

Policy Wording

Policy SP8 is considered to be a strategic objective rather than a strategic policy. It is drafted as a statement relating to plan preparation, rather than a policy against which future proposals will be considered. As currently drafted the objective does not reflect the two tests contained in national policy, rather it only applies the C1 test to the whole of zone C. However, if it were to be redrafted as a policy it should not merely repeat national planning policy, nor be more generic than national planning policy.

There is an objection to the inclusion of Criterion A in this policy, as if flood risk issues are able to be alleviated as part of an acceptable Flood Consequences Assessment, and the land in question is suitable for a particular development in all other aspects, it should not be a requirement that the land has to be a large brownfield site or necessary to assist in the regeneration of a principal town or key settlement. There might be circumstances where Criterion A does not apply, but the development of a site would be beneficial to an area, if the flood risk issues could be removed. The policy as it stands is restrictive and inflexible.

It is considered that Policy SP8 should be strengthened to encourage the positive management of surface water runoff at source in order to protect and enhance water quality, such as through the use of SUDs.

Appendices

In respect of particular individual sites which currently have the benefit of planning consent, it is argued that a reference should be made in Appendix 7 and/or 8 to the need for FCAs to be undertaken should any subsequent applications be submitted on these sites, which already has the benefit of planning consent. The sites in question are HG1.03, HG1.58, HG1.60, HG1.61 and HG1.71.

COMPLIANCE WITH THE LDP

Collectively, it is considered that the plan fails to adhere to Tests of Soundness, C1, C2, CE1, CE2 and CE4.

More specifically, it is reasoned that by including sites within the Zone C, the plan does not comply with Tests of Soundness C2 or CE2 as these allocations are contrary to the guidance in TAN 15.

It is considered that making reference to surface water runoff, will comply with tests of soundness C1, C2 and CE2 by ensuring that the Plan is in line with Planning Policy Wales and the Water Framework Directive. It would also ensure that the strategic policies are realistic and appropriate in light of the findings of the evidence base.

Justification is given with regards to CE4 on the grounds that the policy as it stands is restrictive and inflexible, as there might be circumstances where Criterion A does not apply, but the development of a site would be beneficial to an area, if the flood risk issues could be alleviated.

No evidence has been submitted regarding conformity with the Preferred Strategy or SA/SEA.

DESIRED CHANGES TO THE DEPOSIT LDP

1. Should the examination of the plan retain the allocations in Zone C2, measures that seek to enhance resilience for those sites and in the wider community should be identified as part of Policy SP7 Planning Obligations, where infrastructure and mitigation to manage flood risk are considered to be of strategic importance.
2. Either sites HG 1.25 and HG 1.68 should be deleted from the Plan or further work undertaken to prove that the consequences of flooding could be acceptably managed on both sites.
3. If Policy SP8 is revised, it should be redrafted as a land use policy but should not merely repeat national guidance.
4. Remove Criterion A from Policy SP8
5. Add additional criterion to state 'C - There are no other sites located outside the flood plain that would be available, appropriate and at least as sustainable for that use'.
6. Include additional text to Appendix 7 site HG1.61 stating that "should a new application be submitted on the site, another flood consequences

assessment will need to be submitted as an integral part of the application"

7. Appendix 8 should be amended to identify that a flood consequence assessment would be required on sites HG1.03, HG1.58, HG1.60, HG1.61 and HG1.71.

Planning History

UDP – Whilst the UDP did not contain a specific policy on flood risk, a criterion on the risk of flooding was included as part of general development criteria policy DC1. Representations regarding the need for a more robust policy were considered by the Inspector as part of the UDP Inquiry where it was concluded that a compromised policy was acceptable. In responding to this issue, the Inspector specifically states that he recognises the 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.”*

Whilst it is acknowledged that, since the UDP, more stringent guidance on flood risk is available in TAN 15, the essence of the point that to ban development within the flood plain would be inappropriate still remains valid today. This is particularly important in the context that a significant area of three Principal Towns in the County Borough – Caerphilly, Ystrad Mynach and Risca-Pontymister lie within Zone C and a ban on any development would clearly impact on the role and function of these settlements.

Preferred Strategy – Although flood risk was a consideration in the development of the Preferred Strategy, the document did not set out a specific policy with regard to flood risk. However, both the Welsh Assembly Government and the Environment Agency made comments on flood risk as part of the Preferred Strategy consultation. The comments made by WAG identified that should the flood plain be a key area of implementation, its role in delivering the strategy should be clarified and made explicit. It was argued that Paragraph 6.32 of the Preferred Strategy alludes to decisions with regard to the floodplain and the need to balance social and economic benefits but does not go any further than national policy. The EA also commented in relation to the need to introduce a new criterion to strategic protection policy SP3 regarding the protection of natural green space including functional floodplains.

In order to address the concerns identified, it was considered necessary to include a strategy policy on flood risk to explicitly demonstrate how and where development in the flood plain would be appropriate in delivering the strategy. The policy included in the Deposit LDP sought to make this relevant at the local level through the reference to principal towns and key settlements.

COUNCIL ANALYSIS

Policy Context

Policy Translation

The technical guidance on development and flooding is set out within Technical Advice Note (TAN) 15: Development and Flood Risk. The TAN provides a framework within which risks arising from flooding can be

assessed. In line with the guidance set out in the TAN, the LDP has sought to use the precautionary principle to avoid development in the flood plain as part of the site selection process. *Background Paper 13: Broad Level Flood Risk Assessment* prepared to supplement the LDP highlights how the requirements of TAN 15 have informed the site selection process and the reasons why sites within Zone C have been included as housing allocations within the context of the TAN.

WAG have objected to the policy based upon the principle that there are too many sites allocated in the LDP that fall within Zone C, and the strategic effect of this has not been addressed. The objection argues that the LDP does not accord with the requirements of Paragraph 13.2.3 of PPW or 6.2 of Tan 15, in that too many allocations lie within Zone C, and that the key national policy test relating to highly vulnerable development not being allowed in Zone C2 has not been applied in deriving the outcomes of Background Paper 13 (BP13).

The objection refers to the fact that 10% of the LDP allocations are located within Zone C whilst only 8.5% of the county borough is within Zone C, whilst outlining the flood risk cost for Wales. However, WAG have neither identified specifically how, or where, BP13 fails in respect of this TAN 15 test, nor have they identified what changes should be made to the LDP in order to resolve the objection issues.

It has to be acknowledged that the LDP does not start with a “clean slate”. Rather it starts with an existing settlement pattern that is not sustainable, evincing disparate issues and problems. The role of the LDP is to address the issues and problems from the LDP starting position, with the aim of improving the situation. It is from this position that the issue of flood risk needs to be considered

BP13 outlines the position in respect of the LDP allocations that are located within Zone C. Whilst 20 LDP allocations, relating to 18 individual sites, are identified as lying either partially or wholly within Zone C, only two of the allocations, namely HG1.68 – St Ilans Comprehensive and HG1.25 – Navigation Colliery were new allocations. The remaining allocations all related to sites that have extant planning permissions either by virtue of recent grant of permission or by the fact that their permission had been implemented by development.

Sites that have extant planning permissions have been the subject of due consideration through the planning application process, including appropriate consideration of flood risk. Sites that have extant planning permission by virtue of the fact that they have implemented their permitted development, have had the principle of their use established. Whilst the principle of the use cannot be revisited, the requirements of the Flood TAN will apply to subsequent applications for developments on the sites.

For sites that have been recently permitted, the Environment Agency (EA), the statutory body charged with the implementation of TAN 15, was consulted on all of them. The EA did not object to the proposed development of any of the

LDP allocation sites, and the sites were approved in accordance with EA advice.

As a result all but 2 of the allocations in the LDP have established use, or have extant planning permissions. The LDP cannot review the principle of the use of these sites as they have already been subject to due process through planning applications. Whilst WAG acknowledges this in their objection *“Whilst these permissions cannot, for a number of reasons, be reviewed as part of the Plan . . .”*, it seeks to address the cumulative impact of these sites. If the LDP is not able to review the sites individually, it is a corollary that the LDP is not able to review them collectively. The WAG objection does not state how this can be undertaken and, without clarification of how this would be possible, it is not within the scope of the LDP to undertake such an action.

The two “new” allocations in the LDP have been subject of Strategic Flood Consequence Assessments (SFCA) in accordance with the provisions of TAN 15. Both sites NH1.25 – Navigation Colliery, and HG1.68 – St Ilans Comprehensive, have been subject of Strategic Flood Consequence Assessments, albeit with differing outcomes. Firstly it is proposed to delete site HG1.25 – Navigation Colliery from the LDP, although the site remains unallocated within the defined settlement boundary. Secondly it is proposed to retain site HG1.68 – St Ilans Comprehensive as an allocation and, in addition to this, the EA has conditionally withdrawn its objection to the site as a result of the findings of the SFCA (Issue 3).

The LDP has met the requirements of TAN 15 in respect of “new” allocations and this is reflected by the fact that the EA no longer object to the LDP on the principle of sites being allocated within Zone C. In respect of the WAG point that over 10% of the allocations are made in Zone C when only 8.5% of the local authority area is Zone C, this relates back to sites that have extant planning permission, which is beyond the remit of the LDP to address. In addition the LDP has to demonstrate that it has allocated sufficient land to meet the authorities needs for the plan period. The LDP would be remiss if it did not include sites with planning permission in establishing that those needs have been met, as the alternative would be to allocate additional land over and above that already permitted (Issue 1 & 2).

Overall the LDP has considered and chosen its allocations in accordance with TAN 15 and ensuring that additional land was not allocated unnecessarily. The LDP has taken account of flooding in respect of the sites that can be affected through the LDP procedure. It would be inappropriate for the LDP to address the flood risk implications of sites that have already been subject of such consideration through the planning application process. As a result BP13 appropriately addresses the impact of the 2 “new” sites, which can be affected through the LDP process.

Policy Wording

WAG objects to policy SP8 on the grounds that it is a strategic objective rather than a strategic policy and was drafted as statement relating to plan preparation, rather than a policy against which future proposals will be considered.

It is agreed that the policy is an administrative statement and is not landuse based. Whilst the policy requires rewording, it is also agreed that the rewording should not merely repeat national guidance, but provide local interpretation if applicable. In this instance it is considered that national guidance provides the appropriate policy coverage, whilst there is no locally distinctive matter or issue that would require local policy interpretation. Therefore it is proposed to delete the policy from the LDP (Issue 4). Consequently no rewording of the policy is proposed (Issues 4 & 5).

Under a separate response relating to water protection, a new policy relating to the protection of surface and ground waters is being proposed. The new policy will address the issue of surface run-off in terms of the quantity and quality of surface and ground waters and their protection. It is considered that the new policy will adequately address the issue of surface water run-off and, therefore, there is no requirement to include it into a remnant of policy SP8.

Reference to Flood Consequences Assessments in Appendices

It is not considered necessary to make reference in Appendix 7 and/or 8 to the need for FCAs to be undertaken on the sites which already have planning consent as there is already an appropriate explanation in Appendix 8 which makes it clear that should any future applications be submitted, it may be necessary for additional survey information to be submitted. The Appendix indicates that developers are advised to enter into pre-application discussions with the local authority to determine whether additional surveys will be required. Given that this is clearly specified within the LDP, it is not considered necessary for specific references to FCAs.

Compliance with the LDP

WAG contends that the plan does not comply with Tests of Soundness C2 – regard to National Policy, or CE2 – Allocations unrealistic, as these allocations are contrary to the guidance in TAN 15. Paragraph 6.2 of TAN 15 identifies that the national policy tests apply to “New Development”. As outlined above, in respect of the sites that the LDP has remit to address, i.e. “new development - sites that do not have extant planning permissions, the LDP has discharged its duties in respect of TAN 15 and are now in a position where there are no outstanding flood risk objections to any of the sites from the Environment Agency. In respect of those sites with extant planning permission the flood risk issue has been rightly considered through the planning application process. In terms of the national policy test outlined in Paragraph 6.2 of TAN 15 these sites do not constitute “New Development” as they already have planning permission. The LDP, therefore, rightly includes these sites to fulfil its requirement to ensure that the needs of the county borough for the plan period are met. The LDP is, therefore, sound in respect of Test C2 as it accords with national policy, namely TAN 15.

As outlined in BP13 only two “New” sites allocated for highly sensitive uses, were located partially within Zone C2. In accordance with TAN 15 requirements Strategic Flood Consequence Assessments were undertaken on both sites. As a result of this it is proposed to delete one of the sites (HG1.25 – Navigation Colliery) whilst the other site (HG1.68 – St Ilans Comprehensive) is maintained and the Environment Agency has conditionally withdrawn its

objection. The remainder of the sites located within Zone C have extant planning permission. In respect of Test CE2, there is no need to consider alternatives (as there is no objection to the sole “new” site) and the allocations in the LDP are based upon well-informed background documents and credible evidence. Consequently the LDP is sound in respect of Test CE2

As outlined above the issue of surface water run-off is appropriately addressed through a proposed new policy on water protection, which in turn addresses the soundness tests in this respect. Consequently the LDP is sound in respect of tests C1, C2 and CE2 in relation to Policy SP8 (The soundness of the new policy is considered under a separate response on Water Quality).

There is no evidence in respect of the Preferred Strategy or SEA/SA & HRA for the Inspector to recommend a change to the LDP.

CONCLUSION

Policy SP8 be deleted from the LDP as it is an administrative action and a rewording of the policy would not differ from that given in national policy guidance.

OFFICER RECOMMENDATION

That the Council recommend to the Planning Inspector that the plan be amended to delete Policy SP8

Reason for Recommendation

The proposed change is not substantive but would remove an unnecessary administrative action from the LDP whose rewording would only replicate national guidance. Importantly the change would not affect the soundness of the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

SP10 – Renewable Energy**Representation Type – Deposit Stage**

1492.D10	Home Builders Federation	Object	Object to the content and requirement of the SP10.
2282.D14	Welsh Assembly Government	Object	Object to lack of detail in SP10.
4141.D3	Mr Mark Trebboth	Object	Object to omission of reference to 'Planning for Climate Change'
4141.D4	Mr Mark Trebboth	Object	Object to the omission of identified land for renewable development.
4141.D5	Mr Mark Trebboth	Object	Object to the wording of SP10.
4196.D1	Trustees of Llanover Estate	Object	Object to the content and requirements of SP10.
4304.D2	Caerphilly County Borough Council	Object	Object to the lack of phasing.
4304.D2	Caerphilly County Borough Council	Comment	Comment relating to the need for further information on implementation

SUMMARY OF REPRESENTATIONS

The Representer's object to SP10 as:

- It does not make reference to the WAG consultation on Planning for Climate Change,
- The policy should also include more stringent standards.
- Consideration of ways to use surplus heat should also be included in the policy.
- No suitable land is made available for community renewable energy schemes.
- The code for sustainable homes is omitted.
- The policy could have a detrimental effect on the viability of developments.
- The policy does not make reference to how it would be monitored, regulated and enforced.
- The policy does not provide the framework for the development of land for renewable energy scheme.
- It does not provide a policy framework (criteria based policy) to control new bespoke renewable energy schemes in the County Borough.
- The LDP does not recognise the importance of onshore wind turbines.
- A phased renewable target of 10% to be achieved by 2010 should be included in the plan.
- Document 4, Appendix 8 of the Strategic Environmental Assessment/Sustainability Appraisal identifies that the wording of Policy SP10 should replace "where appropriate" with "as standard." The respondent supports the proposed change, but the change was not made in the Written Statement.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the Representor with regards to the conformity with the Preferred Strategy or the SA/SEA/AA/Habitats Directive.

The Representor's consider SP10 not to comply with test of soundness C1, C2, CE2, CE3 and CE4 as:

- The policy as it stands does not conform to national guidance.
- There is nothing within the policy to take account of development viability.
- The successful implementation of this policy relies on sufficient mechanisms to ensure it is monitored and enforced. There is nothing in the policy to ensure these issues are accounted for.
- The policy is restrictive and inflexible in terms of the way in which it requires developers to reach sustainability standards.
- The proposed change would ensure the policies are more appropriate and in line with emerging national policy.

COUNCIL ANALYSIS

Omission of reference to 'Planning for Climate Change'

The Representor objects to the omission of a reference to WAGs document 'Planning for Climate Change', which proposes that an additional 10% reduction in carbon emissions should be secured through renewable energy generation.

The 'Planning for Climate Change' document was considered when preparing the LDP and is referred to within background paper 1 – Sustainable Energy (paragraph 2.3.8). The document and its requirements were given full consideration when developing the policies for the plan. It is not considered necessary to specifically reference the document within the plan.

With specific reference to the additional 10% reduction in carbon emissions, the draft climate change MIPPS states that "*Local Planning Authorities should include within development plans a policy requiring major developments to reduce their predicted CO2 emissions by a minimum of 10% (from the current baseline required by building regulations) through improvements to the energy performance of buildings, efficient supply of heat, cooling and power and/or on site renewable energy*" (Para 12.9.1) However, it is considered that the 'Planning for Sustainable Building' MIPPS (01/2009), which was published in May 2009 now adequately addresses the requirement to reduce carbon emissions as part of domestic and non-domestic development proposals. Any amendment to the plan that would make reference to carbon emission reductions is considered to be the repetition of national guidance and would adversely affect the soundness of the plan.

Omission of a criteria based policy

The Representor considers that the plan does not provide a policy framework (criteria based policy) to control new bespoke renewable energy schemes in the County Borough (e.g. onshore wind energy, anaerobic digesters, energy from waste, hydro-power). Whilst the LDP does not promote specific sites for renewable energy development, sites may be promoted for such uses during

the plan period, thus the LDP should include a policy to account for this scenario.

Technical Advice Note 8: Renewable Energy states that “The Assembly Government expects local planning authorities to encourage, via their development plan policies and when considering individual planning applications, smaller community based wind farm schemes (generally less than 5MW). This could be done through a set of local criteria that would determine the acceptability of such schemes and define in more detail in more detail what is meant by ‘smaller’ and ‘community based’. Local planning authorities should give careful consideration to these issues and provide criteria that are appropriate to local circumstances”. (Para 2.12) The plan does not currently contain a criteria based policy, and whilst the Renewable Energy MIPPS does address the effects of renewable energy schemes on designated areas, it does not address the impact upon non-designated sites.

However, it is considered that TAN 8 – Renewable Energy, Renewable Energy MIPPS (01/2005), Planning for Sustainable Energy MIPPS (01/2009), Planning for Good Design (01/2008) which states “Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improved the quality of life” (Para 2.9.2) and Tan 12 – Design are considered to all adequately address the issue of renewable energy and its potential impact upon all aspects of the built and natural environment, amenity and quality of life.

In addition, it is also considered that there are currently policies within the plan that adequately cover the local issues that may arise as a result of renewable energy proposals including SP6 – Place making, SP12 – Conservation of the Natural Environment, CW5 – General design considerations and CW8 – Natural heritage protection. Inserting a criteria based policy specifically on renewable energy is unnecessary, as this would repeat policies that are already contained within the plan and would also result in the repetition of national policy.

Amendment to wording of policy

The Representor highlights that document 4, Appendix 8 of the Strategic Environmental Assessment/Sustainability Appraisal identifies that the wording of Policy SP10 should replace "where appropriate" with "as standard." The respondent supports the proposed change, but the change was not made in the Written Statement.

Whilst the recommendation of the SEA identifies the recommendation that “where appropriate” should be replaced with “as standard”, it was considered, on reflection by the planning officers, that it would not be a suitable to include “as standard” within the policy. This was due to the fact that the county borough is very diverse in terms of its topography, its landscape, its natural heritage, land available for development and the suitability and success of renewable energy schemes dependent upon the proposed location. In order to effectively encourage and provide renewable energy schemes it was considered that the policy had to allow a certain degree of flexibility to take account of the variables and constraints that affect the county borough. All

proposals will be judged on their individual merits and will seek to obtain the highest level of renewable energy generation that is considered obtainable for the site. The onus will be on the developer to demonstrate why they have sought certain levels and not sought higher levels.

It is important that the plan remains reasonably flexible so that it complies with Test of Soundness CE4, which requires “flexibility to enable it to deal with changing circumstances” (LDP Manual, page 94)

Code for Sustainable Homes

The Representor considers that it would be far more productive to ensure that energy savings are maximised as far as possible through the fabric of the building by implementing initiatives such as the Code for Sustainable Homes where this is appropriate and viable.

The requirements of the code for sustainable homes are contained within the ‘Planning for Sustainable Buildings’ MIPPS 01/2009, which requires all applications for 5 or more dwellings from the 1st September 2009 and all new dwellings from 1st September 2010 (Para 2.12.4). Draft TAN 22 – Planning for Sustainable Buildings also clarifies the requirements for ‘Energy Performance Certificates’ (EPC), which provides a rating for the energy performance of a building (Para 2.5.1). Energy requirements and energy efficiency are both requirements of the ‘Code’ and as such will be adequately covered by national policy and guidance.

Phased approach to delivering renewable energy

The Representor considers that a phased renewable target of 10% to be achieved by 2010 should be included in the plan.

The plan is not due to be adopted until December 2010 as outlined in the agreed delivery agreement. By including a requirement in the plan to achieve a 10% renewable energy target by 2010, the plan will immediately be out of date.

In addition, this requirement is also reflected in the ‘Planning for Sustainable Buildings’ MIPPS and draft TAN22, which stipulates the requirement to implement the ‘Code’ and BREEAM standards, which addresses the delivery of renewable energy. It is therefore, considered that it is unnecessary to repeat this requirement in the plan as it is embedded in national policy,

Viability of developments

The Representor considers the policy could have a detrimental effect on the viability of developments, due to the high costs involved in incorporating renewable energy technologies onto development sites.

The impact on viability of meeting Code for Sustainable Homes standards, which include the use of renewable energy technologies, has been considered as part of the Affordable Housing Viability Assessment. The full details of this can be found in *BP6 Supplementary Paper 4: Affordable Housing Viability Assessment*. Registered Social Landlords (RSLs) in Wales are currently required to build to Code for Sustainable Homes Level 3 and therefore build costs for meeting these requirements are available as part of

Build Cost Information Service (BCIS) data, which is derived primarily from RSL developments.

The findings of the Viability Assessment, which took into account this BCIS data, indicated that, even taking into account the slightly higher build costs associated with meeting Code Level 3, the viability of development was not significantly affected.

As part of the sensitivity tests undertaken in the Viability Assessment, Code Level 4 was also considered. The higher build costs assumed for this did have an impact on viability. However it should be noted that the current build costs for Code Level 4 are likely to be higher than they will be in the longer term as earlier developments will be more costly as they include initial expenditure associated with research and piloting new technologies. In reality, costs will be lower in the longer term and it is therefore not considered that the impact of incorporating renewable technologies will significantly affect the viability of developments.

Omission of reference to larger sites

The policy should also include more stringent standards and higher targets on larger sites where economies of scale allow.

TAN 8 stipulates, *“Most areas outside SSAs should remain free of large wind power schemes”* (Para 2.13). The TAN continues to state that there is a case for *“avoiding a situation where wind turbines are spread across the whole of the country. As a result, the Welsh Assembly Government would support local planning authorities.....that restrict almost all wind energy developments, larger than 5MW, to within SSAs and urban/industrial Brownfield sites”*. (Para 2.13) Technical Advice Note 8 does not identify any Strategic Search Areas (SSAs) within Caerphilly County Borough and as such, it is not considered suitable or compliant with national policy and guidance to include larger sites within the plan.

Provision of land for renewable energy schemes, including Community Schemes

The Representor considers that the policy does not provide the framework for the development of land for renewable energy schemes, including renewable energy generation such as community wind turbines, community heat and power/district heating schemes, and does not provide adequate flexibility to account for future revisions/amendments to National Planning Policy in relation to Renewable Energy.

Neither the renewable energy MIPPS or TAN 8 requires land to be identified for the development of renewable energy outside of SSAs (MIPPS 01/2005, Para 12.9.3). However, the renewable energy MIPPS does require local planning authorities to *“undertake an assessment of the potential of all renewable energy resources, renewable energy technologies, energy efficiency and conservation measures”* (Para 12.9.1) this work is likely to identify areas of the county borough that is suitable for renewable energy schemes. However, this work has yet to be undertaken and as such it is not possible to identify suitable areas of the borough that would be able to

facilitate renewable energy schemes. This work is due to be undertaken and completed to inform the first review of the plan.

Use of Surplus Heat

The Representor considers that the policy omits the consideration of ways to use surplus heat in the policy.

The utilisation of surplus heat is generally referred to as ‘Combined Heat and Power’ (CHP). TAN8 states “ *The basic elements of a CHP plant comprises one or more prime movers usually driving electrical generators, where the heat generated in the process is utilised via suitable heat recovery equipment.....CHP plant allows ‘waste’ heat produced from electricity production through thermal process to be put into valuable use*” (Para 3.6). The plan does not specifically make reference to any form of renewable energy, including CHP. As such, any application that was submitted to the planning authority that included CHP would be considered as contributing towards the renewable energy target set out in the plan. It is not considered necessary to specifically identify individual renewable energy technologies so that the plan can remain flexible and take into account changes to technologies during the lifetime of the plan.

Wind Turbines

The Representor considers that the LDP does not recognise the importance of onshore wind turbines in contributing to the national target of energy production by way of renewable sources.

It is considered that the issue of on-shore wind turbines, and their importance in contributing to the national target of energy production is adequately covered in national policy and guidance, and within Background Paper 1 – Sustainable Energy.

The renewable energy MIPPS (01/2005) states Wales has an “*abundant onshore wind resource and the fact that onshore wind power is the most viable commercial technology available that will provide a high degree of certainty of meeting the 2010 target*” (Para 12.8.6) The MIPPS also recognises that “*In the short term, wind-power offers the greatest potential for an increase in the generation from renewable energy*” (Para 12.8.9). Technical Advice Note 8 – Renewable Energy also provides, what is considered as adequate guidance on the provision of onshore wind turbines, including the identification of the untapped potential for “*the development of wind power within urban/industrial Brownfield sites*” (Para 2.11). The TAN also states that LPAs should consider the cumulative impact of small-scale schemes outside of strategic search areas (SSAs) and “*Most areas outside SSAs should remain free off large wind power schemes*” (Para 2.13). Taking the above into consideration, it is believed that the plan does not specifically need to make reference to the importance of onshore wind farms as this is adequately covered and does not need to be re-iterated within the plan.

Monitoring of policy

The Representor considers that the policy approach does not make reference to how it would be monitored, regulated and enforced and also how it would take account of householder behaviour.

TAN 8 requires LPA to ensure “*that they monitor the deployment of renewable energy technologies*” and that “*it is a matter for each local planning authority to devise systems that are most appropriate for technologies other than onshore wind*” (Para 7.1). Although it is recommended that when monitoring provision LPAs “*should maintain data on developments which have been completed over the previous year, proposed developments which have full planning permission but which have yet to be implemented and developments which are under construction*” (Para 7.3). TAN 8 only requires the monitoring of onshore wind where all or part of a SSA falls within the county boundary, Caerphilly does not have any SSA areas within its boundaries.

Appendix 18 of the plan addresses the sustainability objectives and monitoring indicators of the LDP. Issue 1 of the climatic factors on page A 18.15, addresses the objective “To reduce the total amount of CO2 produced within the county borough each year” with indicators that address the amount of tonnes of CO2 reduced per year, carbon footprints and the number of businesses adopting Environmental Management Systems.

Household behaviour is addressed within Appendix 18 of the plan, which identifies sustainability objectives and monitoring indicators. Under the population and human health objectives and indicators, the first objective relates to ‘Resource Consumption’, which seeks to “*reduce the average resource consumption of each residents*”, with the indicators addressing ecological footprints and number of properties benefiting from energy saving grants (page A 18.1)

It is therefore, considered that the monitoring of the policy is adequately covered through national guidance and in Appendix 18 of the plan, and as such there is no need to make specific reference to this within the policy.

Compliance with the LDP

- The policy as it stands does not conform to national guidance – See responses to issues above.
- There is nothing within the policy to take account of development viability – See response to issue 6.
- The successful implementation of this policy relies on sufficient mechanisms to ensure it is monitored and enforced. There is nothing in the policy to ensure these issues are accounted for – See response to issue 11.
- The policy is restrictive and inflexible in terms of the way in which it requires developers to reach sustainability standards – See responses to issues above.
- The proposed change would ensure the policies are more appropriate and in line with emerging national policy – See response to issues above.

CONCLUSION

With reference to the 10% reduction in carbon emissions, it is considered that the ‘Planning for Sustainable Buildings’ MIPPS (01/2009) adequately covers this requirement.

Inserting a criteria based policy specifically on renewable energy is unnecessary, as this would repeat policies that are already contained within the plan and would also result in the repetition of national policy.

The wording of the policy was not amended to take into account the SEA views that the terminology “where appropriate” should be replaced with “as standard” as this was seen to unnecessarily restrict the efficiency and success of the policy and to comply with Test of Soundness CE4.

The code for sustainable homes requirements, including energy efficiency is contained within the ‘Planning for Sustainable Buildings’ MIPPS and the draft TAN22. As such, the inclusion of additional reference to energy efficiency would result in the repetition of national policy and guidance.

The inclusion of the phased approach to renewable energy, with the requirement of a 10% target by 2010, would result in the plan be outdated as soon as it was adopted.

In respect of viability, it should be noted that the current build costs for ‘Code’ homes are likely to be higher, although this is likely to be a short term implication as earlier developments will be more costly as they include initial expenditure associated with research and piloting new technologies. In reality, costs will be lower in the longer term and it is therefore not considered that the impact of incorporating renewable technologies will significantly affect the viability of developments.

Larger renewable energy sites are discouraged by the Welsh Assembly Government, unless they have been identified as strategic search areas in TAN8. Caerphilly County Borough Council does not have any identified SSAs and as such large scale sites are not required to be identified.

Currently, there is no requirement in national policy or guidance to identify locations for renewable energy schemes outside of strategic search areas, and as such the plan has not sought to identify suitable locations.

There is no requirement under national policy or guidance to identify specific renewable energy technologies. The use of surplus heat or CHP would be as welcomed by the LPA as any other renewable energy technology and would be assessed against the same policies and criteria. It is not considered necessary to specifically address the issue of CHP.

The importance of the contribution that wind power and turbines has to the renewable energy sector and in the reduction of harmful emissions is considered to be adequately covered within sustainable energy background paper (background paper 1) and in national guidance.

The monitoring of the policy is considered to be adequately covered in National policy and guidance and within Appendix 18 of the plan.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change be made to the plan.

Reason for Recommendation

1. To clarify the requirements of national guidance within the plan.
2. To comply with the requirements of Technical Advice Note 8 – Renewable Energy.
3. To comply with Test of Soundness C2.
4. The reference to the code for sustainable homes and energy efficiency would repeat national policy and guidance.
5. The inclusion of a target for renewable energy targets for 2010, the plan would be immediately out of date.
6. No change requested.
7. The inclusion of large scale renewable energy sites would be contrary to national planning guidance contained within TAN8.
8. There is no requirement in national policy or guidance to identify suitable areas and locations for renewable energy schemes.
9. There is no requirement in national policy or guidance to make specific reference to the use of surplus heat as a renewable energy technology.
10. The reference to the importance of wind power would repeat the background paper and national guidance.
11. Additional reference to monitoring would result in the repetition of national guidance and Appendix 18 of the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

SP11 - Waste Management (Context)

Representation Type – Deposit Stage

2282.D7	Welsh Assembly Government	Object	The LDP does not indicate how waste is currently managed.
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While the Background Paper explains the relationship with National Planning Guidance on Waste and the Regional Waste Plan, the LDP does not indicate how waste arisings are currently managed at the level of the County Borough.

SUMMARY OF REPRESENTATION

The LDP description of the Waste Management context is considered deficient. While the background paper covers the context of the European Directives, the Regional Waste Plan, and the existing facilities in the County Borough are outlined, there are no other contextual issues included in the LDP which are specific to Caerphilly's waste management and waste planning circumstances. The LDP does not say how waste arisings in Caerphilly are currently managed; how they will continue to be managed until facilities come forward; nor is it clear what role the facilities which they have identified in the LDP Background Paper 4 'Waste Management' play as part of an integrated network of facilities. Therefore, whilst the context provided by the Regional Waste Plan is clearly important and this is recognised in the LDP, the absence of any analysis or commentary about how it relates specifically to the current context for waste management and waste planning in Caerphilly is considered to be an omission.

COMPLIANCE WITH THE LDP

Preferred Strategy

Not relevant

SA / SEA / AA - EU Habitats Directive

Not relevant

Tests of Soundness

The respondents have identified soundness tests C2, CE1, CE2 that the Deposit Plan has failed to pass because it appears that it has not satisfactorily translated national policy down to the local level and there may be tensions within the Plan

DESIRED CHANGE TO THE DEPOSIT LDP

Whilst the context provided by the Regional Waste Plan is clearly important and this is recognised in the LDP, the absence of any analysis or commentary about how it relates specifically to the current context for waste management and waste planning in Caerphilly county borough is considered to be an omission.

COUNCIL ANALYSIS

The Welsh Assembly Government criticism in this respect is fully justified. While the Council does not propose to revise its 'topic' background papers, it accepts there will be a need to publish supplementary information that

corrects, updates or provides additional information that was not included in the original documents. The Council considers that it would be inappropriate to include this substantial amount of information in the Written Statement as additional supporting paragraphs to Policy SP11. Therefore, it is proposed that this shortcoming in information, which has been identified by the Welsh Assembly Government, should be addressed within a supplementary document.

Compliance with the LDP

- The representation would be in accord with the Preferred Strategy
- There are no implications for the SA/SEA/AA - EU Habitats Directive
- The representation would meet the Tests of Soundness in relation to the LDP

CONCLUSION

It is proposed that this shortcoming identified by the Welsh Assembly Government should be addressed by issuing the Inspector with an additional document in October entitled 'Waste Management - Supplementary Paper on Operational Arrangements'. This will contain an account of the present operational arrangements, and future proposals for dealing with waste arisings in the CBC, now missing in the Deposit LDP.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the document entitled 'Waste Management - Supplementary Paper on Operational Arrangements' should be recognised as part of the Background Evidence to the LDP.

Reason for Recommendation

The objector's desire to see additional information on waste operations is appropriate background description for the LDP.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

SP11 - Waste Management

Representation Type – Deposit Stage

2282.D8	Welsh Assembly Government	Object	Need to demonstrate that sufficient land is available for waste management facilities.
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The need to demonstrate more clearly that sufficient land is available for forecasted need for more waste management facilities.

SUMMARY OF REPRESENTATION

- The Welsh Assembly Government (WAG) indicated that National Planning Policy Clarification Note (CL-04-04) 'Unitary Development Plans – Waste Policies Hazardous Waste Planning Applications' (May 2004) sets out the minimum guidance to future waste management development that the Welsh Assembly Government is likely to find acceptable in development plans
- Where sites have not been identified national planning policy in the Policy Clarification Note (CL-04-04) says that the most suitable sites for waste management facilities will be general industrial areas. The Policy Clarification Note adds that a B2 policy approach will be acceptable provided there is enough capacity within existing or future industrial sites to accommodate the waste management facilities required to accord with the Regional Waste Plan (RWP)
- WAG notes that the Council has used the land take figures derived from the RWP assessments as the basis for establishing need in land use terms. On this basis a sufficient amount of land in B2 / major industrial areas (77.8 ha) appears to be present to meet the ranges of land take identified in the RWP (up to 10 ha), particularly given that take up of employment land is low. However, WAG considers that the Council's demonstration of this availability is not clearly set out. It is not clear whether the 1ha availability is a total figure, or whether this means that there are parcels of land within these locations, which are greater than 1ha. This is important in demonstrating that a genuine choice of suitable sites exists and thereby demonstrating that the B2 locations have enough capacity to accommodate facilities identified as being needed through the RWP. This is compounded by the fact that some of these locations include existing B2 locations protected for B2 use as well as new allocations
- WAG is concerned that if the 1ha figure is a total amount, then it has not been sufficiently demonstrated that the capacity identified is consistent with delivering the requirements advocated in the RWP, or whether any of the locations are genuinely suitable for waste management facilities. It is not clear that the land parcels within these locations are of sufficient size to accommodate facilities to serve more than one authority, which could fulfil co-location opportunities, or whether a particular location best suited to local type facilities

COMPLIANCE WITH THE LDP**Preferred Strategy**

Not relevant

SA / SEA / AA - EU Habitats Directive

Not relevant

Tests of Soundness

The respondent has identified soundness tests C2, CE1, CE2 that the Deposit Plan has failed to pass because it appears that it has not satisfactorily translated national policy down to the local level and there may be tensions within the Plan

DESIRED CHANGE TO THE DEPOSIT LDP

Given other competing priorities for employment land, whilst flexibility in choice of employment land is identified at an overall level, there is a need to demonstrate that there is actually capacity to meet requirements identified in the RWP and hence demonstrate that delivery through the B2 policy is realistic. It may be that this could be achieved by stating what those locations already identified contain; namely, a range of land parcels of different sizes which would demonstrate suitability for different types of facilities.

COUNCIL ANALYSIS

WAG has commented that the LDP Background Paper 4 fails to clearly demonstrate that there is sufficient availability of class B2 land to cater for the required Waste Management Facilities identified in the RWP. It is therefore concluded that the existing description is insufficient or poorly worded and needs improvement. While it is not proposed to revise the 'topic' background papers, there will be a need to publish supplementary information that corrects, updates or provides additional information that was not included in the original documents. Therefore, it is proposed that this shortcoming in an adequate description of sufficient land supply, which has been identified by the Welsh Assembly Government, should be addressed within a supplementary document.

Compliance with the LDP

- The representation would be in accord with the Preferred Strategy
- There are no implications for the SA/SEA/AA - EU Habitats Directive
- The representation would meet the Tests of Soundness in relation to the LDP

CONCLUSION

It is proposed that this shortcoming identified by the Welsh Assembly Government should be addressed by issuing the Inspector with an additional document in October entitled 'Waste Management - Supplementary Paper on Land Availability'. This will contain an in-depth explanation of the calculation that has found that the industrial site availability for class B2 land use in the CBC to be fully adequate to meet both the expected needs of further waste management facilities and the desired creation of additional factory employment in the plan period.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the document entitled 'Waste Management - Supplementary Paper on Land Availability' should be recognised as part of the Background Evidence to the LDP.

Reason for Recommendation

The objector's desire to see additional information on land availability for waste sites is appropriate background description for the LDP.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

SP12 – Conservation of Natural Heritage**Representation Type – Deposit Stage**

1056.D14	Countryside Council for Wales	Object	Object to exclusion of reference to protected sites and species.
1056.D55	Countryside Council for Wales	Object	Object to exclusion of reference to protected sites and species.
1593.D11	Gwent Wildlife Trust	Object	Object to the exclusion of reference to ecological connectivity.
2215.D11	Wildlife Trust of South & West Wales	Object	Object to the exclusion of reference to ecological connectivity.
4045.D29	Envirowatch	Object	Object to the exclusion of reference to wetlands.
4045.D30	Envirowatch	Object	Object to the whole plan on the basis of lack of biodiversity protection.
4058.D1	Welsh Historic Gardens trust	Object	Object to the exclusion of historic parks and gardens.

SUMMARY OF REPRESENTATIONS

Objection to SP12 as:

- It is important to clarify the Council's policy in relation to statutorily designated sites and protected species.
- It excludes reference to 'Ecological Connectivity'
- It excludes reference to 'Wetlands'
- The whole plan is bereft of a proper, full and comprehensive section on protection of the natural environment and biodiversity and how the plan will integrate the developments and plans to meet the aim of policy SP12.
- It does not state how it is going to protect EU protected species in non-designated areas or if a full surveillance has been carried out on all land allocated for development.
- It does not state how the plan will connect singular habitat sites or species fragmentation including bats or protect against habitat or isolation of species.
- It does not have a policy on creation of Green and Blue (river, stream) corridors both in urban and open countryside to help connect sites where the opportunity arises.
- It does not state in the plan any policy for improving derelict land or returning unused urban land for biodiversity use.
- Greater emphasis to be given to the protection of historic and cultural landscape, mirroring that presently given to the natural environment to give credibility to the Key Objective 24 (p25) of the plan: to protect and enhance the overall quality of the historic, natural, and built environment of the County Borough.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the representor with regards to the conformity with the Preferred Strategy or the SA/SEA/AA/Habitats Directive.

COUNCIL ANALYSIS

Clarify the policy in relation to statutorily designated sites and protected species.

The Welsh Assembly Government LDP preparation guidance, namely the 'Local Development Plan Manual, June 2006' states that the "*LDP should not replicate national policy (in PPW, MPPW and Ministerial Interim Planning Policy Statements (MIPPS)) unless it requires to be interpreted at the local level*" (page 43).

Statutorily designated sites (i.e. Special Areas of Conservation, Sites of Special Scientific Interest) and European Protected Species are protected by European and National Legislation (Council Directive 92/43/EEC of 21 May 1992, the Wildlife and Countryside Act 1981, as amended by the Countryside Rights of Way Act, 2000) and Welsh legislation and guidance (Planning Policy Wales 2002, Technical Advice Note 5: Nature Conservation and Planning and Draft Technical Advice Note 5: Nature Conservation and Planning).

The Planning Policy Wales Companion guide also states that "*PPW sets out clear statements of national development control policy which should not need to be repeated as a local policy in LDP's. Instead topics relevant to the local area could simply be mentioned with a cross-reference to PPW*" (para 5.18). Areas with statutory landscape designations, Areas and sites with statutory nature conservation designations (SSSIs, Ramsar Sites, SPAs, SACs) and Protected Species are all considered to fall into the above category and as such specific local policies are not required for these areas.

The inclusion of statutory protected sites and species are afforded sufficient protection by EU, national and Welsh legislation and guidance and a policy covering these topics would adversely affect the soundness of the plan as it would reiterate national guidance.

Exclusion of reference to 'Ecological Connectivity'

The term 'Ecological Connectivity' can also be referred to as 'Ecological Networks', 'Green Networks', 'Green Corridors', 'Stepping Stones', 'Wildlife Corridors'. Currently, there is no recommended term of reference at either a national or local level. The Deposit plan has chosen to use the term 'Green Corridors' within the plan, as explained in paragraph 4.6.5 of Background Paper 2: Natural Heritage. 'Green Corridors are specifically mentioned under policy CW8: Natural Heritage Protection.

Exclusion of reference to 'Green and Blue' (river, stream) corridors

As stated above, 'Green Corridors' are specifically referred to under policy CW8: Natural Heritage Protection, Criteria B. The term 'Green Corridor' does also apply to river and stream corridors and as such there is no necessity to distinguish between 'Green' and 'Blue' corridors.

Exclusion of reference to 'Wetlands'

The policy refers to the entire natural heritage within the County Borough. It is not considered necessary to identified individual habitats or species within the policy or the plan as the term natural heritage covers the geology, geomorphology, biodiversity, landscape and amenity value of the County Borough, including Wetlands.

Use of derelict land or unused urban land for biodiversity use.

Policy SP12 states that the council will protect, maintain, enhance and positively manage the natural heritage of the County Borough. This applies to all of the County Borough including the urban areas and areas that need regenerating, as stated in the reasoned justification. It is not considered that it is necessary to include a specific reference to derelict or unused land for biodiversity specifically, as these factors would be taken into consideration at a more detailed planning application stage.

Greater emphasis to be given to the protection of historic and cultural landscape

The protection of the historic and cultural landscapes have been taken into more detailed consideration as part of the Special Landscape Area review, which uses the LANDMAP system as recommended by Planning Policy Wales. The LANDMAP system uses five aspect layers to assess the landscape quality and value of the county borough, which includes the cultural aspect layer and the historical aspect layer. Where it has been identified under the SLA review that landscapes are important for historical and cultural reasons, then they have been incorporated into the SLA, which are further detailed in Appendix 1 of the written statement. With the above in mind, it was not considered necessary to make specific reference to the historic and cultural landscape in policy SP12.

In addition to the cultural and historic landscape aspects being taken into consideration as part of the special landscape area designations, historic parks and gardens are also identified on the constraints map. Historic parks and gardens are not included within the plan as these are national designations that are covered adequately by national guidance "*Local planning authorities should protect parks and gardens on the first part of the 'Register of Landscapes Parks and Gardens of Special Historic Interest in Wales'.*" (Para 6.5.23). The inclusion of additional reference to historic and cultural landscapes is considered to repeat national guidance.

CONCLUSION

The specific inclusion of reference to statutory protected sites and species, 'Green' and 'blue' corridors and wetlands is not considered necessary under SP12 as the policy makes reference to all aspects of the natural heritage and does not make any specific distinctions.

It is not considered necessary to make specific reference to 'Ecological Connectivity' as this is dealt with under policy CW8, but under the term 'Green Corridors'.

The inclusion of the reference to derelict or unused urban land is not considered necessary as this is a matter of detail and would be considered at

planning application stage, and policy SP12 sufficiently deals with the requirement to consider derelict and unused urban land as it is an all encompassing strategic policy that does not require specific details.

It is not considered that specific reference should be made to the protection of the historic and cultural landscape as this has been addressed under the Special Landscape Area Study and on the constraints map in the form of historic parks and gardens.

OFFICER RECOMMENDATION

That the Council recommend to the Planning Inspector that no change be made to the plan.

Reason for Recommendation

1. The changes to the policy would result in the repetition of EU, National and Welsh guidance and legislation and would adversely affect the soundness of the plan.
2. The inclusion of 'ecological connectivity' would undermine the strategic policy and repeat the countywide policy CW08.
3. The inclusion of derelict and unused land would undermine the purpose of the overarching strategic policy with unnecessary detail.
4. The consideration of the cultural and historic landscape is considered to repeat policy CW08 and the SLA policy.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

SP13 – Countryside Recreation**Representation Type – Deposit Stage**

1056.D15	Countryside Council for Wales	Support	Supports policy SP13.
1593.D12	Gwent Wildlife Trust	Support	Supports policy SP13.
2215.D12	Wildlife Trust of South & West Wales	Support	Supports policy SP13.

CONCLUSION

Note the support for SP13 – Countryside Recreation.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the representation in support of the LDP be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

SP14 – Development of the Valleys Regional Park**Representation type – Deposit Stage**

1056.D16	Countryside Council for Wales	Support	Support policy SP14.
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CONCLUSION

Note the support for SP14 – Development of the Valleys Regional Park.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the representation in support of the LDP be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

SP18 – Managing Employment Growth

Representation Type – Deposit Stage

2282.D13	Welsh Govt.	Assembly	Object	Net forecast demand should be used, rather than gross forecast demand
697.D8	Ashtenne Fund Ltd	Industrial	Support	Support for employment land allocation
697.D13	Ashtenne Fund Ltd	Industrial	Support	Support for employment land allocation

SUMMARY OF REPRESENTATIONS

- The representation objects to the employment land forecasting methodology, on the basis that gross forecast demand by sector was used, rather than net forecast demand. The latter should have been used as some sectors will not require property at 100%. As a result, over-inflated requirements have probably been calculated, which would have had an obvious knock-on effect in terms of employment allocations (Policy EM1).
- Also, it is not clear as to what discussion has been had between neighbouring authorities concerning the implications of emerging LDP strategies and the resulting over provision of employment land.
- Support for employment land allocation.

COMPLIANCE WITH THE LDP

No evidence has been submitted in relation to the Preferred Strategy, the SA/SEA and the AA – EU Habitats Directive.

DESIRED CHANGE TO THE DEPOSIT LDP

Inclusion of an overall employment land requirement based upon net forecast demand, rather than gross forecast demand.

COUNCIL ANALYSIS

There are good reasons as to the use of gross figures in terms of the calculation of the total employment land requirement. The employment densities used were formulated by Arup as part of work undertaken for English Partnerships, and were presented as gross internal or external figures. It therefore followed that the resulting land requirement was also presented as a gross figure.

There is no single source of up-to-date data in relation to employment densities at the present time. However, survey work has been undertaken for SERPLAN and RICS, which has been taken into account by the English Partnerships study. It is therefore considered that the latter piece of work represents a robust basis for the establishment of employment densities, and consequently, the employment land requirement arrived at by the Council is credible and has been derived from a sound analysis of available data.

The use of net figures would not necessarily produce a more accurate employment land requirement across the County Borough as a whole. Also, it would incorporate a degree of refinement into the overall employment land

requirement that was not appropriate for a County Borough-wide target, due to its inability to take account of practicability. For instance, a smaller overall requirement than the 64.2 ha. gross figure would be arrived at, including only those elements of development that constituted actual operational floorspace (excluding corridors, toilets, stairways, common areas, kitchens etc. depending on whether the figure used was net internal or external). Therefore, sites allocated for employment use would not take account of the floorspace requirements of a whole building, whether it be a warehouse, light industrial unit or office development. The development of such sites would therefore result in the take-up of employment land for what was, from the point of view of a net requirement, non-employment use, even though it was an integral part of any B1/B2/B8 development. For this reason, the calculation of an overall employment land requirement as a net figure is inappropriate, as it ignores the actual take-up of land that is associated with such development. It is not therefore considered that the use of an employment land requirement set out in terms of gross floorspace serves to over-inflate the actual requirement. In reality, what it does, is allocate sites that take account of the reality of development, rather than merely the operational element of it.

It is considered that the Council's approach to employment development over the plan period is consistent with those proposed by neighbouring authorities. For instance, Torfaen (as outlined in its Employment Background Paper) intends to allocate approximately 40% more land for employment use than is necessary to fulfil its requirement, as does Merthyr. This provides an indication that, on a regional level, authorities are aware of the need to integrate flexibility into their approach to employment development by being generous in terms of the amount of land allocated as well as the range of uses permitted.

The South East Wales Economic Forum (SEWEF), which comprises the ten local authorities in the region, monitors the employment land position on a regular basis to ensure that the supply is sufficient to meet the needs of both local employers and potential inward investors. To carry out this monitoring function, SEWEF has in the past undertaken an annual survey of available employment land in the region, work that is now being undertaken by Harmers planning consultants. The results of these studies are also used to identify opportunities for alternative uses of employment sites in areas where there is an excess provision.

OFFICER RECOMMENDATION

- 1. That the Council recommend to the Planning Inspector that no change be made to the plan.**
- 2. That the Council recommends to the Planning Inspector that the representation in support of the LDP be noted.**

Reason for Recommendation

It has not been demonstrated that the overall employment land requirement, or the allocation of sites resulting from it, contravenes any of the ten tests of soundness.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

SP20 – Protection of Strategic Leisure Network

Representation Type – Deposit Stage

1056.D17	Countryside Council for Wales	Support	Support SP20.
1593.D13	Gwent Wildlife Trust	Object	Object to the exclusion of reference to ecological connectivity.
2215.D13	Wildlife Trust of South & West Wales	Object	Object to the exclusion of reference to ecological connectivity.

SUMMARY OF REPRESENTATIONS

- The Representor's object to SP20 as it excludes reference to ecological connectivity.
- The Representor supports SP20, but seeks further clarification on the reference to "Natural Green Spaces"

COMPLIANCE WITH THE LDP

No evidence has been submitted by the representor with regards to the conformity with the Preferred Strategy, the SA/SEA/AA/Habitats Directive or the Tests of Soundness.

COUNCIL ANALYSIS

Exclusion of reference to 'Ecological Connectivity'

The term 'Ecological Connectivity' can also be referred to as 'Ecological Networks', 'Green Networks', 'Green Corridors', 'Stepping Stones', 'Wildlife Corridors'. Currently, there is no recommended term of reference at either a national or local level. The Deposit plan has chosen to use the term 'Green Corridors' within the plan, as explained in paragraph 4.6.5 of Background Paper 2: Natural Heritage. 'Green Corridors' are specifically mentioned under policy CW8: Natural Heritage Protection and as such this does not need to be repeated within SP20.

Clarification of reference to 'Natural Green Spaces'

The reference to 'Natural Green Space' including definitions, meanings and background are set out in Background Paper 10: Leisure (page 10.12). It is not considered necessary to repeat or clarify the term 'Natural Green Space' further, as this would unnecessarily lengthen the written statement of the LDP, which is against national guidance as set out in the LDP manual.

CONCLUSION

Both 'Ecological Connectivity' and 'Natural Greenspace' are explained in further detail in the background papers and it is not considered necessary to repeat this within the written statement of the plan.

'Ecological Connectivity' is dealt with specifically within policy CW8 and it is not considered necessary to repeat this in SP20.

OFFICER RECOMMENDATION

1. In reference to 'Ecological Connectivity', it is recommended to the planning inspector that no change be made to the plan.
2. In reference to the clarification of the reference to 'Natural Green Space', it is recommended to the planning inspector that no change be made to the plan.

Reason for Recommendation

The changes would result in unnecessary repetition within the written statement of the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

SP21 – Transport Infrastructure Improvement

Representation Type – Deposit Stage

154.D1	Mr Christopher Brimble	Object	Realisation of this policy aim in the LDP proposals is weak
154.D11	Mr Christopher Brimble	Object	The policy should include and identify new rail links as part of an integrated transport system.
2012.D14	Caerphilly Greendoorstep	Comment	The Transport policies in the plan proposing road improvements should be reconsidered.
2012.D45	Caerphilly Greendoorstep	Comment	Objection to lack of proposals for improvements in public transport.
4132.D1	On behalf of the TraCC Chairman	Object	Integration of TraCC Draft Regional Transport Plan priorities in the LDP.

Representation Type - Members seminar

	Cllr Ray Davies	Object	The former Brecon to Newport railway line, which runs through Bedwas, Trethomas and Machen, should be protected for possible future use.
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SUMMARY OF REPRESENTATIONS

Deposit Stage

- 1 The realisation of these policy aims is weak. There is not enough vision in support of the Wales Spatial Plan / PPW regarding the SE Wales urban network, especially in respect of re-opening rail links to Cardiff and Newport via Taffs Well and Machen. There is still a significant bias toward the car in the way proposals are presented.
- 2 The schemes proposed in the plan for road dualling and bypasses are not consistent with the plan's environmental aims or with those of the Welsh Assembly.
- 3 The LDP does not include sufficient proposals relating to public transport provision. Additional proposals should be included.
- 4 The TraCC Mid Wales Transport Consortium's Draft Regional Transport Plan priorities should be integrated into the LDP. The LDP should fully consider the integration of transport systems and networks across Authority boundaries.
- 5 The former rail line through Bedwas, Trethomas and Machen to Newport should be safeguarded for possible future passenger rail service.

COMPLIANCE WITH THE LDP

Preferred Strategy

No evidence in respect of the LDP strategy has been submitted to support the other objections.

SA/SEA/AA - EU Habitats Directive

No evidence in respect of the SEA/SA/HRA to support the representation.

Tests of Soundness

The Representer has indicated that the plan is unsound in respect of all ten Tests of Soundness

DESIRED CHANGES TO THE DEPOSIT LDP

- 1 The LDP should adopt a more visionary approach to the promoting of new public transport initiatives and the redirection of car use, especially in site-specific development briefs.
- 2 The Transport policies in the plan proposing road improvements should be reconsidered.
- 3 The Representation identifies a number of improvements required in public transport, including:
 - More frequent and faster bus services, including improvements to the following routes:
 Caerphilly - Cardiff
 Caerphilly - Pontypridd
 Penyrheol - Cardiff
 Senghenydd - Cardiff
 Caerphilly - Graig-y-Rhacca.
 - Examination of the train fare between Caerphilly & Cardiff.
 - Examination of bus fares.
 - Sunday morning bus services to/from Caerphilly are required.
- 4 The TraCC RTP Priorities should be integrated into the LDP
- 5 The former Caerphilly-Machen-Newport rail line be protected for future use.

COUNCIL ANALYSIS

Policy Context

The Representer contends that the LDP does not adopt a visionary enough approach to realising the WSP objectives as neither rail links to Cardiff from Taffs Well nor rail links to Newport from Machen are included in the LDP and the plan is too biased toward the car.

It must be acknowledged, however, that, without legislative intervention or the introduction of fiscal measures, car travel will continue to be the dominant transport mode for the majority of people who live and work within the county borough. Consequently it would be inappropriate for the LDP not to consider the problems and issues this may create. The LDP quite rightly identifies highways improvements where they are necessary, whilst also addressing the need to encourage modal shift and to provide better public transport, walking and cycling links to promote alternative modes.

Whilst the council does not disagree with the laudable aim of realising rail links to Newport from Machen and to Cardiff from Taffs Well (even if it is outside of the County Borough) it would be irresponsible for the LDP to adopt the more progressive approach suggested by the Representor, at the expense of addressing equally important highway, cycleway or pedestrian improvements.

In respect of identifying the proposed rail links, it should be noted that the LDP includes an allocation supporting the introduction of a passenger service to the Cwmbargoed line (TR2), which is identified in the Regional Transport Plan for further investigation. The Regional Transport Plan (RTP) is the overarching transport policy document for the County Borough. The RTP identifies appropriate proposals to improve the transport system, which have been subject to rigorous assessment against Welsh Assembly Government criteria. Neither of the Representor's proposed rail schemes have been identified in the RTP for the current programme, nor are either identified for further investigation for consideration in further programmes. Another Role of the RTP is to identify the proposals that will require funding, and then provided the basis for bidding for appropriate funding. Given that neither of the two schemes are included in the RTP, the likelihood of either of these schemes being realised during the plan period is extremely remote. Consequently the LDP does not allocate either of these proposals at the present time.

Whilst the LDP does not allocate either of these schemes, the council will undertake further work to investigate their feasibility and potential, with a view to considering promoting them through the revision of the RTP if appropriate. It would be appropriate for the LDP to acknowledge that this work will be undertaken.

In respect of the Representor's contention that the LDP contains insufficient public transport proposals, the LDP includes a number of policies addressing public transport provision. The LDP seeks the opening of a new line to passenger services, includes allocations for Park and Ride facilities at 4 locations and the introduction of 3 new rail stations as part of the overall transport policy. It is acknowledge that there are no direct policies relating to bus provision, but as outlined above the provision of bus services is a matter for SEWTA and their partners to address via other mechanisms and procedures. Whilst there are significant public transport services throughout the county borough, their improvement does not require land and consequently cannot be addressed through land-use policies. The LDP adequately addresses the issue of public transport and it would be inappropriate to include administrative actions as land-use policies.

There are many factors that will influence traffic levels over the plan period, including population increases and increasing car ownership levels. Whilst national guidance does seek to reduce the need to travel and to promote more sustainable forms of transport, the reality must be acknowledged that, without legislative intervention or the introduction of fiscal measures, car travel will continue to be the dominant transport mode for the majority of people who live and work within the county borough through the plan period.

Government projections of traffic levels show that urban roads will see increases in traffic over the plan period, as will all other forms of road. Given this, and the fact that the plan identifies land for new development throughout the Caerphilly Basin, there is a need to improve the strategic infrastructure in the area. The LDP proactively seeks to improve the highway infrastructure to ensure that it operates as efficiently as possible. The LDP includes schemes included within the RTP five-year programme as well as schemes that are being considered for implementation more locally through the introduction of planning obligations.

The Representor argues that the highway proposals are not consistent with either the LDP or with the environmental aims of WAG. The main principle for the LDP is, however, to contribute towards delivering sustainable development. In this respect the LDP has considered the environmental, economic and social implications of development, rather than focussing on environmental factors alone. This consideration is illustrated throughout the SEA/SA of the LDP, which realises positive impacts in respect of the strategic policies relating to highway improvement as well as benefits from the actual allocation policies themselves. It should be noted that an increase in the efficiency of bus services is often directly realised by improvement to the highway network upon which they operate.

The LDP has taken account of the Final Draft SEWTA RTP, which in turn has taken account of the transport aspects of both the Wales Spatial Plan and the Wales Transport Strategy. In doing so the RTP has taken all of the WSP and WTS objectives into consideration and these have also been incorporated into the LDP. In addition to this the LDP itself is required to take account of the WSP and WTS, as well as other documents such as the Wales Environment Strategy. It is clear, therefore, that the LDP is not inconsistent with the WAG land use objectives.

The LDP includes aims and objectives that seek to promote sustainable transport, whilst realising the most efficient use of the existing transport infrastructure. It is a corollary that highway improvements may be necessary to realise most efficient use and therefore the allocations in the LDP are consistent with the LDP and WAG objectives.

The Representor suggests the inclusion of four public transport improvements within the Caerphilly Basin area. However the amendments relate to the provision of bus services and the pricing policies of train and bus fares. Neither are land-use planning issues, both being administrative actions. It would therefore be inappropriate for the LDP to include them within a land-use policy.

Caerphilly is within the SEWTA regional area and it is the SEWTA RTP that is applicable to the Caerphilly County Borough area. However, the LDP is required to address cross border issues and take account of adjoining authorities' plans and strategies in developing its policy framework. TraCC is the Mid Wales regional transport body, which adjoins the SEWTA area along its northern boundary. As a result the Caerphilly LDP is required to take account of the TraCC Draft RTP in its preparation.

A Regional Transport Plan in turn has to take account of the relevant provisions of the Wales Spatial Plan (WSP) and the Wales Transport Strategy (WTS), as well as any other relevant documents at a national level, including incorporating their Priorities and Objectives. Both the TraCC and SEWTA RTP documents have taken on board the WSP and WTS Priorities and Objectives and consequently it is not surprising that there is significant similarity between the Priorities and Objectives set out in the respective RTPs, although the setting out and wording is differing.

Whilst the number of priorities differs between the TraCC and SEWTA RTPs, they are both addressing the same issues and generally setting out the same priority list, despite their drafting differences. The only issue that the TraCC RTP includes in its Priorities list that is omitted from the SEWTA list is adopting a partnership working approach to the provision of integrated transport. However, whilst not specifically addressing this, the SEWTA RTP seeks a collaborative approach, with its partners and stakeholders, in the provision of the transport system throughout the RTP document. Therefore it is clear that the RTPs set out the same Priorities.

With the LDP having taken account of the SEWTA RTP, including its Priorities, it naturally follows that the Priorities of the TraCC RTP have also been addressed in the preparation of the LDP.

In addition to this the South Wales Aggregate Working Party, in conjunction with WAG, published the South Wales Regional Technical Statement (SWRTS) in accordance with the provisions of MTAN 1. The SWRTS was published after the publication of the Deposit Plan so its provisions have not been considered by the LDP. The SWRTS sets out the strategy for the sustainable provision of aggregates for the South Wales region. The SWRTS recommends that the railhead serving Machen Quarry be safeguarded for future use for aggregate transportation. The rail line leading to the rail head would form part of any passenger line that was implemented in the future. Given its current requirement for freight (aggregates) transport and its future value for potential passenger services it is appropriate that the rail head and line be safeguarded.

Compliance with the LDP

Preferred Strategy

No evidence in respect of the LDP Strategy has been provided in support of the representation. Consequently there is no basis for the Inspector to amend the LDP.

SA/SEA/AA - EU Habitats Directive

No evidence in respect of the SEA/SA has been provided in support of the Representation. Consequently there is no basis for the Inspector to amend the LDP.

Tests of Soundness

The LDP has specific regard to national guidance in respect of this issue as it has taken account of the Regional Transport Plan, as required by national guidance. Whilst the Wales Spatial Plan sets out the broad parameters for transport in Wales, it is the Regional Transport Plan that provides the principal

guidance in respect of transport policies and allocations. Consequently the LDP is sound in respect of both tests C2 and C3.

The policy is a strategic policy that sets out the instances where improvements to the transport system could be considered. Whilst providing the overall framework for bringing schemes forward the policy does not specify the transport mode or even consider specific improvement proposals. Consequently the policy is not inflexible as it allows for differing schemes to be brought forward for any particular problem, so long as they accord with the policy criteria. Therefore the LDP is sound in respect of Test CE4.

The Representor implies that the LDP fails all 10 tests of soundness because the LDP has not been subject to appropriate public involvement. No evidence has been produced to justify this position or to identify where the LDP has not been produced in accordance with the Delivery Agreement. No evidence has been provided to substantiate why the LDP process and involvement/consultation exercises are so deficient as to warrant the whole process to be undertaken in its entirety again. The LDP has been produced in accordance with the Delivery Agreement, which sets out the Community Involvement Strategy (CIS) that will be implemented for the LDP. This was agreed by WAG on 4th May 2006.

Therefore there is no justification for the Inspector to amend the LDP

CONCLUSION

Whilst there is no justification to amend the policy to allocate the routes, an appropriate amendment to the wording of the strategy section of the SCC, to identify the council's intention to investigate the feasibility of the rail schemes, should be made.

The LDP has taken account of all of the relevant WAG documents, including their objectives and has been prepared in consideration of all three sustainability factors, environmental, social and economic, in accordance with national guidance.

In taking account of the provisions of the RTP the LDP has, by implication, also taken account of the TraCC RTP Priorities. As such it is not necessary to amend the LDP in this respect.

OFFICER RECOMMENDATION

1. **The LDP be amended to include following at the end of paragraph 3.187:**

“In addition to this the council will investigate the feasibility of new passenger rail links from Caerphilly to Taffs Well and from Trehir to Machen and Newport, with a view to promoting their inclusion in the first review of the RTP if appropriate.

And that the Council recommend to the Planning Inspector that the LDP be amended to include the following new policy safeguarding the Machen Quarry railhead and associated freight rail line in the Southern Connections Corridor:

“TR10 The existing railhead and rail line serving Machen Quarry are safeguarded for freight use.

3.255 The South Wales Regional Technical Statement recommends that the railhead and line serving Machen quarry be safeguarded to facilitate the future operation of the quarry and facilitate rail transport for the aggregate. Given the potentially intermittent operation of minerals workings, safeguarding the rail route to protect it for freight use during periods of mineral activity will ensure that continued availability of the rail transport for mineral aggregate will continue. In addition to this the council will investigate the feasibility of new passenger rail link from Trehir to Machen and Newport, which could utilise this rail line, and protecting the line would facilitate this as well.”

2. That a recommendation be made to the Planning Inspector that no change should be made to the LDP in respect of the other representations.

Reason for Recommendation

- 1 The proposed change is not substantive but would clarify the council's future actions in this area. The proposed amendment is minor, does not require assessment under SEA/SA or HRA and its inclusion would not affect the soundness of the plan.
- 2 For the reasons outlined in the Council analysis above.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

SP22 – Transport Requirements for Development

Representation Type – Deposit Stage

154.D2	Mr Christopher Brimble	Object	Realisation of this policy aim in the LDP proposals is weak.
2500.D4	P D Edenhall Ltd	Support	Support Policy SP22.

SUMMARY OF REPRESENTATIONS

The realisation of this policy aim is weak. There is not enough vision in support of the Wales Spatial Plan / PPW regarding the SE Wales urban network, especially in respect of re-opening rail links to Cardiff and Newport via Taffs Well and Machen. There is still a significant bias toward the car in the way proposals are presented.

COMPLIANCE WITH THE LDP

Preferred Strategy

No evidence in respect of the LDP strategy has been submitted to support the other objections.

SA/SEA/AA - EU Habitats Directive

No evidence in respect of the SEA/SA/HRA to support the representation.

Tests of Soundness

The Representor identifies that the LDP is unsound in respect of Tests C2, C3 and CE4 on the grounds that the changes will allow for long-term flexibility and it promotes the procurement of a wider regional rail network that better tackles car dependent behaviour.

DESIRED CHANGE TO THE DEPOSIT LDP

The LDP should adopt a more visionary approach to the promoting of new public transport initiatives and the redirection of car use, especially in site-specific development briefs.

COUNCIL ANALYSIS

Policy Context

The policy distils the guidance set out in TAN18 – Transport into four criteria that seek to ensure sustainable development through early consideration of sustainable transport factors. The policy does seek to promote public transport over the car, which accords with the tenet of the objection. The policy actually seeks to ensure developments that incorporate transport in hierarchical way, with the car being the last consideration, not the first. Consequently the Representors assertion that the policy is car biased is refuted.

The policy does not seek to provide a framework for the identification of transport improvements, but seeks to ensure developers design their developments to incorporate sustainable transport. It would be inappropriate for the policy to address one mode of travel in particular over any other and

consequently the policy should not highlight rail transport over other more sustainable modes.

Compliance with the LDP

Preferred Strategy

No evidence in respect of the LDP Strategy has been provided in support of the representation. Consequently there is no basis for the Inspector to amend the LDP.

SA/SEA/AA - EU Habitats Directive

No evidence in respect of the SEA/SA has been provided in support of the Representation. Consequently there is no basis for the Inspector to amend the LDP.

Tests of Soundness

The LDP has specific regard to national guidance in respect of this issue as it has taken account of the Regional Transport Plan, as required by national guidance. Whilst the Wales Spatial Plan sets out the broad parameters for transport in Wales, it is the Regional Transport Plan that provides the principal guidance in respect of transport policies and allocations. Consequently the LDP is sound in respect of both tests C2 and C3.

The policy is a strategic policy that sets the requirement for developers to design-in sustainable transport into their layouts through early consideration in the design process. The policy addresses all modes of travel and, being strategic in nature, provides an overarching requirement that is sufficiently flexible to meet changing circumstances. Therefore the LDP is sound in respect of Test CE4.

CONCLUSION

There is no justification for an amendment to be made to the LDP as a result of this representation.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the other representations.

Reason for Recommendation

For the reasons outlined in the Council analysis above.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

SP25 – Community, Leisure and Education Facilities

Representation Type – Deposit Stage

2012.D17	Caerphilly Greendoorstep	Object	Object to the imbalance between population and recreation.
4247.D2 4274.D4	The Theatres Trust Caerphilly & District Miners	Support Support	Support SP25 Support paragraph 1.99 and SP25

SUMMARY OF REPRESENTATIONS

Object to Policy SP25 as:

- The plan is not sustainable because of the imbalance between population and recreation.
- Anticipated leisure facilities have not been developed, and land allocated for leisure has instead been allocated for housing.
- The standard measure for Outdoor Recreation space is the NPFA minimum standard of 2.4 ha per 1,000 population: on this basis, there is a shortfall in the Caerphilly Basin of 61 ha.
- The continued increase in population and loss of leisure sites and facilities is not sustainable.

Support Policy SP25 as;

- Community facilities, leisure and education facilities can facilitate health promotion as well as contributing to combating social exclusion and developing communities.
- The policy supports the protection of sites that are suitable for community and health facilities
- The policy restricts the level of housing that would be built on sites suitable for community and health facilities.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the Representor with regards to the conformity with the Preferred Strategy or the SA/SEA/AA/Habitats.

The plan does not comply with tests of soundness P1, P2, C1, C2, C3, C4, CE2, CE4 the Deposit Plan must be withdrawn, and a full Community Involvement Scheme carried out with early and ongoing input from the public and Caerphilly County Borough Councilors.

COUNCIL ANALYSIS

Plan is unsustainable

The Representor considers that the plan is not sustainable because of the imbalance between population and recreation and the continued increase in population and loss of leisure sites and facilities.

Planning Policy Wales recognises the importance of sport and recreation and the contribution that it makes to the quality of life and it promotes a more sustainable pattern of development by creating and maintaining networks of facilities and open spaces, social inclusion, improved health and well-being

and the provision of innovative, user-friendly, accessible facilities (para 11.1.3). In response, the LDP has set out a strategic approach to the provision and enhancement of well designed tourist, sport, recreational and leisure facilities in the area, considering the scale and broad distribution of facilities and the environmental, economic and social implications of likely future change in line with the requirements of PPW.

Strategy Policies

Policy SP20 requires the Council to protect important networks of public open space, natural green space and recreational facilities from inappropriate development. Policy SP25 safeguards suitable land for development of community, leisure and educational facilities in order to ensure that an adequate network of provision can be made at accessible locations throughout the County Borough.

County Wide Policies.

Policy CW10 Protects existing areas of open space within settlements and Policy C11 protects Community and Leisure facilities, whilst Policy CW 13 requires all new housing sites of 10 or more dwellings to make adequate provision for useable open space, children's play facilities and adequate outdoor sport provision. In addition Policy CW 26 allows for the preparation of Supplementary Planning Guidance to complement and amplify the leisure policies contained in the plan.

Area Specific Policies

At the local level, Protection Policies LE1 Open Space and Parkland, LE3 Country Parks, LE5 Informal Open Space seeks to protect those areas that are valuable in terms of the contribution they make in their own right to the quality of life of towns and villages across the county borough and as valuable areas for leisure and recreation.

Background Paper 10 Leisure

The paper provides the evidence base to support the allocations contained within the plan. In the main these have been based on various factors such as current and future funding, projects and schemes, such as new schools and residential developments planned, and the current and known future programme of works of the Council and its Partner organisations.

Delivery and Maintenance

The provision of new facilities and indeed the retention of existing facilities are dependent on funding not only for the initial provision, but also for the continued maintenance and upkeep of the facility. An indication of the delivery and implementation of the identified facilities within the plan are addressed within Appendix 20. The provision of some facilities will also be dependent on legal agreements

Allocated leisure land being used for housing

The Representor considered that anticipated UDP leisure facilities have not been developed, and the land allocated for leisure in the UDP has instead been allocated for housing in the LDP in the Caerphilly Basin.

There have been no LDP housing allocations that have replaced UDP leisure allocations in the Caerphilly basin. Only the UDP allocation L4.4 – Land at Virginia Park has not been carried forward to the LDP, but this has not been allocated for housing. LE4.4 in the UDP is Caerphilly leisure centre, and the leisure centre is now protected under strategic *policy SP20 – Protection of Strategic Leisure Network* and no longer requires to be specifically identified within the plan as a leisure allocation. On the contrary to the Representor’s statement that leisure land has been lost, there has actually been an increase in leisure land, including a new leisure allocation at LE4.11 – Former Bedwas Colliery Site and LE2.2 – Bedwas Community Park, which is a drastically increased area of leisure land that was previously allocated within the UDP as L6 (7) – Bedwas Riverside Park.

Shortfall in leisure provision

The Representor considers that there is a shortfall of 61ha of outdoor recreation space, when you apply the NPFA standards in the Caerphilly Basin.

Planning Policy Wales states that development plans “*set standards of provision so that local deficiencies can be identified and met through the planning process*” (Para 11.2.3). TAN 16 states that the NPFA standards (which have now been replaced with the ‘Fields in Trust’) has prepared ‘Benchmark Standards’ which “*should be helpful for authorities formulating local standards of provisions*” (Para 2.9)

The level of current and future outdoor recreational space within Caerphilly County Borough Council was assessed as part of the preparation of the LDP and forms part of the evidence base (Refer to Background Paper 10). The provision was assessed initially on a ward basis having regard for existing and proposed development schemes and then on a catchment basis. It is considered that a catchment analysis is more appropriate as an analysis by ward does not take into account the natural catchment areas for facilities, as people will use their nearest facility regardless of ward boundaries. As a result of this analysis Leisure Services identified the areas where there is an existing or future shortfall in provision and thus a need for land to be identified for the provision of new facilities. This need has been reflected in the leisure allocations in the LDP.

Any continuing shortfall in provision will be assessed and reviewed in line with the new FIT ‘benchmark’ standards and addressed where necessary during the first review of the plan.

Test of Soundness - Community Involvement Scheme

The Representor states that a full Community Involvement Scheme was not carried out, with no early and ongoing input from the public and Caerphilly County Borough Councilors.

To ensure a transparent and open planning process, the Local Planning Authority are required to prepare a Community Involvement Scheme (CIS) as part of the preliminary stages of the plan preparation, as stated in the LDP Regulations (part 2). The purpose of the CIS is to engage a wide range of

communities, and interested individuals in addition to specific consultee bodies and the elected members in the decision making process.

As part of the delivery agreement (DA) that was prepared for the LDP, a community involvement scheme was prepared. The CIS details how the community will be involved, who will be involved and the role each stakeholder will be expected to play. It is recognised that community involvement will take place at every stage of the development plan process and they will need to be reviewed after each stage.

CONCLUSION

The plan is not considered to be unsustainable on the basis of the proposed provision of leisure and recreational facilities within the plan. It is acknowledged that there is a shortfall in the current provision of these facilities in some areas of the County Borough, but the LPA will endeavour to address these shortfalls through the plan and other mechanisms such as planning obligations. These shortfalls will be assessed and reviewed in line with the new FIT 'benchmark' standards and addressed and amended where necessary during the first review of the plan.

A full Community Involvement Scheme was prepared as part of the delivery agreement and the LPA have complied with the CIS that was submitted to and agreed by the Welsh Assembly Government.

OFFICER RECOMMENDATION

That the Council recommend to the Planning Inspector that no change be made to the plan and the plan is not withdrawn.

Reason for Recommendation

The LPA have followed and complied with all of the advice and guidance set out in the LDP regulations, the LDP manual, PPW and TANs as required by the Welsh Assembly Government, and as such the plan is considered to be sound.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

COUNTYWIDE POLICIES

CW1 – Sustainable Buildings**Representation Type– Deposit Stage**

415.D2	Design Commission for Wales	Object	Object to the exclusion of reference to zero carbon targets.
697.D9	Ashtenne Industrial Fund Ltd	Support	Supports CW1.
846.D6	Environment Agency	Object	Object to exclusion of reference to surface water run-off.
1492.D1	Home Builders Federation	Object	Object to the requirement for a Code for Sustainable Homes Assessment.
1492.D15	Home Builders Federation	Object	Object to the requirement for a Code for Sustainable Homes Assessment.
3962.D2	Dwr Cymru/ Welsh Water	Support	Supports CW1.
4114.D1	Ms Anne Meikle	Object	Objects to the requirements of the policy, it should be strengthened.
4141.D6	Mr Mark Tebboth	Object	Objects to the requirements of the policy, it should be strengthened.
4304.D3	Caerphilly County Borough Council	Object	Objects to the requirements of the policy, it should be strengthened.

SUMMARY OF REPRESENTATIONS**Deposit Stage**

Object to Policy CW1 Sustainable Buildings as:

- Consideration should be given to WAG aspirations for all new buildings to be zero carbon by 2011.
- The policy should be strengthened to encourage the positive management of surface water runoff and water quality.
- It would not be reasonable to request a 'Code' assessment at planning application stage.
- It does not take account of development viability and does not reflect national guidance.
- It is considered that the policy is not based on a robust and credible evidence base and does not relate to emerging national policy on sustainable buildings.
- The policy is too undefined to achieve its objective, and fails to provide sufficient clarity to developers.
- The standard expected of development should be BREEAM 'Excellent' rather than 'Very Good.'
- It is considered that the Policy should be amended to conform to the standards being promoted by the Energy Savings Trust.

- It is considered that the LDP requirements for achieving the Code for Sustainable Homes are amended to conform with the timetable set out by the England and Wales pathway to zero carbon homes which identifies:
 - 2010 Code Level 3
 - 2013 Code Level 4
 - 2016 Code Level 5.

Support for Policy CW1 Sustainable Buildings as;

- The policy supports best practice in sustainable construction.
- The assessment to accompany each planning application for residential development, specifically in reference to water conservation and efficiency measures would help to reduce water consumption, energy bills and discharges to public sewers.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the Representor with regards to the conformity with the Preferred Strategy or the SA/SEA/AA/Habitats.

The Representor considers the plan not to comply with tests of soundness C1, C2, CE2, CE3 and CE4 and the recommended changes will meet the tests of soundness by ensuring that the Plan is in line with Planning Policy Wales and the Water Framework Directive. It would also ensure that the strategic policies and realistic and appropriate in light of the findings of the evidence base.

The wording within this paragraph has no clear mechanism for implementation due to the issues described within this representation. Implementing the suggested changes within this representation would satisfy Soundness Test CE3.

COUNCIL ANALYSIS

Policy Context

Ministerial Interim Planning Policy Statement 01/2009: Planning for Sustainable Buildings was published by the Welsh Assembly Government in May 2009. The MIPPS provides a new section 2.12 of Planning Policy Wales

The MIPPS seeks to mitigate and adapt to the causes of climate change with a focus on buildings, and an overall aspiration to secure zero carbon buildings, while continuing to promote a range of low and zero carbon (LZC) technologies as a means to achieve this.

The Welsh Assembly Government through the MIPPS requires the local planning authority to move towards more sustainable and zero carbon buildings by expecting the following mandatory requirements to be met:

- Applications for 5 or more dwellings received **on or after the 1st September 2009** to meet Code for Sustainable Homes Level 3 and obtain 6 credits under *Ene1 – Dwelling Emission Rate*

- Applications for 1 or more dwellings received **on or after 1 September 2010** to meet Code for Sustainable Homes Level 3 and obtain 6 credits under *Ene1 – Dwelling Emission Rate*
- Applications for non-residential development, which will either have a floorspace of 1,000sqm or more, or will be developed on a site of one hectare or more will have to obtain BREAAAM 'Very Good' and 'Excellent' under issue *Ene1 – Reduction of CO2 Emissions on or after 1st September 2009*.

The MIPPS requirements apply to outline and full planning applications submitted after the relevant dates, as outlined above, and to reserved matters applications where the relevant outline planning permission was granted in respect of an application submitted after this date.

(Draft) Technical Advice Note 22: Planning for Sustainable Buildings sets out the procedure and practical guidance for implementing the requirements of the MIPPS. This document is currently a consultation document so amendments maybe made to the final document in light of the comments received by WAG.

Deletion of Policy

As a result of the publication of *MIPPS 01/2009*, Policy CW1 Sustainable Buildings now directly repeats what is contained within national policy and guidance. The continued inclusion of the policy in the plan would result in the plan becoming unsound.

CW1 was included within the Deposit LDP plan before the Welsh Assembly Government issued the above guidance, in order to address the issue of sustainable buildings and developments. However given the change in national guidance there is no longer a need for this policy to be retained within the plan.

Concerns expressed by Representors

Given the officer recommendation below to delete Policy CW1 as a consequence of the publication of new national guidance the concerns raised by the Representors in respect of this Policy are not responded to.

OFFICER RECOMMENDATION

That the Council recommend to the Planning Inspector that policy CW1 is deleted from the plan.

Reason for Recommendation

The inclusion of the policy in the plan would result in the repetition of national policy and guidance that has recently been published by the Welsh Assembly Government.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

CW2 - Sustainable Transport, Accessibility and Social Inclusion

Representation Type – Deposit Stage

4141.D8	Mr Mark Tebboth	Comment	Comment on how public transport could be provided and improved as part of development.
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SUMMARY OF REPRESENTATION

Support for the general intentions of the policy but the following issues should be emphasised:

1. The location of developments should minimise the need for car travel
2. New development should ensure excellent access for walking, cycling and public transport.
3. Infrastructure needs to be implemented early to encourage low carbon lifestyles.

Furthermore the LDP should consider how:

4. Public transport should be provided/improved as part of major developments.
5. Street and site design should facilitate walking and cycling, providing safe routes
6. Cycle and walking links between developments and facilities should be provided
7. Car parking provision should be made to reduce car use.

COMPLIANCE WITH THE LDP

No evidence has been submitted in support of the representation relating to the LDP strategy, the SEA/SA or the Tests of Soundness.

DESIRED CHANGE TO THE DEPOSIT LDP

That greater emphasis is made in the policy to promoting alternative transport modes and reducing car use.

COUNCIL ANALYSIS

Policy Context

The new style of development plan reflected in the LDP seeks not to deal with land use topic based policies, but instead focuses on issues. The LDP also adopts a hierarchical approach to the policy framework, starting with Strategic Policies that set out overarching policy applicable to all relevant development, then County Wide Policies that sets out more detailed policy for all forms of development, and finally the area based policy that is spatially based.

Policy CW2 is a County Wide policy that addresses the issue of sustainable transport and accessibility & social inclusion (from a transport perspective). However this is not the only policy that relates to transport provision and how it addresses sustainable development. The Strategic policy that provides the overarching policy is policy SP 22, which sets out the sustainable transport framework for all forms of development, encompassing safe routes, reducing car borne travel and promoting alternative transport modes. In addition to

this, policies SP2 and SP3 specifically seek to reduce car borne trips within the Northern and Southern Connections Corridors by promoting sustainable transport. Policy CW2, in conjunction with parts of policy CW6, then expands upon the Strategic Policy. Finally policies TR1, TR3 and TR4 provide for improvements to alternative modes of transport within the strategy areas.

This policy framework is considered to adequately cover the issues that are alluded to by the Representor. It is not felt that any additional emphasis is required as the principle of sustainable transport is set out in the Strategy policies and then subsequently covered in the other policy layers.

Compliance with the LDP

There is no basis for the Inspector to consider a change to the LDP under the LDP Strategy, the SEA/SA or the Tests of Soundness.

CONCLUSIONS

The issue of sustainable transport is adequately covered in the LDP and it is not considered necessary to make amendments to introduce greater emphasis for any of the policy issues.

OFFICER RECOMMENDATION

That a recommendation be made to the Planning Inspector that no change should be made to the LDP in respect of this representation.

Reason for Recommendation

For the reasons outlined in the Council analysis above.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

CW4 – General Design Considerations**Representation Type – Deposit Stage**

154.D4	Mr Christopher Brimble	Object	Due weight not given to high quality design
415.D4	Design Commission for Wales	Object	Amend term 'design statements' to 'Design and Access Statements'

SUMMARY OF REPRESENTATIONS

- One representation seeks to amend the policy to refer to “Access and design Statements” rather than just Design Statements.
- One representation objecting that the policy does not give due weight to the importance of high quality design and is highly unlikely to facilitate better-designed environments in developments.

COMPLIANCE WITH THE LDP

No evidence has been submitted in support of the representation relating to the LDP strategy, the SEA/SA or the Tests of Soundness.

DESIRED CHANGE TO THE DEPOSIT LDP

1. The LDP refer to “Access and Design Statements” rather than just “Design Statements”.
2. The policy is amended to place more emphasis on the importance and relevance of high quality design in the procurement of sustainable and healthy environments.

COUNCIL ANALYSIS**Policy Context**

The policy seeks to require Design and Access statements to be submitted as part of all planning applications. This is now a legislative requirement and guidance on Design and Access Statements has been published. The current policy repeats national policy and therefore, it should be deleted from the LDP.

Compliance with the LDP

There is no basis for the Inspector to consider a change to the LDP under the LDP Strategy, the SEA/SA or the Tests of Soundness.

CONCLUSION

The policy repeats national policy and should, therefore, be deleted from the plan.

OFFICER RECOMMENDATION

That the Council recommend to the Planning Inspector that Policy CW4 be deleted from the LDP.

Reason for Recommendation

The policy repeats national policy and its deletion does not affect the soundness of the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

CW5 – General Design Considerations**Representation Type – Deposit Stage**

154.D5	Mr Christopher Brimble	Object	Due weight not given to high quality design
4141.D7	Mr Mark Tebboth	Object	Amend policy to include criterion on energy efficiency
415.D3	Design Commission for Wales	Object	No reference made to design SPG
415.D5	Design Commission for Wales	Object	Reference to 'Architectural detailing' required
1056.D18	Countryside Council for Wales	Support	Support policy CW05.
1593.D14	Gwent Wildlife Trust	Support	Support policy CW5
2215.D14	Wildlife Trust of South & West Wales	Support	Support policy CW5 General design Considerations
697.D10	Ashtenne Industrial Fund Ltd	Support	Support for Policy CW5 General Design Considerations

SUMMARY OF REPRESENTATIONS

- One representation objecting that the policy does not give due weight to the importance of high quality design and is highly unlikely to facilitate better-designed environments in developments.
- One representation that objects to the omission from the policy of requirements that could reduce energy demand and generate renewable energy. It is argued that the SEA/SA assessment of Policy CW1 supports this by requiring other policies to include contributory factors that would help realise the aim of policy CW1 (sustainable development).
- One representation objecting to the omission of references to SPG to support the policy
- One representation objecting to the omission of architectural detailing from the list of factors in criterion A
- Four representations supporting the policy, one of which is supporting the policy to provide weight to other representations seeking the inclusion of a candidate site E375 for housing and its deletion from employment protection allocation EM2.24

COMPLIANCE WITH THE LDP**Preferred Strategy**

No direct evidence has been provided to justify the inclusion of the sites based upon the LDP Strategy

SA/SEA/AA - EU Habitats Directive

No information has been submitted to justify the allocation of the sites based upon the SA/SEA or AA, although one representation uses the Council assessment of policy CW1 as grounds for their objection.

Tests of Soundness

Only two representations have addressed the Tests of Soundness and tests CE2, on the grounds that the policy would be more in line with emerging National Policy, and CE3, on the grounds that the policy is open to subjective interpretation by officers who do not have the necessary skill and training.

DESIRED CHANGES TO THE DEPOSIT LDP

1. The policy is amended to place more emphasis placed on the importance and relevance of high quality design in the procurement of sustainable and healthy environments.
2. Inclusion of layout and design factors that could reduce energy requirements and promote renewable energy generation.
3. Inclusion of references to SPG to support the policy.
4. Inclusion of architectural detailing in criterion A

COUNCIL ANALYSIS

Policy Context

It is agreed that high quality design is essential to realising sustainable and healthy environments and the LDP sought to ensure that high quality design was an important consideration for development proposals. However, paragraph 7.3.3 of the Local Development Plan Manual requires that LDPs do not repeat national policy and guidance in their policies. The issue of design is exhaustively covered by TAN 12 – Design and MIPPS 01/2008 – Planning for Good Design, whilst design issues in respect of energy reduction and renewable energy production are covered by MIPPS 01/2009 – Planning for Sustainable Buildings. The current policy repeats this guidance and therefore, it should be deleted from the LDP.

Compliance with the LDP

Preferred Strategy

No information has been submitted to justify the amendments to the policy based upon the LDP Strategy. Consequently there is no basis for the Inspector to consider a change to the LDP under the LDP Strategy.

SA/SEA/AA - EU Habitats Directive

One representation has cited the SEA/SA assessment of policy CW1 to seek to justify the inclusion of detailed design factors in to the policy. The initial assessment of policy CW1 was undertaken against a criteria-based policy, which identified only certain specific criteria relevant to the topic aim of addressing sustainable design and construction. In assessing the policy the SEA/SA concluded, only naturally, that other related criteria would need to be identified in other policies to ensure coverage of the whole design spectrum. However, during the later preparation and refinement of the emerging Deposit LDP the policy was changed to reflect both the BREEAM standards and the emerging Code for Sustainable Homes Standards that relate specifically to the design and layout of sustainable developments. Given the overarching nature of both BREEAM Standards and Code For Sustainable Homes Standards, the need to identify criteria in other plans no longer applies.

No information has been submitted to justify the amendments to the policy based upon the SA/SEA or AA and no SEA/SA or AA assessments of the proposed amended policy have been submitted.

Tests of Soundness

It has been argued that the policy is not realistic or based upon credible evidence as it stands, as the policy does not accord with national policy. The LDP Manual advises that national policy should not be replicated in LDPs unless there is a requirement for interpretation at a local level. In this instance there is no local interpretation required and consequently the LDP is correct in not including factors that are otherwise dealt with in national guidance.

It has also been argued that the policy has no clear mechanisms for its implementation, as the policy is open to subjective interpretation by officers that may not have the necessary skills and training. As outlined above the policy is only part of a wider policy framework that covers the gamut of design issues. It is the complete framework that provides sufficient detail to enable consistent and considered objective deliberations to be made. In respect of training of officers involved in the development process that is not within the remit of the LDP and it would be inappropriate for a development plan to include amendments on this basis.

Overall there is no basis for the Inspector to consider a change to the LDP under the Test of Soundness

CONCLUSION

The policy repeats national policy and should, therefore, be deleted from the plan.

OFFICER RECOMMENDATION

That the Council recommend to the Planning Inspector that Policy CW5 be deleted the LDP.

Reason for Recommendation

The policy repeats national guidance and its deletion does not affect the soundness of the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

CW7 – Design Considerations: Telecoms Apparatus**Representation Type – Deposit Stage**

215.D1	Mobile Operators Association	Support	CW7 in accordance with TAN19.
4045.D22	Envirowatch UK	Object	Include new criterion dealing with redundant telecoms facilities.

SUMMARY OF REPRESENTATIONS

The policy was supported as it is considered to be in accordance with TAN19.

An objection was submitted in relation to Policy CW7, on the grounds that it makes no provision for the eventuality of telecommunications structures or apparatus becoming redundant, or the associated remediation of such sites.

COMPLIANCE WITH THE LDP

No evidence was submitted in relation to the LDP Strategy, the tests of soundness, the SA/SEA or the AA – EU Habitats Directive.

DESIRED CHANGE TO THE DEPOSIT LDP

That the following criterion be inserted within Policy CW7:

“When structures and ancillaries become redundant, they must be removed and the site restored to original, green land, or, if in an urban area, suitably restored.”

COUNCIL ANALYSIS

TAN19 (Telecommunications) is the relevant piece of national policy in relation to CW7. It states that development plans should take account of the need to minimise the impact of development, in particular to protect the most sensitive environments, and may include policies in relation to the siting and design of telecommunications apparatus and its impact on amenity.

Much activity involving the installation of telecommunications equipment is regarded as permitted development, although there is a prior notification procedure that the operators must follow before carrying out the development. That notification allows the LPA to decide whether prior approval is needed for the development, but even if that is the case, only the siting and design of the proposal can be considered. Consequently, the extent to which the Council can control and influence such activity is limited compared to other forms of development.

Nevertheless, the Council has complied with the guidance contained in TAN19 by setting out design considerations for those categories of telecommunications development that fall within the remit of the planning system. It is considered that those criteria presently contained within CW7 adequately address the issues of design and amenity.

The inclusion of an additional criterion requiring the removal of redundant apparatus and structures, whilst influenced by a laudable sentiment, is

considered overly restrictive. For example, there may be instances where such structures could better be put to some beneficial after-use, rather than removed, especially when it is considered that the policy in its current form will ensure that such development will be acceptable from a design and amenity perspective in the first place. Of course, there will be occasions when it would be desirable for removal to take place. However, it is felt that this is better undertaken through the imposition of conditions when planning permission is granted. Policy CW7, as good development plan policies should, achieves the right balance in terms of exercising control over development whilst, at the same time, allowing professional discretion and judgement to play their part in the creation of a sustainable and well-designed built environment.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change be made in respect of Policy CW7.

Reason for Recommendation

It has not been demonstrated that the provisions of Policy CW7, in its current form, contravenes any of the ten tests of soundness.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

CW8 – National Heritage Protection (Semi-Improved Grassland)**Representation Type – Deposit Stage**

1593.D25	Gwent Wildlife Trust	Object	Object to Semi-Improved grassland being omitted from the plan.
2215.D25	Wildlife Trust of South & West Wales	Object	Object to Semi-Improved grassland being omitted from the plan.

SUMMARY OF REPRESENTATIONS**Deposit Stage**

The Representor objects to the omission of a semi-improved grassland from the housing allocation summaries in Appendix 7.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the Representor with regards to the conformity with the Preferred Strategy, the SA/SEA/AA/Habitats or the Tests of Soundness.

COUNCIL ANALYSIS

The Representor objects to the loss of semi-improved grassland that would result from the housing allocations as many of the site briefs do not contain reference to the biodiversity interest, the loss of this semi-improved grassland represents a significant loss of a Section 42/ LBAP priority habitat and no compensation or mitigation has been proposed in the site briefs.

Housing Allocation Briefs

The housing allocation briefs contained with Appendix 7 are a very brief description of the housing allocations contained within the plan. They are not intended to provide all the details and constraints associated with the site and are not a full site brief detailing the authorities view and vision for the development of the site. The inclusion of reference to biodiversity issues would constitute unnecessary detail at this stage.

Appendix 8 also makes specific reference to what survey requirements are needed for the identified housing sites within the plan, which includes full ecological surveys.

Loss of Section 42 habitats/LBAP habitats

Whilst it is recognised that semi-improved grassland is an important biodiversity habitat, as identified under section 42 of the NERC Act and the Local Biodiversity Action Plan, the LDP is a land use plan and the protection of individual habitats such as semi-improved grassland, would be considered as unnecessary detail for inclusion within a policy setting. Appendix 5, SINC, does however identify the primary and secondary qualifying features, which in some instances may include semi-improved grassland. All housing sites will be assessed through the planning application process, which would include assessments for biodiversity interests, including semi-improved grassland. Where it is felt necessary to compensate or mitigate against the loss of semi-

improved grassland as a consequence of development, this would also be dealt with during the planning application process.

Policy CW8: Natural Heritage Protection seeks to protect the natural heritage of the County Borough. The policy refers to “*locally designated natural heritage features*” within the County Borough. It is not considered necessary to identify individual habitats or species within the policy or the plan as the term natural heritage covers the geology, geomorphology, biodiversity, landscape and amenity value of the County Borough, including semi-improved grassland. It is therefore, not considered necessary to make specific reference to ‘Semi-improved grassland’.

CONCLUSION

It is considered that whilst ‘semi-improved grassland’ is not specifically mentioned in the plan in terms of its protection, mitigation or compensation to the loss of, it is considered that it has been sufficiently addressed under Policy CW8 in the plan along side the other important local heritage features, as recommended by national guidance.

OFFICER RECOMMENDATION

That the Council recommend to the Planning Inspector that no change be made to the plan.

Reason for Recommendation

The changes would repeat unnecessarily what is already contained within Policy CW8.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

CW8 – Natural Heritage Protection**Representation Type – Deposit Stage**

1056.D19	Countryside Council for Wales	Object	Object to the omission of habitat connectivity reference.
1056.D48	Countryside Council for Wales	Support	Support policy CW8.
1593.D15	Gwent Wildlife Trust	Object	Objects to the omission of Species and Habitats of Principle Importance.
1593.D16	Gwent Wildlife Trust	Object	Objects to the omission of the requirement to conduct surveys.
1844.D5	Miller Argent (South Wales) Ltd	Object	Object to criterion B of CW8.
2215.D15	Wildlife Trust of South & West Wales	Object	Objects to the omission of Species and Habitats of Principle Importance.
2215.D16	Wildlife Trust of South & West Wales	Object	Objects to the omission of the requirement to conduct surveys.
4045.D23	Envirowatch	Object	Object to omission of wetlands reference.
4045.D24	Envirowatch	Object	Object to wording of criterion B (ii)
4045.D27	Envirowatch	Object	Object to omission of reference to protected species.
4117.D1	Forestry Commission	Object	Object to wording of criterion A wording.
4203.D17	The Coal Authority	Object	Object to the omission of restoration reference.

SUMMARY OF REPRESENTATIONS

The Representer objects to CW8 as:

- The policy should refer to habitat connectivity and the need to protect and enhance important landscape features in line with Reg. 37 of the Conservation (Natural Habitats) Regulations 1994.
- Species and Habitats of Principle Importance for the Conservation of Biological Diversity in Wales, which are afforded the same degree of protection as local priority species and habitats are omitted from the policy.
- The representer objects to the omission of the requirement to conduct the necessary surveys for biodiversity interest prior to the development of the site.
- The wording of Criterion A is too restrictive. The wording of Criterion A should be amended to read: " ... *where they would not cause unacceptable harm to the main characteristics of designed SLAs or VILLs.*"

- Criterion A should be amended to read “*Where they either maintain, enhance or offer the potential to restore the characteristics of designated special landscape areas (SLA)*”
- Policy CW8 Criterion B should be reworded to read: “*Where the need for the development outweighs the ecological importance of the site, and where harm is minimised by mitigation measures and offset as far as practicable by compensation measures designed to ensure there is no reduction in the overall nature conservation value of the area or feature.*”
- Object to Criterion B (ii) as wording is not complete.
- The policy should refer to protection of wetland habitats to accord with the Birds and Habitats Directive.
- There is no reference to the population of bats or how it will not cause loss of their resting, breeding and foraging habitat in requirement of the Habitat Directive Annex 4 on species protection.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the representor with regards to the conformity with the Preferred Strategy or the SA/SEA/AA/Habitats.

The representor considers the plan not to comply with tests of soundness C2, CE2 and CE4 as the changes would ensure that the policy would be more reasonable and appropriate when considering development proposals in SLAs and VILLs.

COUNCIL ANALYSIS

Habitat Connectivity

The Representors object to the omission of the reference to ‘Habitat Connectivity’ within the policy. The term ‘Habitat Connectivity’ can also be referred to as ‘Ecological Networks’, ‘Green Networks’, ‘Green Corridors’, ‘Stepping Stones’, ‘Wildlife Corridors’. Currently, there is no recommended term of reference at either a national or local level. The Deposit plan has chosen to use the term ‘Green Corridors’ within the plan, as explained in paragraph 4.6.5 of Background Paper 2: Natural Heritage. ‘Green Corridors’ are specifically mentioned under policy CW8: Natural Heritage Protection.

Wetlands

The Representors object to the omission of the reference to ‘Wetlands’ within the policy. The policy refers to “locally designated natural heritage features” within the County Borough. It is not considered necessary to identify individual habitats or species within the policy or the plan as the term natural heritage covers the geology, geomorphology, biodiversity, landscape and amenity value of the County Borough, including Wetlands. It is therefore, not considered necessary to make specific reference to ‘Wetlands’.

Protected Species

The representor’s object to the omission of the reference to protected species within the policy.

The Welsh Assembly Government LDP preparation guidance, namely the ‘Local Development Plan Manual, June 2006’ states that the “*LDP should not*

replicate national policy (in PPW, MPPW and Ministerial Interim Planning Policy Statements (MIPPS)) unless it requires to be interpreted at the local level” (page 43).

Statutorily designated sites (i.e. Special Areas of Conservation, Sites of Special Scientific Interest) and European Protected Species are protected by European and National Legislation (Council Directive 92/43/EEC of 21 May 1992, the Wildlife and Countryside Act 1981, as amended by the Countryside Rights of Way Act, 2000) and Welsh legislation and guidance (Planning Policy Wales 2002, Technical Advice Note 5: Nature Conservation and Planning and Draft Technical Advice Note 5: Nature Conservation and Planning).

The Planning Policy Wales Companion guide also states that *“PPW sets out clear statements of national development control policy which should not need to be repeated as a local policy in LDP’s. Instead topics relevant to the local area could simply be mentioned with a cross-reference to PPW”* (para 5.18) Areas with statutory landscape designations, Areas and sites with statutory nature conservation designations (SSSIs, Ramsar Sites, SPAs, SACs) and Protected Species are all considered to fall into the above category and as such specific local policies are not required for these areas.

The inclusion of statutory protected sites and species are considered well covered by EU, national and Welsh legislation and guidance and a policy covering these topics would adversely affect the soundness of the plan.

Species and Habitats of Principle Importance

The Representor’s object to the omission of the reference to ‘Species and Habitats of Principle Importance’. Species and Habitats of Principle Importance are the Species and Habitats that are recognised as being important in Wales under section 42 of the NERC Act. Policy CW08 makes reference to “Local Priority Habitats and Species” which is the next step down from the ‘Species and Habitats of Principle Importance’ and deals only with the species and habitats from the s42 list at the local level.

LDP Wales states: “Though LDPs must have regard to national policies they should not repeat them, but rather explain how they apply to the local area” (para 2.2). Policy CW8 takes national policy in the form of the requirement to have full and careful consideration of ‘Species and Habitats of Principle Importance’ under the NERC Act, and translates this to the local level, as required by LDP Wales by making reference to ‘Local Priority Habitats and Species’.

Restoration

The representor objects to the omission of the reference to the restoration of habitats within the policy. The restoration of habitats is covered by strategic policy SP12 that states, *“The council will protect, maintain, enhance and positively manage the natural heritage of the County Borough.”* It is not considered that it is necessary to include a specific reference to the restoration of habitats specifically, as these factors would be taken into consideration at a more detailed planning application stage.

Requirement to conduct surveys

The Representors object to the exclusion of the requirement to conduct the necessary surveys. Surveys are currently required as part of the planning application process so that the correct and appropriate surveys can be requested in line with the development proposal. This approach also ensures that the most up to date information is being provided to the authority. The County Ecologists are able to make more defined and accurate requests for surveys depending on the development proposal, and in some cases, some applications are not validated until the relevant surveys have been received, protected species surveys for example.

Criterion A

The Representors object to the wording of Criterion A of policy CW8 and suggest that the policy should *be* amended to read: " ... *where they would not cause unacceptable harm to the main characteristics of designed SLAs or VILLs.*" In addition in order to make the policy less restrictive amend to read "*Where they either maintain, enhance or offer the potential to restore the characteristics of designated special landscape areas (SLA)*".

The current wording of the policy states that development proposals will only be permitted where they "*maintain or enhance the main characteristics*" of SLAs and VILLs. It is considered that the addition of the word "unacceptable harm" is just another way of stating, "maintain". By 'Maintaining' the characteristics of a SLA or a VILL, it is considered that this implies that no harm or unacceptable impact upon these characteristics would be considered acceptable. As such, it is considered that the inclusion of the additional wording would cause unnecessary repetition within the policy.

With reference to the restrictive nature of the policy and the recommendation in include "*restore the characteristics of designated SLA's*". The requirement to restore the characteristics of SLA's would be addressed under the requirement of CW8 to "Maintain and enhance". The position is further clarified in Appendix 1 and 2, which identifies the primary features of the SLA's and VILL's. It is not considered that the amendments recommended to the wording of criterion A will add any significant value or additional protection to SLA's or VILL's and will make the policy unnecessarily lengthy.

Criterion B

The Representors object to the wording of Criterion B of policy CW8 and suggests that the policy should *be* amended to read "*Where the need for the development outweighs the ecological importance of the site, and where harm is minimised by mitigation measures and offset as far as practicable by compensation measures designed to ensure there is no reduction in the overall nature conservation value of the area or feature.*"

Planning Policy Wales states that when considering any development proposal, LPA's should consider the environmental impact of the proposals "*to avoid, wherever possible, adverse effects on the environment*" (para 5.5.2). PPW goes on to state: "*where other material considerations outweigh the potential adverse environmental effects, authorities should seek to minimise those effects and should, where possible, retain and, where practicable, enhance features of conservation importance*". As such, the amendment of

the criterion B (ii) would result in the repetition of national guidance, which would adversely affect the soundness of the plan.

CONCLUSION

- The term 'Habitat Connectivity' has been replaced with the term 'Green Corridors' in the Local Development Plan and is contained within policy CW8.
- The inclusion of the term 'Wetlands' is not considered necessary as the policy wording protects all habitats that have been identified as important, including wetlands.
- The inclusion of statutory protected sites and species are considered well covered by EU, national and Welsh legislation and guidance and a policy covering these topics would adversely affect the soundness of the plan.
- The inclusion of a reference to 'Species and Habitats of Principle Importance' would be repeating national guidance and as such, CW08 has been written to include the local priority species and habitats, as recommended by LDP Wales.
- Strategic policy SP12 is considered to adequately cover the requirement to restore habitats.
- Surveys are currently required by the LPA, when considered by the County Ecologist as necessary, through the planning application process. It is not considered necessary to require this through policy as it is currently being approached through the planning application validation and conditioning process.
- The amendment to the wording of Criterion A is not considered to add significantly to the protection of the natural heritage features, and would result in the policy being negatively worded and unnecessarily lengthy.
- The amendment to the wording of Criterion B (ii) is considered to result in the repetition of national guidance.

OFFICER RECOMMENDATION

That the Council recommend to the Planning Inspector that no change be made to the plan in respect of all of the above representations.

Reason for Recommendation

1. The inclusion of the reference to 'Wetlands' would be adding unnecessary detail to the policy.
2. The inclusion of the reference to 'Protected Species' would repeat EU and national guidance and would make the plan unsound.
3. The inclusion of reference to 'Species and Habitats of Principle Importance' would repeat national guidance and legislation and would make the plan unsound.
4. The inclusion of reference to 'Restoration of Habitats' would be repeating SP12 and is therefore considered as unnecessary repetition.
5. The proposed amendment to criterion A would result in a negatively worded and unnecessarily lengthy policy.
6. The proposed amendment to criterion B (ii) would result in the repetition of national guidance, which would adversely affect the soundness of the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

CW9 – Trees and Woodland Protection

Representation Type– Deposit Stage

1056.D20	Countryside Council for Wales	Object	Object to the wording of CW9.
1593.D17	Gwent Wildlife Trust	Object	Object to the omission of hedgerows from the policy
2215.D17	Wildlife Trust of South & West Wales	Object	Object to the omission of hedgerows from the policy
4045.D25	Envirowatch UK	Object	Object to the omission of hedgerows from the policy
4117.D2	Forestry Commission	Object	Object to the wording of the policy

SUMMARY OF REPRESENTATIONS

Deposit Stage

The Representor objects to CW9 as:

- Policy should state that development should not detrimentally affect statutorily protected species such as bats and dormice.
- Replace "or" at end of criteria C with "and".
- The Representor objects to the omission of hedgerows from policy CW9 - Trees and Woodlands.
- The wording of Criterion D should be amended to read: "where trees or woodland are removed, suitable replacements are planted within or on nearby or adjoining land."
- A new Criterion E should be added, stating: "Ancient woodland sites are protected from development that would result in significant damage."

COMPLIANCE WITH THE LDP

No evidence has been submitted by the Representor with regards to the conformity with the Preferred Strategy or the SA/SEA/AA/Habitats.

The Representor considers the plan not to comply with tests of soundness C2 and CE2 and the changes would ensure that the policy would be more reasonable and appropriate when considering the replacement of trees on Forestry Commission development sites.

COUNCIL ANALYSIS

Protected Species

The Representor considered that CW9 should state that development should not detrimentally affect statutorily protected species such as bats and dormice. The Welsh Assembly Government guidance contained in the 'Local Development Plan Manual, June 2006' states that the "*LDP should not replicate national policy (in PPW, MPPW and Ministerial Interim Planning Policy Statements (MIPPS)) unless it requires to be interpreted at the local level*" (page 43).

Statutorily designated sites (i.e. Special Areas of Conservation, Sites of Special Scientific Interest) and European Protected Species are protected by

European and National Legislation (Council Directive 92/43/EEC of 21 May 1992, the Wildlife and Countryside Act 1981, as amended by the Countryside Rights of Way Act, 2000) and Welsh legislation and guidance (Planning Policy Wales 2002, Technical Advice Note 5: Nature Conservation and Planning and Draft Technical Advice Note 5: Nature Conservation and Planning).

The Planning Policy Wales Companion guide also states that *“PPW sets out clear statements of national development control policy which should not need to be repeated as a local policy in LDP’s. Instead topics relevant to the local area could simply be mentioned with a cross-reference to PPW”* (Para 5.18) Areas with statutory landscape designations, Areas and sites with statutory nature conservation designations (SSSIs, Ramsar Sites, SPAs, SACs) and Protected Species are all considered to fall into the above category and as such specific local policies are not required for these areas.

Statutory protected sites and species are protected by EU, national and Welsh legislation and guidance and a policy covering these topics would adversely affect the soundness of the plan.

Omission of hedgerows from the policy

The Representor considers that hedgerows should also be added to the policy. It is considered that there has been an omission when preparing the plan and a reference to hedgerows should be added.

Planning Policy Wales identifies *“Trees, woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty”* (Para 5.2.8). Hedgerows are currently protected under the Hedgerow Regulations, 1997, however the legislation only provides protection for hedgerows that qualify as ‘important’ under the Hedgerow Regulation Criteria. The failing of the Hedgerow regulations is that it only protects these ‘important’ species and features of hedgerows, and they do not take into account the important biodiversity role of hedgerows.

The UK Biodiversity Action Plan and the Caerphilly Local Biodiversity Action Plan have both identified hedgerows as priority habitats that need protecting from loss, damage or removal as a result of development. Hedgerows are also considered fundamental in contributing to green corridors. It is therefore considered appropriate to include hedgerows with policy CW9, alongside trees and woodlands.

Object to wording of criteria C

There has been a drafting error when preparing the plan, and the word “or” should be replaced with “and” at the end of Criterion C.

Object to wording of criteria D

The Representor considers that the wording of Criterion D should be amended to read: "where trees or woodland are removed, suitable replacements are planted within or on nearby or adjoining land." Criterion D currently requires trees or woodlands that have been removed as part of a development proposal to be replaced within the development site. This is a last resort as, the previous criterion seek to initially protect the existing trees and woodland on the site. It is not considered appropriate to amend the policy

to contain a requirement to nearby and adjoining land, as this would not always be possible due to site constraints and land ownership and would make the policy undeliverable.

Add new criteria to address Ancient Woodland.

The Representor considers that a new Criterion E should be added, stating: "Ancient woodland sites are protected from development that would result in significant damage."

Planning Policy Wales states that "*Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage*" (Para 5.2.8). It is considered that there has been an omission when preparing the plan and a necessary reference to ancient woodland, as indicated in the natural heritage background paper (Para 5.5.5), should be included in Policy CW9.

CONCLUSION

The inclusion of statutory protected sites and species is not appropriate as these have sufficient protection by EU, national and Welsh legislation and guidance. A policy covering these topics would reiterate this guidance and would adversely affect the soundness of the plan.

It is considered that there have been a number of omissions associated with policy CW9 and the policy should be amended to read:

Trees, Woodland and Hedgerow Protection

Development proposals on sites containing trees, woodlands, hedgerows and ancient woodland, or which are bordered by one of more trees or hedgerows, will only be permitted provided that:

- A *Where arboricultural surveys are required, they are received and approved, and any mitigation, compensation and/or management requirements are submitted as part of the planning application, and*
- B *The trees, woodland and/or hedgerows and their root systems will be retained and adequately protected prior to, during and after, development takes place, or*
- C *Where trees, woodland and/or hedgerows are proposed to be removed the developer can demonstrate that the need for the development outweighs the importance of the trees, woodland and/or the hedgerow, and*
- D *Where trees, woodlands and/or hedgerows are removed, suitable replacements are planted within the development, and*
- E *Ancient trees and woodland sites are protected from development that would result in significant damage.*

OFFICER RECOMMENDATION

As a result of a number of omissions, it is recommended to the planning inspector that the wording of CW9 be amended to the above policy wording.

Reason for Recommendation

The rewording of the policy would address all of the necessary issues that need to be referred to as highlighted in the Planning Policy Wales and the Natural Heritage Background Paper.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

CW10 – Protection of Open Space

Representation Type – Deposit Stage

1056.D21	Countryside Council for Wales	Support	Support policy CW10.
2274.D2	National Playing Fields Association	Object	Object to the wording of the CW10.

SUMMARY OF REPRESENTATIONS

- The Representor objects to the wording of CW10.
- Policy generally supported, although reference to Greenspace Toolkit could be included.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the representor with regards to the conformity with the Preferred Strategy, the SA/SEA/AA/Habitats or the tests of soundness.

COUNCIL ANALYSIS

Amend wording of CW10

The representor considers that the wording of CW10 should be amended to read:

"Proposals for development on areas of open space within settlements will only be permitted where:

- A. The open space remaining in the neighbourhood would still be adequate to serve local needs;*
- B. A facility of equal size, quality and accessibility is provided as a replacement ready for use prior to the new development beginning;*
- C. The development is for an ancillary use which does not adversely affect the quantity and quality of the open space."*

Amendment to wording of Criterion B

The representor suggests that the wording of criterion B should be amended from addressing the recreational and amenity value of the space to addressing the replacement of facilities. The provision of alternative open space is however, addressed in TAN 16: Sport, Recreation and Open Space which states that as a result of redevelopment of open space "*better, or at least equivalent, alternative provision can be made available*" (para 3.9). TAN 16 covers in some detail between the paragraph 3.7 and 3.12 the guidance on replacement open space, and as such the inclusion of criterion B would be repeating national guidance and would affect the soundness of the plan.

It is considered that policy SP7: Planning Obligations and CW13: Leisure and Open Space Provision adequately covers the Planning Policy Wales requirement to protect open space and to provide for new open space as part of a development proposal, and as such the inclusion of criterion B would be repetition. Planning Policy Wales states that "*Formal and informal open spaces, including parks, with significant recreational or amenity value should be protected from development, particularly in urban areas where they fulfil multiple purposes*" (Para 11.1.10).

New criterion C

The representor suggests including a criterion relating to the development of open space for associated ancillary uses only. Neither PPW nor TAN 16 indicates that the redevelopment of open space must be in association with an ancillary use. TAN 16 is considered to adequately cover the issue of the redevelopment of open space in paragraph 3.9 (see above) and 3.8 which states “ *Some forms of development, for example housing, may affect the use of remaining playing areas, and the possible benefits offered by such development should be weighed against the possible effects on open space, which may occur*”. As such, it is considered that the amendments to the wording of CW10, is not necessary as the points are all adequately covered in PPW and TAN 16. The proposed amendment to the policy would adversely affect the soundness of the plan, as it would result in the unnecessary repetition of national guidance.

CONCLUSION

The amendments to CW10 are not considered suitable, as they would repeat national guidance and other policies within the plan.

OFFICER RECOMMENDATION

That the Council recommend to the Planning Inspector that no change be made to the plan.

Reason For Recommendation

The proposed amendments to the plan repeat national guidance and other policies within the plan, and as such would adversely affect the soundness of the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

CW11 – Protection of Community and Leisure Facilities
CF1 – Community Facilities

Representation Type – Deposit Stage

4247.D4	The Theatres Trust	Object	Description of community facilities is required.
870.D5	Aber Valley Community Council	Object	Need for a new health centre in Abertridwr.
4274.D3	Caerphilly Miners Steering Group	Object	Amend CF1 to allow for more flexibility.
4247.D3	The Theatres Trust	Support	Support for Policy CW11 Protection of Community and Leisure Facilities.

SUMMARY OF REPRESENTATIONS

Policy CF1 is objected to on the grounds that:

- It does not identify a site for the provision of a new health centre in Abertridwr, despite the Local Health Board having acknowledged that there is a need;
- A description of community facilities has not been included; and
- The need for indoor community facilities has not been fully supported.

COMPLIANCE WITH THE LDP

No evidence has been submitted in relation to the tests of soundness, the LDP Strategy or the SA/SEA.

DESIRED CHANGE TO THE DEPOSIT LDP

There are three desired changes from this series of representations, all relating to Policy CF1:

- Identify a site for the provision of a new health centre in Abertridwr;
- Insert the following description: “Community facilities provide for the health, welfare, social, educational, leisure and cultural needs of the community.”
- Increase the emphasis on indoor community facilities.

COUNCIL ANALYSIS

Description of Community Facilities

In response to the representation made by the Theatres Trust, it is accepted that the description proposed, whilst not amounting to a substantive change, would add some additional clarity in terms of the applicability of Policy CW11. It is therefore considered that it would be appropriate to amend the first sentence of paragraph 2.23 to read as follows:

“Local leisure and community facilities are important to the health, social, educational and cultural needs of the County Borough, as well as its economic well-being.”

New Health Centre, Abertridwr

There is a need for a new surgery in Abertridwr, as the Community Council has pointed out, and recognition of the situation is contained within Appendix 14 of the LDP. The (County Borough) Council has been working closely with

the Local Health Board in order to identify potential sites for new GP surgeries across the County Borough, and has allocated sites in settlements where a specific need has been identified and sites have been found that are considered suitable, in planning terms.

Although the plan recognises that there is a need for such a facility within Abertridwr, no site has yet been identified that represents a realistic and sustainable allocation within the plan. However, this would not prevent any proposals from coming forward over the course of the plan period from being properly considered with regard to their suitability for surgery development.

The plan in its current form reflects the reality of the situation whilst also setting out its recognition of the need, and its desire, for a new facility and it is felt therefore that this is the most appropriate manner in which to address this issue.

Indoor Community Facilities

It is argued that the Council has not placed sufficient emphasis on indoor community facilities, such as community centres, in comparison to the provision of open space and safe play facilities.

However, it is considered that the Representor has misinterpreted the purpose of the part of the plan concerned, in this instance. Paragraphs 1.48 to 1.51 elaborate on the key component that seeks to ensure that development will provide necessary community facilities, and discuss the importance of facilities such as public open space and play areas as well as community centres, leisure centres and schools and the role that mechanisms such as planning obligations can play in terms of bringing about suitable levels of provision in relation to new residential development.

The purpose of this section of the plan is to provide an indication of how the thrust of the plan's key components will play out in terms of development on the ground, and highlight the likely methods of implementation in terms of facilitating provision. It is not the Council's intention for such a discussion to act as an exhaustive list of specific types of provision. Any attempt to do this would undermine the plan's flexibility and impinge upon the ability of officers and members to exercise appropriate discretion and proper judgement within the overall framework set by the plan. It is not anticipated that the non-appearance of a specific use in a piece of supporting text relating to a wide-reaching key component will result in the potential provision of such a use being overlooked by the Council. Indeed, the range of uses contained within the site allocations in Policy CF1 shows quite clearly that this is not the case, as well as other, more general, policies which, from a practical perspective, would provide for the provision of a diverse range of indoor community uses where appropriate.

OFFICER RECOMMENDATION

1. **That the Council recommend to the Planning Inspector that the first sentence of paragraph 2.23 be amended to read:**
“Local leisure and community facilities are important to the health, social, educational and cultural needs of the County Borough, as well as its economic well-being.”

- 2. That the Council recommend to the Planning Inspector that no other changes be made to the plan in respect of the above.**

Reason for Recommendation

It has not been demonstrated that Policies CW11 or CF1, or any part of paragraphs 1.48 to 1.51, contravene any of the ten tests of soundness. However, for the purpose of clarity, the amendment to paragraph 2.23, which does not amount to a substantive change, would be beneficial.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

CW13 – Leisure and Open Space Provision**Representation Type – Deposit Stage**

1056.D23	Countryside for Wales	Council	Support	Support policy CW13.
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CONCLUSION

Note the support for CW13 – Leisure and Open Space Provision.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the representation in support of the LDP be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

CW15 – Use Class: Business and Industry**Representation Type – Deposit Stage**

1468.D2	Mr. Roger Gambarini	Object	Expand policy to allow for wider range of uses.
2632.D9	GB Engineering Ltd.	Object	Include criterion relating to sites.
4200.D5	Property Merchant Group	Object	Term ‘secondary’ underplays importance of such sites.
4200.D9	Property Merchant Group	Object	Expand list of acceptable uses on secondary sites.
697.D12	Ashtenne Industrial Fund Ltd.	Object	Policy is too restrictive.
3967.D1	FKI plc	Object	Policy should allow for a greater range of uses on secondary sites

SUMMARY OF REPRESENTATIONS

The policy is objected to on several grounds:

- It is too restrictive in terms of the range of uses permitted;
- That the term ‘secondary’ underplays the importance of this category of employment sites;
- That it does not include a criterion dealing with unallocated/unprotected sites.

COMPLIANCE WITH THE LDP

No evidence has been submitted in relation to the Preferred Strategy, the tests of soundness, the SA/SEA or the AA – EU Habitats Directive.

DESIRED CHANGE TO THE DEPOSIT LOCAL DEVELOPMENT PLAN

1. The range of uses permitted, on both primary and secondary sites, should be expanded.
2. ‘Secondary’ sites should be termed under a different heading, in order that their importance is not seen as being underplayed within the plan.
3. A further criterion should be added to Policy CW15, in order to protect existing industrial premises that are not subject to either an allocation or protection for employment use.
4. A greater range of uses should be permitted on secondary sites such as mixed-use, residential, retail and leisure.

COUNCIL ANALYSIS**Primary and Secondary Sites – Permitted Land Uses**

The need for flexibility is recognised and is explicitly noted within the Deposit LDP (Paragraph 1.88 refers). In order to provide sufficient employment opportunities for the residents of the County Borough, approximately 104 ha of land has been designated for new employment use within the Deposit LDP. This is considerably more than the 64.2 ha requirement for employment land that is needed for the plan period as a whole. Only 4.9 ha of this land is located on secondary employment sites.

Policy CW15 provides policy advice in terms of the type of employment use that would be permitted on each type of employment site. This policy framework incorporates flexibility as the County Borough's economy gradually changes from one dominated by heavy industry and manufacturing to a predominantly service sector economy.

However flexible the approach in terms of amount of land supply, there needs to be some degree of control from a policy point of view in order to create a more balanced economic 'offer' across the County Borough as a whole. Clearly, this has to be weighed up with the need for flexibility.

The differentiation between categories of employment sites within the Deposit LDP is subtle, at least in terms of policy wording. The vast majority of allocated employment land (80.6 ha.) falls within the category of Primary Sites. In addition to B1/B2/B8 uses, Policy CW15 permits appropriate sui generis uses and facilities or services ancillary to the primary employment use on Primary Sites. This approach offers sufficient flexibility yet, at the same time, provides an adequate level of protection from development that would be better located elsewhere. These same ranges of uses together with "*acceptable commercial services unrelated to class B uses*" are permitted on Secondary Sites. Some 269ha of employment land is protected as secondary sites and it is considered that this offers ample opportunity for the development of "*acceptable commercial services*" across the County Borough whilst ensuring that such development cannot take place of a scale and concentration that would be considered inappropriate.

For instance, allowing commercial leisure or retail development of anything larger than neighbourhood scale on the site could be detrimental to the settlements in which such sites are located. In respect of allowing housing development on (secondary) employment sites, the requirement for housing land will be met by the housing allocations and commitments identified in the plan, as well as windfall sites, and therefore there is no justification for housing on additional sites. Indeed, the overall pattern of housing allocations across the County Borough has been drawn up in accordance with the key components and objectives of the LDP development strategy and how the strategy relates to each settlement, taking into account its role and function in relation to its respective strategy area and its place in the hierarchy. The addition of new housing sites would risk the overall pattern of allocations being misaligned in respect of this.

Terminology

The reasoning behind the classification of employment land is set out in the *Background Paper 7:Employment* and there is no need to repeat that here. The representor objects however to the terminology contained in the Deposit LDP as this infers that Secondary Employment sites are not as important as Primary Sites or Business Parks: This is not the case.

The term 'Primary Site' is used to indicate that the **primary use** of land and buildings in these locations is for those use classes that are defined within the Use Class Order 1987 as Class B1, B2 or B8 - uses traditionally associated

with industry and employment. Within these sites, uses unrelated to Class B will be resisted except as indicated above.

The term 'Secondary Site' has been used in order to indicate that at these locations, uses unrelated to Class B may also be appropriate. It could well be the case that in future such employment sites could accommodate a diverse mixture of uses including but not exclusively B1, B2 and B8. It is desirable to have employment sites where permission can be given for uses outside of Class B as outlined above in order to ensure that the wide range of uses necessary to support the economy of the area can be accommodated at suitable locations.

The use of the term 'Secondary Site' does not mean that these sites are not as important as Primary Sites or Business Parks, it merely recognises that uses other than those traditionally associated with industry and employment may be developed at these locations.

This approach provides employment sites that can more closely reflect the needs of business and which can provide for a diverse range of employment uses on well-located employment sites across the County Borough. More importantly the introduction of a classification for employment sites indicates clearly to business and industry those sites that are appropriate for their development needs and those that are not, providing certainty for future investment decisions.

Finally, Policy CW15 defines the categories of employment land in terms of the uses permitted on them. It is considered that this is sufficiently clear.

Non-Allocated/Protected Industrial Premises

It is not considered appropriate to insert a further criterion into Policy CW15 in order to offer a degree of protection to sites not subject to Policies EM1 or EM2. As the Employment Background Paper explains, sites that were allocated/protected for employment use within the UDP only had this removed (insofar as the LDP is concerned) where it was not felt appropriate for such a status to be retained. The reasons for de-allocation include: at the time of production of the Deposit plan, the site was likely to be allocated for housing; employment use was considered unsuitable due to environmental/amenity issues; or the industrial site had been sufficiently undermined by incremental non-class B development so as to warrant its exclusion from such a policy. Therefore, the insertion of a further criterion that seeks to protect land no longer suitable for employment use would be counterproductive.

OFFICER RECOMMENDATION

That the Council recommends to the inspector that no change be made in respect of Policy CW15.

Reason for Recommendation

It has not been demonstrated that Policy CW15 as it currently stands contravenes any of the ten tests of soundness.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

CW17 – General Locational Constraints**Representation Type – Deposit Stage**

2181.D1	Civil Aviation Authority	Comment	Comments in relation to aviation and development.
3962.D3	Dwr Cymru/ Welsh Water	Support	Support policy CW17.
4004.D5	Caerphilly Investments	Object	Object to the wording of CW17.
4117.D3	Forestry Commission	Object	Object to the exclusion of tourism.
4203.D18	The Coal Authority	Object	Object to the wording of CW17.

SUMMARY OF REPRESENTATIONS**Objection**

- The word "tourism" should be included in criterion (iii) of Policy CW17
- The policy is too restrictive and should allow for tourism and affordable housing as potentially suitable uses outside of settlement boundaries in appropriate circumstances.
- The policy should be amended to read: "Associated with the reclamation / treatment of derelict, contaminated or unstable land

Comment

In relation to civil aerodromes, the Civil Aviation Authority has provided comments regarding the proximity of telecom installations, notification of wind turbines, lighting on high structures and venting and flaring on mineral extraction.

Support

Welsh Water / Dwr Cymru's operational development form part of a network of development spread across a wide geographical area. In order to function effectively, and meet the potential growth demands, the various components of that network would require development to take place between as well as within settlement limits; they are therefore in support of Policy CW17.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the Representor with regards to the conformity with the Preferred Strategy or the SA/SEA/AA/Habitats.

The Representors consider the plan not to comply with tests of soundness C2 and C3 and the changes to the plan would meet national policies for encouraging tourism.

The Coal Authority considers that the plan does not comply with tests of soundness C3 and CE4.

COUNCIL ANALYSIS

Object to the omission of reference to tourism

The Representor objects to the omission of a reference to tourism from the policy. It is agreed that the term tourism should be included within the policy in line with the guidance in PPW which recognises tourism as a “major element in the Welsh economy, particularly in rural and costal areas” (para 11.1.1) and states that “in rural areas, tourist development is an essential element in providing for a healthy, diverse, local and national economy...development should be well designed and sympathetic in scale and nature to the local environment and the needs of the local community” (Para 11.1.6).

Object to the omission of affordable housing

Planning Policy Wales requires Local Planning Authorities to make provision for affordable housing (para 9.2.14). However, PPW states that “*Local Authorities should ensure that planning policies for affordable housing are in line with the strategic planning objectives of the UDP*” (para 9.2.14). The provision of affordable housing outside of the settlement boundary is considered to be contrary to the LDP strategy that underpin the policies in the LDP including key component 4. Exploit brownfield opportunities where appropriate and 8. Reduce the impact of development upon the countryside.

Object to the wording of CW17

The representor objects to the wording of the policy and recommends the policy be reworded to read:

(v) Associated with the reclamation/treatment of derelict, contaminated or unstable land.

It is not considered necessary to amend the wording of the policy to include reference to ‘unstable’ land, as this circumstance would be dealt with in the same way under either derelict or contaminated land. By amending the wording of the policy to include ‘unstable’ the policy would become unnecessary long and repetitive, which is contrary to the advice in the LDP manual, which states that policies should be “*positive and succinct*” and a policy “*should not be sought for every eventuality*” (para 7.3.3)

CONCLUSION

The inclusion of the reference to tourism within policy CW17 is considered to comply with national guidance and criterion C (iii) of the policy should be amended to read:

For recreation, leisure and tourism proposals that are suitable in a countryside location

The amendment to the policy to include reference to affordable housing is not considered to comply with the underlying strategy of the UDP and contrary to some of the key components of the plan.

The amendment to the policy to include reference to ‘Unstable’ land is considered repetitive and contrary to the advice in the LDP manual, which states that it is not necessary to include a policy for every eventuality.

OFFICER RECOMMENDATION

1. That the Council recommends to the Planning Inspector that the plan be amended in reference to the inclusion of tourism under criterion C (iii) of policy CW17.
2. That the Council recommends to the Planning Inspector that no change be made to the plan in reference to the inclusion of affordable housing.
3. That the Council recommends to the Planning Inspector that no change be made to the plan in reference to the inclusion of 'unstable' land.
4. That the Inspector note the comments received by the Civil Aviation Authority and Dwr Cymru / Welsh Water.

Reason for Recommendation

1. For reasons stated above in the report.
2. The change would adversely affect the soundness of the plan.
3. The change would adversely affect the soundness of the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

CW18 - Locational Constraints: Retailing**Representation Type – Deposit Stage**

4195.D3	Tesco Stores Limited	Object	Objects to lack of criteria against which proposals should be assessed
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This Representor would appear to consider that the LDP Policy Framework, backed by the Retail Strategy and National Planning Guidance, is inadequate for the assessment of large edge and out of centre retailing proposals and suggests this should be supplemented by additional policy requirement at the local level.

SUMMARY OF REPRESENTATION

- Objects to Policy CW18 because it fails to reflect national planning guidance as set out in MIPPS 02/2005 paragraphs 10.2.10 and 10.2.12; specifically it fails to establish criteria against which edge and out of centre retail proposals should be assessed
- The objector assumes that the Council has concluded there is no need for further retail development over the plan period as they believe is demonstrated by the contents of Background Paper 8 - Retailing
- Background Paper 8 - Retailing has significant flaws in the approach adopted in the determination of retail capacity and is unreliable as an indicator of quantitative need. Data sources are dated and local per capita expenditure levels are not reflected
- Plan policy should allow for future proposals which may make qualitative improvements to the range and choice of shopping provision and claw back trade lost to centres further afield

COMPLIANCE WITH THE LDP**Preferred Strategy**

The respondents were not involved at the Preferred Strategy stage

SA / SEA / AA - EU Habitats Directive

The respondents did not supply evidence with regard to these subjects

Tests of Soundness

The respondents did not identify any test of soundness that the Deposit Plan has failed to pass.

DESIRED CHANGE TO THE DEPOSIT LDP

Policy CW18 should identify the assessment criteria against which those particular proposals will be judged, and comply with national planning guidance in those other points identified as insufficiently covered.

COUNCIL ANALYSIS

The Council believes it has identified all that is necessary to guide retail developers to opportunities within the County Borough area. The Retail Strategy establishes the framework for the location of new retail development. At the outset of plan preparation, the LDP Background Paper 8 – Retailing

described the surveys undertaken to understand the current state of the retail sector in the Council's area and to highlight the shortfalls in provision. It contained the calculation of supply and demand forecasts for convenience goods, and bulky and non-bulky comparison goods for the plan period, which established the scope for further quantitative improvements. Finally, the retail policy framework backed by relevant national planning guidance is considered to be sufficient to direct development and control inappropriate retail proposals while being flexible enough not to stifle innovation and qualitative improvements to town centre provision.

CW18 fails to reflect National Planning Guidance

Tesco objects to Policy CW18 because in their view it fails to reflect national planning guidance as set out in MIPPS 02/2005 paragraphs 10.2.10 and 10.2.12. Specifically they consider it fails to establish criteria against which edge and out of centre retail proposals should be assessed.

Within the Welsh Assembly Government's guidance for the preparation of Local Development Plans, Local Planning Authorities are specifically advised not to repeat National Planning Guidance in their LDPs. The criteria in MIPPS 02/2005 will be used in assessing any out of centre retail proposals, and have in fact been cited by this LPA in a recent out of centre retail appeal in addition to Caerphilly's own retail policies. Policy CW18 does contain criteria for assessing out of centre proposals. Criteria A, B and C, of Policy CW18 are additional to, not instead of, the criteria in MIPPS 02/2005 that we are urged not to repeat:

CW 18 Outside of the defined Principal Town Centres proposals for new retail stores or for additional retail floorspace will only be permitted where:

- A The vitality and viability of nearby Principal Town Centres will not be undermined, taking into account the cumulative effects of other approved retail developments, recently completed developments and Plan commitments, and
- B The proposal would not undermine the Council's retail strategy, a Town Centre Action Plan or any regeneration plans that the Council has formally approved, or
- C The proposal is:
 - i A new retailing unit of 1000 m² or less in size, or the change of use of such a size, and
 - ii To serve neighbourhood needs, or is ancillary to another commercial use.

The Council considers Tesco's assertion about the shortcomings of the policy to be unfounded.

Need for Further Retailing Provision

The objector assumes that the Council has concluded there is no need for further retail development over the plan period as they believe is demonstrated by the contents of Background Paper 8 – Retailing.

On the contrary, the Council has concluded from retail information contained in the Background Paper that there is a need for further retail development,

and it has provided for such development in sites in or adjacent to, town centres, in accordance with the sequential approach.

The Council, through positive allocations in its LDP seeks to increase the proportion of its residents' expenditure that is actually spent in shopping centres within the County Borough in order to:

- Create jobs and investment in the County Borough
- Reduce journey times and establish more sustainable shopping trip patterns
- Strengthen town centres and in particular the identified 'Principal Centres'.

The Council closely monitors trends in shopping patterns through comprehensive surveys every 3 or 4 years. These 'shopper attitude' surveys have identified significant outflows of retail expenditure by Caerphilly county borough residents to centres outside the County Borough. The collection of this information enables the setting of targets for expenditure retained within the County Borough and progress towards meeting them.

Specific retailing targets for the LDP are set out in Table 8 of LDP Background Paper 8 - Retailing. They are to increase the proportion of residents shopping in the County Borough for various categories of goods, as follows:

	2006 survey	2021 target
Convenience Goods	84%	90%
Non-Bulky Comparison Goods	30%	40%
Bulky Comparison Goods	31%	40%

The Council's proposed strategy in the LDP of anchoring the shopping centres of each of the Principal Towns with a major foodstore addresses both the need for competition and the need to minimise shopping trip distances. At the same time, it affords maximum convenience for customers, particularly those in the town without access to a car, for whom proximity is the most important consideration. Caerphilly, Blackwood and Ystrad Mynach have such a store but currently Risca / Pontymister and Bargoed do not. The small towns of the Valleys are primarily local centres providing for basic needs. Such centres are best anchored by one of the large national foodstore chains, many of which are slowly evolving into department stores selling a variety of comparison goods as well as food and other convenience goods.

The objector has stated that they assume that the Council has concluded there is no need for further retail development over the plan period, despite the following having been proposed in the LDP:

- The Council has identified the shortfall in retail provision across the County Borough in the Background Paper 8 – Retailing (updated in the Supplementary Paper, October 2009)
- It has allocated 2 sites for new food superstores, in Bargoed and in Risca / Pontymister
- It has allocated 9 smaller retail sites, 5 of which are for food stores in Caerphilly (2 sites), Penallta, Rhymney and Risca / Pontymister
- It has defined 2 Retail Warehouse Parks

- It has defined five Principal Town Centres towards which further retail investment and redevelopment is directed by policy framework, and would be welcomed.

The Council considers Tesco's assertion that it has concluded there is no need for further retail development over the plan period to be unfounded.

Flaws in the Demand / Supply Calculation

Tesco considers that the 'Background Paper 8 – Retailing' document has significant flaws in the approach adopted in the determination of retail capacity and is unreliable as an indicator of quantitative need. They describe data sources as dated and note that local per capita expenditure levels are not reflected.

The Council indicated within the 'LDP Background Paper 8 – Retailing' document that retailing Demand/Supply calculations cannot be highly accurate assessments of real need. Employing the most appropriate assumptions and the best available quality of data used at the start of a development plan period, still means that a 15 year plan forecast can only be an approximation of likely additional need over present provision.

- It is accepted that the Council's calculation used somewhat dated sources
- It is also accepted that it employed UK national expenditure calculations instead of lower local ones
- It also used figures and assumptions that predate the current severe recession, an event that is bound to limit the actual retail expenditure growth over the plan period.

Since the Retailing Demand / Supply was prepared early in 2008 a number of other unexpected and largely uncontrollable convenience retail proposals have emerged on the edges of the catchment area of the proposed store that may need to be taken into account in terms of overall provision:

- Asda are proposing to install mezzanine floors of unknown size in their Blackwood town centre store and Caerphilly out of centre store (no need for planning consent for this form of development in Wales)
- Tesco have submitted an application for a 3,679m² extension to their Ystrad Mynach town centre store
- Sainsbury' have purchased the 6,000m² Co-op supermarket at Pontllanfraith, which is an out of centre site, but they are refurbishing only, which does not require planning consent. The latest information is that they will be occupying only the top floor of this two storey building and operate in about 2,300 sq. m net floorspace.

In addition, the Council is currently determining applications for an extension to the Tesco food superstore at Ystrad Mynach, a Tesco Express at Trethomas, and a food superstore at Risca / Pontymister. As these proposals are not yet commitments, only the last named figures are in the demand / supply calculation because it is located on LDP allocation CM4.9.

An updated demand / supply food retail floorspace calculation is to be found in a Supplementary Paper to the LDP Background Paper 8 – Retailing. The new

tables on Demand and Supply are based on those in the LDP Background Paper 8 – Retailing, but they have been revised to take account of those new committed foodstore proposals.

The up-dated overall calculation now shows potential supply to be slightly greater than demand. Although the overall figure of need is more than fully satisfied, the Council considers that the calculation's conclusion is insufficient argument to delete the town centre food superstore allocations in Bargoed and Risca / Pontymister especially as the sites chosen accord with the aims of the retail strategy for each town.

In any event, as described in the Background Paper 8, the Demand/Supply calculation is hardly an accurate tool because just small changes in the underlying assumptions can make massive differences to the outcome. The Council considers its calculation to be a reasonable guide to the need to match demand and supply but does not place full faith in its accuracy. However, it is considered to be more balanced and reasonable that those of different operators in the industry.

The Council doesn't fully subscribe to Tesco's criticisms over the figures, but notes that its updated calculation indicates a reduced capacity for further retail development based on quantitative need.

Plan Policy CW18 and Qualitative Retailing Proposals

Tesco has indicated that plan policy should allow for future proposals which may make qualitative improvements to the range and choice of shopping provision and claw back trade lost to centres further afield.

In the field of retail policy and provision the LDP continues the policies and allocations of the UDP, updated to 2008. LDP Policy CW 18 is the successor to UDP Policy R5 and is intended to assist in the implementation of the retail allocations throughout the plan area, and protect our Principal Town Centres, by preventing inappropriate out of centre developments. While the policy is intended to protect the vitality and viability of the five principal town centres and prevent serious damage to the effectiveness of the Council's retail strategy, it does not in any way prevent the approval of justifiable qualitative retail proposals which will be judged by the application the sequential approach and determined on their own merits.

The Council considers that, together with MIPPS 02/2005, Policy CW18 does provide such a positive context for such retail developments, but in addition it provides positive retail allocations in strategic town centre and edge of centre locations to bring further retail investment about.

Analysis Conclusion

The Council considers that Tesco's comments are ill founded. The Council has met all the requirements of MIPPS 02/2005 in respect of appropriate LDP retail policy. Beyond the extensive retail site allocations identified in the LDP, the Council has established a retail strategy and policy framework in which to judge additional retail proposals in the future plan period. If they are large edge of centre or out of centre proposals, they will be judged first on the basis of quantitative need. They will also be judged by the application the

sequential approach, relative to the Principal Town Centres. Proposals considered to be qualitative improvements will then be determined on their additional merits.

Compliance with the LDP

- The representations could conflict with the Preferred Strategy
- There are no implications for the SA/SEA/AA - EU Habitats Directive
- The representations would not meet the Tests of Soundness in relation to the LDP Retail Strategy and supporting Policies.

CONCLUSION

The Council considers that Tesco's comments are ill founded. The Council has met all the requirements of MIPPS 02/2005 in respect of appropriate LDP retail policy.

OFFICER RECOMMENDATION

That the Council recommend to the Planning Inspector that no change be made to the plan.

Reason for Recommendation

The objector's desired change to the policy is unnecessary and inappropriate.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

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

Representation Type – Deposit Stage

1056.D22	Countryside Council for Wales	Support	Support the policy.
4117.D4	Forestry Commission	Object	Object to wording of para. 2.43

SUMMARY OF REPRESENTATIONS

The Representor objects to the wording of the reasoned justification of CW22.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the Representor with regards to the conformity with the Preferred Strategy or the SA/SEA/AA/Habitats.

The representor considers the plan not to comply with tests of soundness CE2 and the changes proposed would make the policy more reasonable and appropriate and the LDP more robust.

COUNCIL ANALYSIS

Object to the wording of CW22

The representor objects to the wording of the reasoned justification and considers that the rewording of the policy would make the policy more reasonable, appropriate and more robust. The representor considers that paragraph 2.43 should be amended to read:

“A positive approach to conversion or replacement of rural buildings for business uses directly associated with rural development or diversification will be taken where they are located within or adjacent to existing farm or forestry complexes”

Planning Policy Wales (PPW) recognises that there is a need to facilitate diversification of the rural economy and to accommodate both traditional rural industries and new enterprises, which include *“the processing of agricultural products and woodland products”* (para 7.3.1). PPW goes on to state *“Agricultural and forestry permitted development rights are granted to meet farming and forestry needs and not for the purpose of diversification”* (para 7.6.8). However, the re-use and adaptation of existing rural buildings has an important role in meeting the needs of rural areas for commercial and industrial development, as well as for tourism, sport and recreation. PPW recommends that LPA’s should adopt a *“positive approach to the conversion of rural buildings for business re-use, especially those buildings located within or adjoining farm building complexes”* (para 7.6.8). It is considered that the inclusion of the reference to forestry within paragraph 2.43 is not in compliance with national guidance.

CONCLUSION

The inclusion of forestry within paragraph 2.43 is not considered acceptable, as this is not supported in national guidance.

OFFICER RECOMMENDATION

That the Council recommend to the Planning Inspector that no change be made to the plan.

Reason for Recommendation

The amendments to the plan would be contrary to national guidance and would adversely affect the soundness of the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

CW23 – Locational Constraints – Gypsy and Traveller Caravan Sites**Representation Type – Deposit Stage**

2282.D10	Welsh Assembly Government	Object	Objection insufficient evidence has been given to demonstrate that the needs of gypsies and travellers have been adequately addressed.
2469.D1	Friends, Families & Travellers	Object	No reference to needs of Gypsies and Travellers in Key Land Use Issues.
2469.D2	Friends, Families & Travellers	Object	Insufficient consideration has been given to the needs of Gypsies and Travellers.
2469.D3	Friends, Families & Travellers	Object	Criterion B of Policy CW23 should be redrafted to reflect Circular 30/2007.
2469.D4	Friends, Families & Travellers	Object	Paragraph 2.45 should be redrafted to reflect the provisions of Circular 30/2007.
2469.D5	Friends, Families & Travellers	Object	Paragraph be reworded to reflect the provisions of circular 30/2007.
2469.D6	Friends, Families & Travellers	Object	No reference to needs of Gypsies and Travellers in Key Objectives.
602.D1	Torfaen County Borough Council	Object	More robust evidence is needed to justify the decision not to allocate a Gypsy and Traveller site.

SUMMARY OF REPRESENTATIONS**WAG Representation**

Objections to Gypsy & Traveller site provision under soundness tests C2, CE1, because the Deposit LDP has not satisfactorily translated national policy down to the local level and there may be tensions within the plan, namely: Policy CW23 Locational Constraints - Gypsy and Traveller Caravan Sites, and paragraph 2.45 (Page 66)

Transit sites: Paragraph 9.5 of LDP Background Paper 6 'Population and Housing' recognises that there may some transient Gypsy and Traveller population moving through the local authority boundaries. In these circumstances WAG Circular 30/2007 makes clear that there may be a need to provide transit sites. The Circular also provides detailed advice on how to make direct contact with Gypsies and Travellers moving within the local authority and adjoining local authority areas in order to assess needs as required by Sections 225 and 226 of the Housing Act 2004. These needs must then be addressed from the start of the LDP process. Appendix F of the Local Housing Market Assessment Guide (WAG) provides substantive guidance. Insufficient evidence is provided to show that such needs have

been adequately assessed and that locations for transit sites have been identified and considered.

Friends, Families & Travellers Representation

No reference is made to Gypsies and Travellers in the key land use section of the Deposit Plan.

It is welcomed that a criteria based policy has been provided in the plan with regards to Gypsies and Travellers (CW23).

An objection is made on the grounds that it does not meet the requirements of WAG Circular 30/2007, which states that local authorities have a statutory duty to assess the accommodation needs of Gypsies and Travellers.

It is considered that an accommodation assessment has not been carried out as the LHMA report undertaken indicated that it was not possible to give an estimate of the extent of need based on the limited existing information. This assessment would inform any necessary allocations.

Criterion B of Policy CW23 is drafted so that any application for a Traveller/Gypsy site could be turned down and paragraph 2.46 reinforces this. This is an undue constraint.

If a criterion relating to amenity and character is included it should reflect the advice in Circular 30/2007, which considers "unacceptable" detriment to the amenity of neighbours.

The paragraph states that sites will be acceptable outside settlement boundaries in close proximity to existing settlements. This is contrary to Paragraph 26 of Circular 30/2007, which indicates a degree of flexibility is required in relation to community facilities and services.

Paragraph 2.47 requires that proposals must comply with other policies including natural heritage designations. Circular 30/2007 advises that local landscape and local nature conservation designations should not, in themselves, be used as a reason to refuse proposals for Gypsy and Traveller sites.

Torfaen CBC Representation

The evidence detailed in Section 9 of Background Paper 6 - Population and Housing to support the conclusion that no Gypsy and Traveller site needs to be allocated is acknowledged. However, it is considered that further evidence relating to any legal enforcement proceedings as well as planning enforcement over a longer time frame would give a more robust and defensible position in relation to potential need for Gypsy and Traveller sites within Caerphilly.

DESIRED CHANGES TO THE DEPOSIT LDP

1. Evidence Base:

Insufficient evidence is provided to show that the needs for transit sites have been adequately assessed, and that locations for transit sites have been identified and considered.

A more robust evidence base is needed to support conclusions on Gypsy and Traveller need. If evidence identifies a potential need for Gypsy and Traveller pitches within Caerphilly then the level of need should be identified and provided for.

A commitment should be made to carry out a Gypsy and Traveller assessment and provision should be made for sites based on need identified in this assessment.

2. **Key Land Use Issues**

Amend key land use issues section of the plan to include a reference to Gypsies and Travellers.

3. **Policy CW23 and Reasoned Justification**

Policy CW23, Criterion A should be reworded to state "The site is reasonably related to community facilities and services".

Paragraph 2.45 needs to be brought in line with Paragraphs 26 and 35 of WAG Circular 30/2007: 'Planning for Gypsy and Traveller Caravan Sites' with regard to suitability of rural locations.

Paragraph 2.45 should be reworded to reflect the provisions of Circular 30/2007 in respect of site location, particularly proximity to services and facilities.

Paragraph 2.47 should be reworded to accord with Circular 30/2007 that local natural heritage designations should not be used in themselves to refuse planning permission.

Paragraph 2.47 be reworded to accord with Circular 30/2007 to make it clear which designations are applicable to the consideration of Gypsy and traveller sites.

COUNCIL ANALYSIS

Key Land Use Issues

It is accepted of course that the provision of sites for Gypsies and Travellers is an important issue: however, this does not mean that it is necessarily a Key Land Use Issue for the LDP. It is in fact the case that, since there is no evidence that any such provision is required within the county borough, the Deposit LDP makes no allocation for this purpose, but rather includes the criteria-based policy CW23, which will be used to assess any proposals made for such provision. At present therefore the issue is not a Key Land Use Issue for the LDP.

Evidence Base

The Representors all question the adequacy of the evidence base on the needs of Gypsies & Travellers on which the policies and proposals of the Deposit LDP are based.

In preparing the Deposit LDP the Council has followed WAG Planning Guidance, in particular that requiring authorities to prepare a Local Housing Market Assessment (LHMA), which includes the needs of Gypsies &

Travellers. Fordham carried out the study on behalf of the Council, and Chapter 19 Gypsies & Travellers contains the best information available.

It has unfortunately not been possible to undertake a full assessment of the needs of Gypsies & Travellers as set out in the LHMA Guide due to the lack of existing sites and resident Gypsy & Traveller population in the county borough on which to base such research. The available evidence, detailed in the LHMA, strongly points to the conclusion that there is currently no need for provision for Gypsies and Travellers within the county borough. This conclusion is reinforced by further information from a variety of sources as outlined in Chapter 9 Gypsies and Travellers in Background Paper 6 Population and Housing.

It is of course impossible to prove the non-existence of a need, since further research may always reveal a hitherto undiscovered need. However, the following additional evidence all reinforce this view:

FLARE records relate primarily to a single site, i.e. an encampment in Oakdale in 2008;

- the statistical returns on numbers of Gypsies & Travellers required by the Welsh Assembly have consistently shown a figure of zero since the county borough was established in 1996;
- the Education Division has reported that they are not aware of any unauthorised campsites within the county borough from at least the year 2000, and have no records of children of Gypsy & Traveller families attending schools within Caerphilly;

It may be noted in addition that the Wales European Funding Organisation (WEFO) has supported a project carried out by the consortium of the Local Authority Gypsy Traveller education co-ordinators in Convergence areas in West Wales & the Valleys. This study specifically excluded Caerphilly as there were no Gypsies within the county borough.

The available evidence is therefore entirely consistent, and fails to substantiate the case for any provision for Gypsies and Travellers being required within the county borough.

This view is further reinforced by the fact that none of the Representatives has cited any evidence to the contrary, from which it may be deduced that these organisations also have no evidence of such need.

Finally, while it is not entirely conclusive, it is significant that there have been no objections to the Deposit LDP because of its failure to make any allocations for Gypsies & Travellers.

It may therefore be concluded that the proposals in the Deposit LDP are consistent with current available information, and that the inclusion of a criteria-based policy to meet any future substantiated need is the most appropriate course of action at this time.

In addition to this, WAG has raised in particular the issue of the provision of Transit Sites for Gypsies & Travellers. To avoid confusion, a point of

*clarification on the representation should be made first. The representation refers to Paragraph 9.5 of the LDP Background Paper 6 'Population and Housing', and states that this "recognises that there may be some transient Gypsy and Traveller population moving through the **local authority boundaries** (emphasis added)", which could mistakenly be taken to mean that it is recognised that there is some transient Gypsy and Traveller population moving through Caerphilly: there is no evidence to support this. The quoted Paragraph states rather that "it is recognised that there may be some transient population moving through the **area** (emphasis added)", the area referred to being the South East Wales Region. The Paragraph in fact then notes that "since there are no trunk roads or motorways located within the County Borough (with the exception of a short section of the A465), this may suggest that transit sites may be more appropriately provided outside the County Borough."*

Identification of the need for provision for the transient Gypsy and Traveller population requires co-operation between local authorities on a regional basis. In the South East Wales Region the necessary study is currently being undertaken by the South East Wales Strategic Planning Group (SEWSPG). If this study identifies a need for provision within the county borough, Policy CW26 will be used to assess any forthcoming proposals.

Policy CW23 and Reasoned Justification

The relevant Paragraphs from Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites are reproduced below for convenience.

Paragraph 20 (part).

In deciding where to provide for Gypsy and Traveller sites, local planning authorities should first consider locations in or near existing settlements with access to local services e.g., shops, doctors, schools, employment, leisure and recreation opportunities, churches and other religious establishments.

Paragraph 26

Sites on the outskirts of built-up areas may be appropriate. Sites may also be found in **rural or semi-rural settings**. Rural settings, where not subject to specific planning or other constraints, are acceptable in principle. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Over rigid application of national or LDP policies that seek a reduction in car borne travel would not be appropriate as they could be used to effectively block proposals for any Gypsy and Traveller Site in a rural location. Sites should respect the scale of and not be so large as to dominate the nearest settled community serving them. They should also avoid placing an undue burden on the local infrastructure.

Paragraph 35

Paragraphs 5.3.2 and 5.3.11 of "Planning Policy Wales" offer guidance on **local landscape and local nature conservation designations**. However, such designations should not be used in themselves to refuse planning permission for Gypsy and Traveller sites.

Criterion A

Representations seek to amend Criterion A to weaken the requirement that sites are “well related to community facilities and services”, by substituting “reasonably related”.

The needs of the residents of these sites are the same as those of other residents of the county borough, and there are no grounds for reducing this basic requirement in assessing the suitability of potential sites. It is not considered acceptable to propose that lower standards should be applied to one part of the population, so the proposed amendment is rejected.

Paragraph 2.45

The final sentence is inconsistent with Circular 30/2007, so it is proposed to amend this to read as follows:

For this reason, the preferred location for sites is inside or on the outskirts of built-up areas, although suitable sites in rural or semi-rural settings would also be acceptable.

Criterion B and Paragraph 2.46

Representations claim that Criterion B of Policy CW23 is drafted so that any application for a Traveller/Gypsy site could be turned down, and that Paragraph 2.46 reinforces this, which constitutes an undue constraint.

The purpose of Criterion B is to protect the interests of local residents. It is not accepted that it is impossible to identify sites that meet this criterion, and any qualification of this criterion is therefore unnecessary. Because of the implications for local residents, the proposed amendments are unacceptable.

Paragraph 2.47

The Paragraph is inconsistent with Circular 30/2007, so it is proposed to amend this by deleting reference to natural heritage designations, so that it reads as follows:

Proposals for Gypsy and Traveller caravan sites must also generally comply with other policies identified in the Plan, including design considerations.

OFFICER RECOMMENDATION**1. Evidence Base**

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representation.

2. Key Land Use Issues

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representation.

3. Paragraph 2.45

That the Council recommends to the Planning Inspector that the final sentence of Paragraph 2.45 be amended to read:

For this reason, the preferred location for sites is inside or on the outskirts of built-up areas, although suitable sites in rural or semi-rural settings would also be acceptable.

4. **Paragraph 2.47**
That the Council recommends to the Planning Inspector that Paragraph 2.47 be amended to read:
Proposals for Gypsy and Traveller caravan sites must also generally comply with other policies identified in the Plan, including design considerations.

Reason for Recommendation

1. **Evidence Base**
The Evidence Base for the provision for Gypsies & Travellers in the Deposit LDP is substantial, and sufficient to justify the policies and proposals in the Plan.
2. **Key Land Use Issues**
Provision of Gypsy & Traveller Caravan Sites is not a Key Land Issue in the Caerphilly Deposit LDP.
3. **Paragraph 2.45**
To ensure that the Plan is consistent with Circular 30/2007.
4. **Paragraph 2.47**
To ensure that the Plan is consistent with Circular 30/2007.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

CW26 - Supplementary Planning Guidance

Representation Type – Deposit Stage

2282.D17	Welsh Assembly Government	Object	Objection to Policy CW26 because it is not drafted as a land use policy.
415.D6	Design Council for Wales	Object	The need to produce Design SPG should be specified.
1593.D18	Gwent Wildlife Trust	Comment	Recommends the production of a 'Biodiversity and Development' SPG.
2215.D18	Wildlife Trust of South and West Wales	Comment	Recommends the production of a 'Biodiversity and Development' SPG.

SUMMARY OF REPRESENTATIONS

Deposit Stage

- There are matters relating to the clarity of the plan generally which we consider may be of assistance to your authority and to the Inspector in considering suitable changes. One such matter is Policy drafting: some policies, e.g. CW26 Supplementary Planning Guidance, are not drafted as land-use policies.
- The only reference to design Supplementary Planning Guidance is in Policy CW26, which is non-specific. Further reference to the need to produce design SPG is required.
- The Representor supports the production of Supplementary Planning Guidance, and would recommend the production of a 'Biodiversity and Development' SPG.

DESIRED CHANGES TO THE DEPOSIT LDP

1. Re-write Policy CW26 as a land-use policy.
2. Recommend the production of a biodiversity SPG.

COUNCIL ANALYSIS

It is accepted that although the LDP is a land-use plan, not all of the policies in the plan are drafted as land-use policies. This is because not all of the policies in the plan are land-use policies.

The need for Policy CW 26 Supplementary Planning Guidance, the example quoted in the representation, is explained in Paragraph 2.49, which is that “the policy is a generic basis for all SPG that is not known at the current time and that will be produced during the lifetime of the plan. All SPG will identify how it relates to this policy, and what function it addresses.” The policy is therefore essentially procedural, and provides the required link between the plan and any future SPG that the Council wishes to adopt.

It is considered that this policy is necessary for the successful implementation of the plan, and that by its very nature it cannot be drafted as a land-use policy.

Supplementary Planning Guidance to the LDP can only be adopted when the LDP itself is adopted, which on the timetable in the Delivery Agreement Addendum will be in December 2010. The Council will prepare SPG as appropriate, and the comments received on possible SPG are welcomed and will be taken into account. On the specific recommendations for SPG, it may be noted that the Council has adopted both Design Guides and the Caerphilly Biodiversity Action Plan as SPG to the Council Approved Unitary Development Plan 1996-2011, and so the respondents can be assured that the importance of these issues is recognised.

RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representation.

Reason for Recommendation

For the reasons given in the Council Analysis above.

AREA SPECIFIC POLICIES

Leisure**LE01 – Protection of Formal Open Spaces****Representation Type – Deposit Stage**

1056.D28	Countryside Council for Wales	Support	Support policy LE01 – Protection of formal open space.
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CONCLUSION

Note the support for LE01 – Protection of Formal Open Spaces.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the representation in support of the LDP be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

LE02 – Allocation of Country Parks**Representation Type – Deposit Stage**

1593.D20	Gwent Wildlife Trust	Support	Support the allocation of new country parks.
1056.D49	Countryside Council for Wales	Support	Support policy LE02.
2215.D20	Wildlife Trust of South & West Wales	Support	Support the allocation of new country parks.

CONCLUSION

Note the support for LE02 – Allocation of Country Parks.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the representation in support of the LDP be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

LE03 – Protection of Country Parks**Representation Type – Deposit Stage**

1056.D29	Countryside Council for Wales	Support	Support policy LE03 for all three strategy areas
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CONCLUSION

Note the support for LE03 – Protection of Country Parks.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the representation in support of the LDP be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

LE04 – Formal Leisure Facilities**Representation Type – Deposit Stage**

2274.D1	National Playing Fields Association	Object	Object to wording of policy
2274.D3	National Playing Fields Association	Object	Object to wording of policy
2274.D4	National Playing Fields Association	Object	Object to wording of policy
2274.D5	National Playing Fields Association	Object	Object to wording of policy

SUMMARY OF REPRESENTATIONS

The Representor objects to LE4 as;

- The plan should acknowledge that the NPFA ‘Six Acre Standard’ document has now been superseded;
- Paragraph 3.141 wording is incorrect.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the Representor with regards to the conformity with the Preferred Strategy or the SA/SEA/AA/Habitats.

The Representor considers the plan does not comply with tests of soundness C1 as the leisure proposals under LE4 do not take into account the Green Flag status of the Parks across the County Borough and does not ensure that open space is protected.

COUNCIL ANALYSIS

Six Acre Standard

The representor considers that the plan should be amended to refer to the most up to date 'Six Acre Standard' document, the 'Fields in Trust' (FIT) document *Planning and Design for Outdoor Sport and Play (PAD)*, 2008.

When the LDP was being prepared the updated FIT document was not published. Caerphilly County Borough Council does not have a local standard for leisure provision and therefore in line with national guidance, the *Six Acre Standard* was applied in order to inform the need or otherwise for outdoor playing space provision within the LDP. The figures and evidence base will be reviewed using the new FIT standards and requirements during the first review of the plan. As such, it is not considered appropriate to make the proposed amendments, as this would be incorrect in reference to our evidence base calculations.

Supplementary Planning Guidance is being prepared as part of the LDP to supplement the leisure policies contained within the plan, namely CW10 – Protection of Open Space and CW11 – Protection of Community and Leisure Facilities. The SPG will clarify the County Boroughs position on the use of the NPFA 6-acre standard and the FIT PAD.

Green Flag Status

The Green Flag Award scheme is managed by a consortium consisting of Keep Britain Tidy, BTCV and GreenSpace. The Green Flag Award is the national standard for parks and green spaces in England and Wales. The award scheme recognises and rewards the best green spaces in the country. Awards are given on an annual basis and winners must apply each year to renew their Green Flag status. The green flag award whilst highlighting and promoting parks exceptional quality, is not a land use planning issue, and as such should not be included within the LDP. Parks could also have its green flag status removed during the lifetime of the plan, immediately making the plan out of date.

Incorrect wording of paragraph 3.141

The Representor states that the term 'quality' in paragraph 3.141 is incorrect and should be amended to say 'quantity'. It is agreed with the Representor that the purpose of the 'six acre standard' calculation is to determine the quantity of facilities and not the quality in any given area. The same error of wording appears in paragraphs 3.50 and 3.234. This is a drafting error within the plan that needs to be corrected.

CONCLUSION

The amendment of the reference to the National Playing Fields Association 'Six Acre Standards' to Fields for Trust 'Planning and Design for Outdoor Sport and Play' would not take into account that the evidence base and the allocations have been based upon the NPFA document.

A drafting error has occurred in the plan and the word 'quality' should be replaced with 'quantity' in all three paragraphs in line with the guidance under NPFA 'Six Acre Standards'.

OFFICER RECOMMENDATION

1. That the Council recommend to the Planning Inspector, in reference to the NPFA’s ‘Six Acre Standard’, that no change be made to the plan.
2. That the Council recommend to the Planning Inspector that the word ‘Quality’ is replaced with ‘Quantity’ in paragraphs 3.50, 3.141 and 3.234.

Reason for Recommendation

1. The changes would adversely affect the soundness of the plan.
2. The changes would amend a drafting error in the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

LE05 – Protection of Informal Open Spaces

Representation Type – Deposit Stage

1056.D30	Countryside Council for Wales	Council	Support	Support policy LE05.
4045.D55	Envirowatch UK		Support	Support the policy protecting informal open space.

CONCLUSION

Note the support for LE05 – Protection of Informal Open Spaces.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the representation in support of the LDP be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Natural Heritage

NH01 - Special Landscape Areas (SLAs)

Representation Type – Deposit Stage

602.D3	Torfaen County Borough Council	Object	Object to lack of cross boundary authority consultation.
1559.D3	Mr Martin Rickard	Object	Plan does not provide sufficient protection from development in SLA's
1056.D25	Countryside Council for Wales	Support	Support policy NH01 – Special Landscape Areas.

SUMMARY OF REPRESENTATIONS

The Representors object to NH1 as:

- There is a lack of cross boundary consultation with the adjoining Local Authorities.
- The plan does not provide sufficient protection against development in Special Landscape Areas.

Support policy NH01 at the local level as it contributes to Policy CW8

COMPLIANCE WITH THE LDP

No evidence has been submitted by the Representor with regards to the conformity with the Preferred Strategy or the SA/SEA/AA/Habitats.

The representor considers the plan not to comply with tests of soundness CE1 as coordinating landscape designations across local authority boundaries is important for regional coherence and compatibility with adjoining authorities' development plans.

COUNCIL ANALYSIS

Cross Boundary Authority Consultation

Torfaen County Borough Council objects to the lack of cross boundary authority consultation on the designation of SLA's. Caerphilly Council shares a boundary with Torfaen Council in both the Northern and Southern Connections Corridor and it is important that there is coordination and continuity in the designation of Special Landscape Areas in this cross boundary area. Prior to the final submission of the Deposit Plan, Caerphilly should take account of the results of the Torfaen SLA study, which is about to be conducted in order to ensure cross boundary coordination.

When the SLA criteria methodology was developed in conjunction with the Countryside Council for Wales and TACP, Caerphilly County Borough Council were the lead authority and all of the South Wales Authority was invited to join the consortium of LPA's in the development of the methodology. Only Torfaen and Monmouthshire declined to join the consortium. Following the completion of the SLA methodology work, the consortium continued to meet and share information on the progress and location of their individual landscape designations. Torfaen have attended only one of these subsequent meetings and as such, it is considered that all efforts have been made by Caerphilly to

engage with Torfaen regarding cross boundary issues affecting landscape designations.

In addition to this, Torfaen are only currently in the process of identifying SLA's for their area, and as such Caerphilly have been unable to determine to any significant degree, the location and boundaries of the SLA's due to the conflicting delivery agreement timetables. Torfaen have however, been invited to attend a number of cross authority meetings, which specifically discussed the location of Caerphilly's SLA's.

In terms of amending the SLA boundaries in the Deposit LDP in light of the results of Torfaen's SLA study results: The Council can only recommend focused changes to the Planning Inspector. Only the Planning Inspector is in a position to make any changes to the LDP. In any event, to date Torfaen have not published their Deposit LDP, consequently the Council are not in a position to have regard for its contents at the present time.

Lack of protection from development in SLA's

The representor considers that the plan does not provide sufficient protection against development in Special Landscape Areas. The representor considers that Special Landscape Areas should be protected from all road, housing, and employment developments. It is therefore considered that the third sentence of Paragraph 3.191 "*The Policy is not designed to preclude development, although the applicant will need to demonstrate that any development proposal will not have an adverse impact on the unique characteristics associated with the specific Special Landscape Area.*" should be deleted.

Special Landscape Area's are designated to protect areas of the County Borough that are considered important to the overall distinctive landscape. The purpose of an SLA is to protect this overall character and to prevent development that would have a harmful impact upon this character. SLA's cover large areas of the County Borough and it would be unrealistic to expect that no development would take place within a SLA. It is unlikely that significant development would be approved in a SLA, but they are not intended to preclude development consistent with other policies contained in the plan provided that it is sited and designed to harmonise with its landscape setting, as identified in Appendix 1.

CONCLUSION

Torfaen have been invited to participate in all of the cross authority working meetings and consultation that have led to the designation of the SLAs in the Deposit LDP and have declined to be involved fully. The Council have made all reasonable attempts therefore to ensure that cross boundary consultation has been undertaken.

The Council can only recommend focused changes to the Planning Inspector. Only the Planning Inspector is in a position to make any changes to the LDP. In any event, to date Torfaen have not published their Deposit LDP, therefore the Council are not in a position to have regard for its contents at the present time.

The purpose of SLA is not to preclude development, but to protect the overall landscape value and identified characteristics of the SLA. SLA's cover too large an area to totally prevent development. Any proposed development in SLA's would be required to be sited and designed to harmonise with the landscape setting and identified characteristics, as identified in Appendix 1.

OFFICER RECOMMENDATION

1. In reference to the representor's recommendation to amend the SLA boundaries in light of the results of Torfaen County Borough Council's SLA study, it is recommended to the planning inspectorate that no change be made to the plan.
2. In reference to the representor's recommendation to delete the third sentence of Paragraph 3.191 and prevent the development of housing, roads and employment within SLA's, it is recommended to the planning inspector that no change be made to the plan.
3. That the Council recommends to the Planning Inspector that the representation in support of the LDP be noted.

Reason for Recommendation

1. The changes would adversely affect the soundness of the plan.
2. The changes would undermine the purpose of the policy and adversely affect the soundness of the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

NH02 – Visually Important Local Landscape (VILLs)

Representation Type – Deposit Stage

1559.D4	Mr Martin Rickard	Object	Plan does not provide sufficient protection from development in VILL's
1056.D26	Countryside Council for Wales	Support	Support Policy NH02 – Visually Important Local Landscapes.

SUMMARY OF REPRESENTATION

The Representor objects to NH02, as the plan does not provide sufficient protection against development in Visually Important Local Landscapes.

Support Policy NH02 at the local level as it contributes to Policy CW8

COMPLIANCE WITH THE LDP

No evidence has been submitted by the Representor with regards to the conformity with the Preferred Strategy, the SA/SEA/AA/Habitats or the Tests of Soundness.

COUNCIL ANALYSIS

Lack of protection from development in Visually Important Local Landscapes (VILLs)

The Representor considers that the plan does not provide sufficient protection against development in Visually Important Local Landscapes and that VILLs should be protected from all road, housing, and employment developments.

The purpose of a VILL is to protect the overall visual character of the area and to prevent development that would have a harmful impact upon this character. VILLs cover large areas of the County Borough and it would be unrealistic to expect that no development would take place within these areas.

A VILL designation is not intended to preclude development consistent with other policies contained in the plan, provided that any new development is sited and designed to harmonise with the landscape setting, as identified in Appendix 2.

CONCLUSION

The purpose of a VILL is not to preclude development, but to protect the overall visual value and identified characteristics of the VILL.

OFFICER RECOMMENDATION

1. That the Council recommend to the Planning Inspector that no change be made to the plan.
2. That the Council recommends to the Planning Inspector that the representation in support of the LDP be noted.

Reason for Recommendation

The changes would undermine the purpose of the policy and adversely affect the soundness of the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

NH03 - Sites of Importance for Nature Conservation (SINC)s

Representation Type – Deposit Stage

4007.D2	Dr Nishebita Das	Object	Object to the wording of the policy
2215.D19	Wildlife Trust of South & West Wales	Support	Support the SINC allocations.
1056.D27	Countryside Council for Wales	Support	Support policy NH03 – SINC.s.
1593.D19	Gwent Wildlife Trust	Support	Support the SINC allocations.

SUMMARY OF REPRESENTATIONS

The Representor objects to NH3 as;

- The plan does not provide sufficient protection against development in Sites of Importance for Nature Conservation.
- The reasoned justification of the policy should be amended.

Support the SINC allocations

COMPLIANCE WITH THE LDP

No evidence has been submitted by the Representor with regards to the conformity with the Preferred Strategy or the SA/SEA/AA/Habitats.

The representor considers the plan not to comply with tests of soundness P1 and CE4 as the views of the Indian cultural society have not been taken into consideration.

COUNCIL ANALYSIS

Lack of protection from development in SINCs

The Representor considers that the plan does not provide sufficient protection against development in Sites of Importance for Nature Conservation. The representor considers that SINC's should be protected from all road, housing, and employment developments. It is therefore considered that Paragraph 3.196 should be amended to read '*Development will not be permitted unless it is of national importance, and where it would cause insignificant harm to the feature.*'.

SINC's are designated to protect areas of the County Borough that are sites of substantive nature conservation value at the local level. The purpose of SINC's is to prevent any development that would have a harmful impact on the identified value. SINC's cover large areas of the County Borough and it would be unrealistic to expect that no development would be permitted within a SINC. A SINC designation is not intended to preclude development consistent with other policies contained in the plan provided that it is sited and designed to harmonise with its nature and conservation value, as identified in Appendix 4.

Amend wording of reasoned justification

The Representor considers that the reasoned justification is not flexible when considering development on the urban fringe, when the SINC is close to or adjacent to existing development or where development could enhance the SINC. The representor considers that the reasoned justification should be amended to read: "*Certain 'one off' forms of development such as meditation centres require settings on the edge of areas of countryside where views over and access to, natural habitats is important. In these areas where a degree of encroachment from nearby residential areas has occurred and where such development could positively contribute to helping maintain the qualities of a Site of Importance for Nature Conservation by appropriate landscaping and security measures, such forms of development will be considered favourably.*"

It is considered that the re-wording of the SINC reasoned justification would introduce a concept that would undermine the purpose of the SINC policy and would be misleading. The SINC policy is not designed to prevent the

development on the urban fringe, SINC's can be designated in any location across the County Borough and protect all areas that have a recognised nature conservation value. Where a proposed development is likely to cause no significant harm to the nature conservation value of the SINC, and/ or enhance the SINC's value, it is likely that development would be permitted, but this would of course depend upon the details of the proposed development.

Compliance with the LDP

Test of Soundness – Consideration of the Views of the Indian Cultural Society

The Local Planning Authority has to follow strict guidelines on the consultation process, as set out in the Local Development Plan Regulations, October 2005 (Welsh Statutory Instrument 2005 No.2839 (W.203)). A requirement of the regulations is the production of a Delivery Agreement, which establishes the Local Planning Authorities early and continuous approach to community engagement and involvement in the preparation of the LDP. The LPA has made every endeavour to ensure that the residents of the county borough have had an opportunity to view and make representations on the deposit LDP. The plan was placed on deposit on 15th October 2008 for a 6-week period ending on the 26th November 2008. The deposit consultation period was publicised and documents made available on the Internet, in the council offices, all of the libraries in the County Borough and at a number of consultation exhibitions across the county borough. Site notices were also placed adjacent to the sites that were proposed as allocations within the Deposit LDP. Additional publicity and dates of the consultation exhibitions were made available in the local papers and the free newspaper 'Newsliner'. A further 6-week consultation period was undertaken between the 28th January 2009 and 11th March 2009 for the alternative site stage.

Where the views of the Indian Cultural Society have been submitted to the LPA during the consultation process, the representations have been and will continue to be considered by the Council.

CONCLUSION

The purpose of SINC's is not to preclude development, but to protect the overall biodiversity and nature conservation value. Development proposals that impact on a SINC would be required to be designed to harmonise with the nature conservation value as identified in Appendix 4.

The rewording of the SINC reasoned justification would result in the purpose of the policy becoming misleading and would undermine the function of the policy.

Where the views of the Indian Cultural Society have been submitted to the LPA during the consultation process, the representations have been and will continue to be considered by the Council.

OFFICER RECOMMENDATION

- 4. That the Council recommend to the Planning Inspector that no change be made to the plan, in reference to the representor's recommendation to delete the third sentence of Paragraph 3.196 and prevent the development of housing, roads and employment within SINC's.**

5. That the Council recommend to the Planning Inspector that no change be made to the plan, in reference to the representor's recommendation to amend the reasoned justification of the SINC policy.
6. That the Council recommends to the Planning Inspector that the representation in support of the LDP be noted.

Reason for Recommendation

3. The changes would undermine the purpose of the policy and adversely affect the soundness of the plan.
4. The changes would undermine the purpose of the policy and adversely affect the soundness of the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Settlement Identity

SI01 – Green Wedges

Representation Type – Deposit Stage

1056.D24	Countryside Council for Wales	Support	Support policy SI01 – Green Wedges.
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CONCLUSION

Note the support for SI01-HOV – Green Wedges.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the representation in support of the LDP be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Transportation**TR1 - Cycle Routes****Representation Type – Deposit Stage**

1593.D22	Gwent Wildlife Trust	Object	Highlight the potential for cycle routes as wildlife networks.
2215.D22	Wildlife Trust of South & West Wales	Object	Highlight the potential for cycle routes as wildlife networks.
2012.D38	Caerphilly Greendoorstep	Object	Objection to Policy TR1 Cycle Routes, which fails to make provision for safe cycle routes in urban areas for practical, as opposed to leisure, uses.
1056.D31	Countryside Council for Wales	Support	Support policy TR1.

SUMMARY OF REPRESENTATIONS

Three objections to the policy have been submitted that raise two issues:

1. Whilst support is given to the proposed cycleway improvements there are significant opportunities for biodiversity enhancement that have not been recognised in the plan. Cyclerroutes provide opportunities for wildlife corridors that contribute toward an interconnected environment in accordance with the Networked Environment Region outlined in the Wales Spatial Plan.
2. Safe cycling routes should be established for practical use as well as leisure uses. This issue was raised in support of representations objecting to the provision of additional housing land, which are dealt with under a separate response.

COMPLIANCE WITH THE LDP**Preferred Strategy**

No evidence in respect of the LDP strategy has been submitted to support the other objections.

SA/SEA/AA - EU Habitats Directive

No evidence in respect of the SEA/SA/HRA to support the representation.

Tests of Soundness

One Representor has identified the LDP is unsound in respect of all of the Tests of Soundness on the grounds that the plan must be withdrawn and a full Community Involvement Scheme be carried out with early and ongoing input from the public and local councillors.

DESIRED CHANGE TO THE DEPOSIT LDP

1. Recognition in the Plan of the potential biodiversity value in terms of wildlife corridors.
2. The identification of safe routes for practical uses in the LDP.

COUNCIL ANALYSIS

Policy Context

It is agreed that linear routes like cyclist routes and footpaths have significant potential for use as wildlife corridors. However, Policy TR1 seeks to promote cyclist routes that will enhance the existing network as well as provide an infrastructure that can achieve a modal shift for short trips to walking or cycling. The biodiversity benefits accrued through the provision of cyclist routes are a secondary factor, although this would comply with Policy CW5, which seeks good design that provides opportunities for biodiversity and enhancement are taken where appropriate. The policy is appropriately worded to realise its aims. As such there is no justification for an amendment to either the policy or the supporting text.

The policy allocates a range of cycle links, from the creation of links to settlement centres to the continued establishment and enhancement of the national and strategic cycle networks. Whilst the improvements to the national and regional networks are likely to encourage longer distance cycle trips, which are usually associated with leisure uses, the links to centres are designed to make trip destinations, such as local services and facilities such as shops etc., more accessible and so will encourage modal shift for short trips for practical uses. The opening statements of the reasoned justification to the policy supports this where it states *“A key factor in delivering more sustainable transport is realising a significant increase in the number of short trips made by walking and cycling”*. Given this it is clear that the policy does include allocations for practical use, as well as including allocations for leisure use, contrary to the contention of the Representor.

Compliance with the LDP

Preferred Strategy

No evidence in respect of the LDP Strategy has been provided in support of the representation. Consequently there is no basis for the Inspector to amend the LDP.

SA/SEA/AA - EU Habitats Directive

No evidence in respect of the SEA/SA has been provided in support of the Representation. Consequently there is no basis for the Inspector to amend the LDP.

Tests of Soundness

The implication from the grounds of objection in respect of the Tests of Soundness, is that the LDP has not been produced with appropriate community involvement. Whilst the Representor has contested that the LDP is unsound against all ten Tests of Soundness, the grounds for this relate solely to Test P1 as it is the Delivery Agreement (DA), with its Community Involvement Scheme (CIS), that set out the community involvement for the process. Consequently the response in respect of the Tests of Soundness will be restricted to this test.

The Representor has not submitted any evidence to support the contention that the LDP has not been subject of appropriate Community Involvement, nor that it has not been produced in accordance with the DA. The LDP has been

produced in accordance with the DA and CIS that was formally agreed by WAG on 4 May 2006. The LDP has been prepared in accordance with consultation and involvement procedures as set out in the DA. Therefore the LDP is sound in respect of test P1.

CONCLUSION

There is no justification for an amendment to be made to the LDP as a result of this representation.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the other representations.

Reason for Recommendation

For the reasons outlined in the Council analysis above.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

TR9 – Highway Corridor Safeguarding (land for Caerphilly South East Bypass)

Representation Type – Deposit Stage

1559.D1	Mr Martin Rickard	Object	Delete Policy TR9 on landscape, ecological grounds and there is no social requirement.
1883.D3	Walters Group	Object	The means of delivering a South East By-Pass should be made clear, e.g. through developer contribution from Ness Tar Development.
2012.D1	Caerphilly Greendoorstep	Object	Delete Policy TR9, as it is environmentally unacceptable.
3825.D1	Mr Robert Hopkins	Object	Objection to the safeguarding of land for Caerphilly SE bypass on landscape and ecological grounds

Site and Development

The Caerphilly South Eastern Bypass (SE Bypass) is a road proposal comprising two separate sections. The first connects Van Road, to the north, with Mountain Road, to the South, completing the link through to Cardiff routes, whilst the second connects Mountain Road to Watford Road, which completes the ring road around Caerphilly. The SE Bypass would relieve the traffic within Caerphilly town centre by accommodating the through traffic to Cardiff. Policy TR9 only safeguards the first section of the SE Bypass.

An Air Quality Management Area (AQMA) was designated in Caerphilly Town Centre in September 2008, with traffic emissions being considered to be the principal contributor to the poor air quality. The issue of through traffic in the town centre became more prominent and it was necessary to safeguard a potential line for the bypass in case the investigative work for the AQMA Action Plan identified that the SE Bypass was required as part of the actions to improve the air quality.

It should be noted that Policy TR9 only safeguards land for the route of the first section of the SE Bypass, rather than specifically allocating the road itself. Justification for the provision of the road will be based upon the needs of the Action Plan for the Air Quality Management Area designated in Caerphilly town centre.

Planning History

UDP

The Deposit UDP did not include the SE Bypass as an allocation. Two objections were received seeking the inclusion of the SE Bypass.

Inspector’s Conclusion

In considering the issue, the Inspector linked the provision of the SE Bypass with the proposed mixed-use development of the former Tar Plant Site in the case of one of the objections. In any event the Inspector concluded that the environmental case against identifying the SE Bypass, based upon landscape and ecological impact, was compelling.

The Inspector recommended that no change be made to the UDP.

LDP

The LDP safeguards a route for the proposed first section of the SE Bypass. This allocation has been made to facilitate the provision of the bypass if it is needed as part of the package of measures required to improve air quality within the AQMA.

DC

There is one application that is relevant to the representations:

App. Ref.	Proposal	Decision Date	Decision
P/00/0275	Construct new south eastern by pass for Caerphilly between mountain road and van road (inc. Tunnel under railway line), remediation of the former Ness Tar Plant	04/07/2002	Withdrawn

SUMMARY OF REPRESENTATIONS

- It would adversely affect a SINC (NH3.165) and a Special landscape Area (NH1.5) causing unacceptable harm to their features.
- It would adversely impact upon Caerphilly Mountain.
- It would harm viable farm land.

- It would cross a well-used footpath and recreational area.
- It would increase traffic on Mountain Road, which cannot take the additional traffic.
- It will increase pressure for a motorway junction at Thornhill, which will adversely impact upon Caerphilly Mountain.
- It will result in increased pressure development pressure on greenfield sites.
- It is contrary to national policies to reduce travel need.
- It is contrary to national policies to create sustainable settlements.
- It only seeks to satisfy a road lobby that complains about congestion. There is no social or economic benefit.
- It will not solve the overall congestion problems in the Basin. It will just move it to other places.
- It will increase air pollution in the Caerphilly Basin.
- It is environmentally unacceptable and another solution to Air Quality problems needs to be found, e.g. reduce need to travel & public transport improvements.
- It potentially has beneficial effects for both Caerphilly town centre and residential amenity. The requirement for the bypass should be set out with greater clarity and greater certainty, including the opportunity the bypass offers to open-up the Ness Tar Plant site providing means of delivery.

COMPLIANCE WITH THE LDP

Preferred Strategy

One Representor has provided evidence in respect of the LDP Strategy to support the allocation of the Ness Tar Plant Site for mixed-use development that includes accommodation of and contribution towards the S.E. Bypass. Other Representors have submitted evidence in respect of the LDP Strategy to justify the withdrawal of the LDP in its entirety.

SA/SEA/AA - EU Habitats Directive

No evidence has been submitted in respect of the SEA/SA & HRA to justify the representations.

Tests of Soundness

The Representors have identified that the LDP is unsound in respect of all 10 Tests-of-Soundness

DESIRED CHANGE TO THE DEPOSIT LDP

1. Change to Paragraph 3.253 to give greater clarity and certainty, including references to the potential that the bypass offers to open-up the Ness Tar Plant site and the means of delivering the bypass should be made clear, including timescales, funding and any requirement for developer contributions.
2. The deletion of Policy TR9 from the LDP.

COUNCIL ANALYSIS

Policy Context

The Deposit LDP makes it clear that safeguarding Policy TR9 has only been included in the LDP to safeguard the line of the first section of the SE Bypass to facilitate improvements to air quality within the AQMA. It is also identified that the policy will be reviewed prior to the submission of the LDP in light of investigative work carried out on the AQMA.

Since the publication of the Deposit LDP, the Caerphilly town centre AQMA has been the subject of investigative work in accordance with the Environment Act 1995. It has been confirmed that emissions from vehicles is the primary source of the failing air quality. The investigative work also identified that the main problem was the volume of traffic in the centre of town, rather than emissions from static traffic. Given this there is a need to reduce the vehicle numbers in the town centre.

As part of the AQMA investigative work, a modelling exercise was run in respect of the SE Bypass in isolation, to determine its effect on the AQMA and air quality. Whilst the SE Bypass did realise improvements to air quality within the AQMA, it did not improve the air quality sufficient to remove the AQMA designation. Therefore the Caerphilly AQMA does not provide outright justification for the SE Bypass as safeguarded in the LDP.

Further investigative work is required to consider cumulative effects in respect of packages of measures rather than assessing impacts of individual measures and this will be undertaken in due course. It would be premature to remove the allocation of the Bypass at this time as it may transpire that the Bypass is essential to alleviating the AQMA in Caerphilly. Conversely, if the assessment work does not indicate that the Bypass is necessary, it will not be pursued.

It is accepted that the safeguarded route for the SE Bypass does impinge upon both the NH3.165 SINC designation and the NH1.5 SLA designation. Whilst there will be a degree of adverse impact on the designations, it should be noted that neither of these designations preclude development and mitigation measures and compensatory provision, provided as part of any proposal, can overcome much of the adverse impacts. The safeguarded route crosses the northern end of the SLA across a landscape of patchwork agricultural fields separated by hedgerows. The safeguarded route follows existing hedgerows for much of its length and, with careful design and alignment; much of the existing field pattern could be retained. In respect of the SINC the safeguarded route would sever approximately a third of the SINC from the remainder. The main features in the SINC are the broad leaved woodland and neutral grassland. The safeguarded route affects only a small amount of the woodland, whilst the grassland will be bisected into two separate parts, although the severed area is likely to be the subject of development pressure. Compensatory provision will be required for lost areas of woodland and grassland as part of any proposals for the road. In terms of impact upon Caerphilly Mountain, the Mountain is designated as part of the NH1.5 SLA designation and the comments relating to the SLA are applicable here.

The safeguarded route crosses agricultural land. PPW provides guidance in respect of the protection of agricultural land and identifies that Agricultural Land Grades 1, 2 and 3a should be protected as a finite resource, and development should be directed to land of lesser grade. None of the land affected by the safeguarded route falls within these categories and as such the proposal is in accordance with national guidance on this issue.

The safeguarded route crosses a Public Right of Way (Footpath FP73) that commences at the end of Warren Drive and runs generally easterly along the field boundaries. A suitable crossing point will need to be provided in the design and layout of the bypass to facilitate the Footpath where they cross and this will be included in any proposal for the road. The safeguarded route does not cross any area specifically set aside or identified for recreational use.

In air quality terms, the purpose of the first section of the SE Bypass would be to provide an alternative, more commodious route for the existing traffic that currently has to go through the centre of the Caerphilly, as there is no other route. Whilst catering for this traffic will not affect the traffic levels on Mountain Road, it has to be acknowledged that the provision of this section of the Bypass will increase traffic using mountain road. The increase in traffic would be generated from the improved ease of access to Mountain Road and the reduction in journey times that would accompany it. It is also acknowledged that Mountain Road is poorly aligned and it is not ideal to increase traffic flows on this road. However, the improvements that could be realised to air quality in the town centre on balance are likely to outweigh the disbenefits of the increased traffic on Mountain Road.

It should be noted, however, that this is only part of the SE Bypass and the subsequent completion of the remainder of the Bypass would assist in addressing traffic along Mountain Road, possibly allowing the link between the junction with the first part of the Bypass and the junction with Watford Road to be closed to through traffic. The full Bypass will also enable appropriate traffic management to be undertaken throughout, and around Caerphilly, that will further assist in improving air quality in the town centre.

Whilst the first stage of the SE Bypass has been safeguarded as it could provide direct improvements to air quality in the town centre, it will have disbenefits in terms of traffic on Mountain Road. The provision of the second part of the SE Bypass would alleviate much of the disbenefit caused to Mountain Road.

The provision of a motorway junction at Thornhill (Cardiff) has been a long-standing issue for the Council, and the Council have consistently resisted it. The provision of the SE Bypass is based on justification being found in respect of air quality in Caerphilly town centre. The Council does not seek the provision of a motorway junction at Thornhill, and Cardiff City Council has not identified the need for such provision in their Deposit LDP. In addition to this the RTP does not include the provision of the Thornhill junction within its programme of works and as such there is no basis for the assertion that this junction is being sought.

Whilst the Bypass could facilitate the development of sites located outside of the settlement boundary, those sites would be contrary to the strategy for the SCC and in the context of the current planning policy for this area, development of them would be strongly resisted by the Council. The provision of the Bypass is likely to have little, if any, affect on development pressure within the existing settlement boundary. As such there is no justification to the assertion that the Bypass would increase pressure for greenfield development.

The Representors assert that the SE Bypass is contrary to national guidance on reducing the need to travel and creating sustainable communities, although the assertions are unsubstantiated. In its preparation the LDP has taken account of a wide range of Government and WAG legislation and guidance and are in accordance with WAG guidance on sustainable transport and sustainable development.

The investigative work on the AQMA has identified that it is the volume of traffic in the centre that is the primary cause of air quality failure. Therefore the primary need for the town centre is to reduce the volume of traffic. The provision of alternative routes for through traffic and appropriate traffic management and transport measures are the only way that this can be achieved. As outlined above the SE Bypass will only be justified on air quality grounds. The contention that the Bypass is environmentally unacceptable and other measures, such as reducing the need to travel and improving public transport alone, will address the AQMA problem are completely unrealistic. The Bypass, if justified, will assist in alleviating a major environmental problem, rather than being unacceptable, whilst the contention that the LDP could realise significant reduction in the need to travel or improvement in public transport is naïve. Real improvements in modal shift and reduction in the need to travel will only be brought around by a raft of measures that include legislative and fiscal intervention, which can only be done by government and implemented at a regional level.

The provision of the bypass will not, in itself, increase the number of journeys undertaken in the Caerphilly Basin, as this will be affected primarily by new development. Therefore the Bypass will not be the cause of any increase in air pollution in the Caerphilly basin. The Bypass will, however, redistribute the existing traffic creating new travel patterns. As a result the Bypass could alleviate areas of poor air quality, rather than increase air pollution overall.

This representation is a supporting representation to ones seeking the allocation of the Ness tar site for residential development, which is being reported under a separate response on Site E397 - Former Tar Plant and Land to the South. The representation seeks an amendment to the LDP identifying that the allocation of the Ness Tar site would realise the provision of the Bypass. However the principle of safeguarding the route is not to provide access to the Ness Tar site. Notwithstanding the adverse impact the development of the site may have, the benefits of site development do not outweigh the disbenefits of the provision of the Bypass. Only upon air quality justification can the benefits of the provision of the Bypass be balanced against its disbenefits.

Compliance with the LDP

Preferred Strategy

Whilst some of the representations justify the representation by addressing the LDP Strategy, the validity of the grounds is generally considered in the Policy Analysis section. Overall the evidence is insufficient to justify a change to the LDP.

SA/SEA/AA - EU Habitats Directive

No information has been submitted to justify the deletion of the policy allocation based upon the SA/SEA or HRA. Consequently there is no basis for the Inspector to consider a change to the LDP under the SEA/SA.

Tests of Soundness

Whilst the Representors have asserted that the LDP is unsound in respect of all 10 of the Tests of Soundness, no substantive evidence has been provided to prove this. The LDP has been prepared to accord with all of the Tests of Soundness and is, therefore, sound.

CONCLUSION

Overall the policy protects a route for the provision of the first section of the SE Bypass from development that could prevent its realisation. However the safeguarding is provisional upon justification being made by the Action Plan for the Caerphilly AQMA, which would identify the Bypass as an integral and essential measure in addressing failing air quality. Work on the Action Plan is ongoing and whilst the Bypass cannot currently be justified on its own, it can still be justified as part of a package or measures.

It has to be acknowledged that there are also disbenefits to the provision of the safeguarded part of the Bypass. However these disbenefits are likely to be outweighed by the improvement in air quality and by the fact that the subsequent completion of the Bypass will remove much of the disbenefit that occurs to Mountain Road.

Overall the policy should be retained in the LDP to ensure that all appropriate measures can be realised to address the failing air quality issue within Caerphilly.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representation.

Reason for Recommendation

As outlined in the Council analysis.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

APPENDICES

Appendices

General

Representation Type – Deposit Stage

4203.D20	The Coal Authority	Object	Allocated Sites - Standard wording about legacy issues
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SUMMARY OF REPRESENTATIONS

Objection

It is understood that the Council is undertaking its own review as to which sites are potentially affected by former coal mining activity based on data supplied by the Coal Authority. We would wish to see the above wording added to the relevant appendices, including the table in Appendix 8, indicating a ground investigation required for the relevant housing sites.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the Representor with regards to the conformity with the Preferred Strategy or the SA/SEA/AA/Habitats.

The Coal Authority considers that the plan does not comply with test of soundness C3.

DESIRED CHANGE TO THE DEPOSIT LDP

The following wording should be added to any sites or proposals where legacy issues of coal mining activity might be present “There are potential ground conditions on this site as a consequence of former mining activity in the locality. Appropriate technical investigation and advice on ground stability and other risks requiring mitigation should be sought prior to the submission of any application.”

COUNCIL ANALYSIS

The Table in Appendix 8 refers to the need for ground investigations where relevant and this is considered sufficient. The issue of unstable land is one which is dealt with through the planning application process and the Council does not consider it necessary to add it to any relevant site descriptions either because it would be needless repetition.

CONCLUSION

Amendments to the site descriptions and inclusion in Appendix 8 are unnecessary.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change be made to the plan in relation to the inclusion of legacy issues.

Reason for Recommendation

The changes are unnecessary.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Appendix 1 – Special Landscape Areas

Representation Type – Deposit Stage

4045.D34	Envirowatch UK	Support	Support Appendix 1.
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CONCLUSION

Note the support for Appendix 1.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the representation in support of the LDP be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Appendix 2 – Visually Important Local Landscapes

Representation Type – Deposit Stage

4045.D35	Envirowatch UK	Support	Support Appendix 2.
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CONCLUSION

Note the support for Appendix 2.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the representation in support of the LDP be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Appendix 3 – Green Wedges

Representation Type – Deposit Stage

4045.D36	Envirowatch UK	Support	Support Appendix 3.
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CONCLUSION

Note the support for Appendix 3.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the representation in support of the LDP be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Appendix 4 – Sites of Importance for Nature Conservation

Representation Type – Deposit Stage

4045.D37	Envirowatch UK	Support	Support Appendix 4.
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CONCLUSION

Note the support for Appendix 4.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the representation in support of the LDP be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Appendix 5 – Statutory Protected Sites for Biodiversity Conservation

Representation Type – Deposit Stage

4045.D38	Envirowatch UK	Support	Support Appendix 5.
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CONCLUSION

Note the support for Appendix 5.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that the representation in support of the LDP be noted.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

Appendix 9 – Employment Sites

Representation Type – Deposit Stage

4200.D7	Property Group	Merchant	Object	Include descriptions for EM2 sites
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SUMMARY OF REPRESENTATION

It was suggested by the respondent that Appendix 9 should contain descriptions of each EM2 site, akin to those included for EM1 allocations. This would allow the Council to provide clarification in terms of acceptable *sui generis* uses.

COMPLIANCE WITH THE LDP

No evidence has been submitted in relation to the tests of soundness, the LDP Strategy, the SA/SEA or the AA – EU Habitats Directive.

DESIRED CHANGE TO THE DEPOSIT LDP

That Appendix 9 be amended to contain descriptions of each EM2 site, akin to those included for EM1 allocations.

COUNCIL ANALYSIS

Information was included in the Appendices regarding the EM1 sites due to their status as undeveloped sites, in order to provide clarity in terms of their progress through the plan preparation process and offer further detail in terms of their suitability for the purposes of helping meet the overall employment land requirement.

Those sites protected under Policy EM2 complement land allocated for new development under Policy EM1. As such, they have not been factored into the overall employment land requirement. EM2 sites sit alongside EM1 allocations as existing, important facilities in their own right with a role to play in terms of enhancing flexibility and choice regarding the availability of industrial land and premises within the County Borough.

Given that EM2 sites constitute land that is already developed, it is not considered that there would any purpose served by elaborating on the characteristics of each site within the Appendices. Certainly, attempting to provide clarification in terms of acceptable *sui generis* uses by such means would be counterproductive, as it would risk the imposition of a more prescriptive approach and dilute the flexibility contained within the existing wording of Policy CW15. It is considered that the policy wording alone will be capable of guiding prospective developers in terms of what constitutes an appropriate *sui generis* activity, in relation to the prevailing use and condition of the site in question.

Compliance with the LDP

It is not considered that the contents of Appendix 9, in its current form, or any omissions that are perceived by the respondent as being worthy of address, do not comply with the key components of the LDP Strategy.

OFFICER RECOMMENDATION

That the Council recommend to the inspector that no change be made to the plan.

Reason for Recommendation

It has not been demonstrated that the current wording of Appendix 9, or any perceived omissions from it, contravene any of the ten tests of soundness.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

NEW POLICIES

New Policy – Areas where Coal Working would not be acceptable.

Representation Type – Deposit Stage

2282.D5	WAG	Object	<p>To accord with the requirements of MPPW and MTAN 2 Coal, the proposals map must show the areas where coal operations would not be acceptable with supporting policy and text in the written statement.</p> <p>There is insufficient justification to exclude all coal. Local nature and conservation designations should not be excluded and there is no evidence as to cumulative effect. Areas to the south of Rhymney are identified as unconstrained in the background paper and should be identified in the LDP.</p>
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SUMMARY OF REPRESENTATION

- The proposals map should show areas where coal working would not be acceptable with supporting policy and text
- There is insufficient evidence in the background paper to exclude all coal
- No evidence provided as to cumulative effect e.g. air quality or traffic movements
- It is not acceptable to exclude local nature conservation and landscape designations
- Areas to the south of Rhymney are identified as unconstrained and should be identified in the LDP.

Planning History

UDP

At the proposed modifications stage of the UDP the WAG submitted objections to the UDP on the grounds that the council had not included policies on areas of search for coal, buffer zones around quarries and protection of sand and gravel resources.

The council considered these objections and resolved not to modify the plan because the objections related to sensitive issues, consultation on which would inevitably lead to a public inquiry and delay adoption of the plan.

The UDP contained other policies that would provide a level of protection until such time as the specific modifications sought by WAG could be brought forward in a review of the plan.

The objection relating to sand and gravel was not a duly made objection as defined by the UDP Regulations and government guidance.

The council further resolved to carry out an early review of the minerals policies, triggered by adoption, to resolve the WAG objections.

However, upon receipt of the council's intention to adopt the plan, WAG issued a Direction on the council not to adopt until modifications had been made to resolve the objections.

The council considered that the direction in respect of the sand and gravel resources raised fundamental issues of principle in that it was based on draft guidance. Judicial Review (JR) was sought but the TAN was issued in final form removing the case for JR but leaving the fundamental issues unresolved. The council therefore resolved not to progress towards formal adoption because there was no certainty that other Directions based on emerging or draft guidance would not be issued while the modifications procedures on the minerals policies were progressing. The council concluded that it was not proper use of resources to embark on what could be a series of modifications with no realistic prospect of the plan being adopted.

The UDP was approved for development control purposes in April 2003

Inspector's Conclusion

These issues were not considered at the inquiry

COMPLIANCE WITH THE LDP

Preferred Strategy

No substantive evidence has been submitted to justify the representations based on the LDP strategy

SA/SEA/AA - EU Habitats Directive

No substantive evidence has been submitted to justify the representations based on the SA/SEA/AA

Tests of Soundness

The Representor claims that the following soundness tests will not be met without their proposed changes: - C2, CE1, CE2

DESIRED CHANGE TO THE DEPOSIT LDP

Show areas where coal operations will not be acceptable on the Proposal Map.

COUNCIL ANALYSIS

The council has taken a consistent approach to identifying areas where mineral development, including coal would be acceptable and where it would not be acceptable. Known mineral resources have been safeguarded and a policy (CW24) included in the plan to ensure that the impact of non-mineral development on the resource is considered.

If the proposed amendments to the Proposals Map are accepted, the resources will be safeguarded up to the settlement boundaries, rather than allowing a buffer around settlements.

With regard to the coal resource, *Minerals Technical Advice Note 2:Coal* sets out clearly the areas where coal working will not be acceptable in paragraph

29, including an area of 500m around settlements and within national and international designations of environmental and cultural importance. There is, no need therefore for the LDP to repeat this national policy. There are no areas other than the 500m buffer and national designations that the council would wish to preclude the possibility of extraction. There is no local interpretation therefore of the policy that needs to be included in the LDP.

The representation states that there is insufficient evidence in the background paper to exclude all coal. This presumably means from safeguarding or working. The council has not said that coal extraction will not be acceptable over the whole resource. It has safeguarded the resource and will consider applications for non-mineral development in relation to policy CW24 and mineral development in relation to all the policies in the LDP, which cover amenity, hydrology, transport and other impacts.

No areas have been allocated for coal extraction either. The background paper identifies the area to the north of Fochriw as an area that Miller Argent has an interest in and where investigation of the resource has taken place in the past. Any application in this area would take into account the need for the coal and the benefits of remediation of any derelict land as well as the environmental impact of extracting it on an area where there has been considerable impact from coal extraction in the past and where there are now tourism initiatives in place to help regenerate the area. Areas designated for local nature conservation or landscape purposes have not reduced the safeguarding areas for coal. These would however be a material consideration in the determination of any application for coal extraction and the management objectives for the designation used to inform planning conditions in the event of a favourable outcome. For example local designations are shown (NH1.1, NH3.2 and NH3.17) on the proposals map page 2 as overlaying the coal resource area west of Rhymney.

Compliance with the LDP

Tests of Soundness

C1 the plan does not have regard to national policy

The plan has regard to national policy but does not repeat it. There is no reason to conclude that the plan is not sound in this respect.

CE1 It does not have a coherent strategy or is not compatible with the plans of neighbouring authorities

There is no basis for the inspector to conclude that the plan is not sound in this respect

CE2 Policies are not founded on a sound evidence base.

There is no basis for the inspector to conclude that the plan is not sound in this respect.

CONCLUSION

National policy in MTAN2 Coal clearly sets out those areas where coal extraction will not normally be acceptable (Para 29) and also the circumstances when an exception may be made. There is no need therefore to repeat this national policy in the LDP. The Deposit Plan is in conformity with national guidance and there is no need to amend the plan in this regard.

OFFICER RECOMMENDATION

1. That the Council recommend to the Planning Inspector that no change be made to the LDP in respect of this representation.
2. That the Council invite the Planning Inspector to consider the need for national guidance to be repeated in respect of areas where coal working would not be acceptable and to determine the appropriate course of action for the development plan.

Reason for Recommendation

For the reasons outlined in the council analysis and to ensure conformity with national guidance while ensuring the soundness of the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

New Policy – Derelict and Contaminated Land

99.1 DER - Dereliction at Nant Llesg

Representation Type – Deposit Stage

846.D1	Environment Agency	Object	Objection to the omission of a policy regarding land contamination
846.D2	Environment Agency	Object	Objection to the omission of land contamination issues in the delivery and implementation section
1844.D8	Miller Argent (South Wales) Limited	Object	Objection to the omission of a policy on Derelict Land
1844.D9	Miller Argent (South Wales) Limited	Object	Objection to the omission of a Derelict Land designation at Nant Llesg

Representation Type – Alternative Sites Stage

4045.A27	Envirowatch	Object	Object to the proposed inclusion of 99.1 DER, Dereliction at Nant Llesg.
4203.A2	The Coal Authority	Support	Support the inclusion of 99.1 DER.

SUMMARY OF REPRESENTATIONS

Deposit Stage

- The EA considers that a policy on land contamination should have been included within the LDP. They noted that Key Objective 7 of the LDP is "to encourage the re-use and/or reclamation of appropriate Brownfield and contaminated land". However, they state that this objective has not been translated into one of the strategic or countywide policies of the plan. They indicated that therefore the plan does not accord with the policy approach set out in PPW.
- The EA considers that there is a lack of consideration of the potential risks associated with the investigation and remediation of sites subject to land contamination in the delivery and implementation section of the Plan. The redevelopment of contaminated sites can be a very costly and time consuming process, and until preliminary investigations are undertaken into the extent of contamination, no realistic estimates can be made for either the time or cost constraints involved. Such considerations could be crucial in terms of the deliverability of the development proposals within the Plan.
- Miller Argent (South Wales) Limited has indicated that there is no reference to specific areas of contaminated or derelict land within the HOVRA strategy area. General references have been made in Countywide policy and the Key Objectives but no specific areas of derelict land are identified. At Nant Llesg there are substantial areas of surface and subsurface dereliction arising from mineral workings, which pose a serious problem because the land is open to public access.

The area of dereliction should be identified on the proposals map for remediation, and the written statement should also have corresponding policies and criteria for dealing with such proposals.

Alternative Sites Stage

Envirowatch object to the proposal because:

- there has been no ecological surveillance of sites for European Protected species
- none of the sites have been subject to the SEA process
- could effect biodiversity
- the site could impact on the countryside and be unsustainable causing greater carbon footprint
- impact on the existing infrastructure
- put pressure on services around the site

COMPLIANCE WITH THE LDP

Preferred Strategy

None of the respondents involved themselves with this issue at the Preferred Strategy stage

SA / SEA / AA - EU Habitats Directive

None of the respondents supplied evidence with regard to these subjects

Tests of Soundness

The EA has identified soundness tests C2, CE1 and CE4 that, in their opinion, the Deposit Plan has failed to pass. Miller Argent (South Wales) Limited has identified soundness tests C1, CE1, CE2 and CE3 that, in their opinion, the Deposit Plan has failed to pass.

DESIRED CHANGES TO THE DEPOSIT LDP

The EA has indicated that a policy should be included with the Plan to cover land contamination issues. The EA has suggested that the wording of the omitted policy should read:

"Where development is proposed on a site known or reasonably believed to be contaminated, a site assessment will be required to establish the nature and extent of the contaminated, prior to determining the application. Development will not be permitted unless effective measures are taken to treat or control any contamination in order not to:

- a) expose occupiers of the development land and neighbouring land to unacceptable risk;
- b) contaminate any watercourse, water body or aquifer;
- c) cause the contamination of adjoining land or allow the contamination to continue

Permission for development will normally require that suitable remedial measures agreed with the authority must be completed before the development commences"

The EA has indicated that Appendix 20 of the Plan should be amended to include a consideration of the potential risks associated with the investigation

and remediation of sites subject to land contamination with regards to the deliverability of development proposals.

Miller Argent (South Wales) Limited has indicated that provision should be made within the LDP for the identification and remediation of derelict land beyond that provided for in relation to the development of brownfield sites. The plan should at least recognise and provide policies for unrestored derelict land areas identified in previous development of brownfield sites. Other areas and forms of dereliction should also be acknowledged and recognition of the health and safety issues associated with the potential and unexpected collapse of shallow mine workings on urban common should be seriously considered and provided for in LDP policy.

Envirowatch object to the designation of Nant Llesg as an area of derelict land requiring treatment/remediation.

COUNCIL ANALYSIS

Policy Context

There are no specific policies for derelict or contaminated land in the LDP as both are considered to be development constraints that would not necessarily preclude a development taking place and as such any necessary treatment or remediation would be considered as part of the Development Control process. While PPW 2002 states there is a need to consider including such policy context in the development plan, the Council is following the WAG advice on LDP content which stresses that national planning guidance should not be repeated. There are no local circumstances, which would lead the Council to create specific criteria based policies that deviate from national planning guidance. There are limited public funds available for treatment and normally it is the responsibility of landowners to establish the position with regard to dereliction or contamination that can be remediated satisfactorily as part of any proposed development or redevelopment.

Designation of Nant Llesg as Derelict Land

The treatment of known dereliction or contamination is sometimes grant aided by the DET in WAG. The DET prioritise reclamation schemes in order to be able to award grant funding to the most appropriate schemes. Schemes that include economical beneficial afteruses (housing, employment etc.) for their sites have a high priority, whilst schemes that seek reclamation for environmental improvement are given a low priority. With the limited budget available for such work it is only the higher priority schemes that are likely to be awarded funding. Furthermore, if there is prospect of a privately funded scheme going ahead, it would not be possible for the DET to commit its limited funds. This is the situation with regard to Nant Llesg. There is the prospect, however slim, that one day the underlying coal resources will be extracted in the national interest, and as part of that process the surface and sub-surface dereliction would be removed as well. Unless that particular situation come to fruition it is considered that lack of funding will mean there is little prospect of the site being remediated. The description of the features protected by Policy NH1.1 in LDP Appendix 1 discusses the ecological habitats, the prehistoric monuments, and historical industrial features which it is hoped would be retained if remediation did become possible.

Compliance with the LDP

No evidence has been submitted by the Representor with regards to the conformity with the Preferred Strategy, SA/SEA/AA/Habitats Directive or Tests of Soundness.

CONCLUSION

The Council considers there is no need for criteria-based policies to cover these constraints nor any point in designating particular sites as being in need of remediation when there is no prospect of implementation. This whole issue can be adequately dealt with by applying national planning guidance through the planning application process.

OFFICER RECOMMENDATION

That the Council recommend to the Planning Inspector that no change should be made to the LDP in respect of the representations.

Reason for Recommendation

The proposed changes would duplicate national planning guidance and remediation of the dereliction problems at Nant Llesg are only going to be addressed if there is a need to extract the underlying coal resource deemed necessary in the national interest.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

New Policy - Ecological Connectivity

Representation Type – Deposit Stage

1559.D5	Mr Martin Rickard	Object	Object to Ecological Connectivity being omitted from the plan.
1593.D5	Gwent Wildlife Trust	Object	Object to Ecological Connectivity being omitted from the plan.
2215.D2	Wildlife Trust of South & West Wales	Object	Object to Ecological Connectivity being omitted from the plan.

SUMMARY OF REPRESENTATIONS

The Representor objects to ecological connectivity being omitted from the LDP as wildlife corridors allow species to move freely from place to place, react to adverse conditions, including in the future climate change, and allow for genetic exchange between populations. The Wales Spatial Plan (2008 update) introduces the concept of a networked environmental region of wildlife corridors in the south east Wales region, lack of explicit objective and policies relating to connectivity, which will result in opportunities being missed, connectivity is raised as an issue in the SEA, but is not fully reflected in the LDP.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the Representor with regards to the conformity with the Preferred Strategy, the SA/SEA/AA/Habitats or the Tests of Soundness.

COUNCIL ANALYSIS

The term 'Habitat Connectivity' can also be referred to as 'Ecological Networks', 'Green Networks', 'Green Corridors', 'Stepping Stones' and 'Wildlife Corridors'. Currently, there is no recommended term of reference at either a national or local level. The Deposit plan has chosen to use the term 'Green Corridors' within the plan, as explained in paragraph 4.6.5 of Background Paper 2: Natural Heritage. 'Green Corridors' are specifically mentioned under policy CW8: Natural Heritage Protection.

Policy CW8 makes reference to the protection and preservation of green corridors under criterion B, and seeks to ensure that development proposals would not have any adverse or harmful impact on green corridors. The plan has taken full account of the requirements within national guidance and, as such, has included 'green corridors' (or ecological connectivity) within the plan as part of the over arching natural heritage policy. It is not considered that 'green corridors' necessitate their own specific policy, and neither does national guidance enforce this view.

The Countryside and Landscape team of Caerphilly County Borough Council are currently in the process of undertaking initial desk based research into the production of a map that indicates the networking of all of the green corridors

within the County Borough. This work is still in the very early stages of preparation and was not available for inclusion within the plan at this stage. It is likely that this work will be completed in time for the first review of the plan, at which point the practicalities of plotting the ecological on either the proposals or constraints plan will be examined further.

CONCLUSION

It is considered that 'ecological connectivity' or as the plan refers to it 'green corridors' have been sufficiently addressed under Policy CW8 in the plan along side the other important local heritage features, as recommended by national guidance. The Countryside and Landscape Section are undertaking further work on habitat connectivity networks, which should be completed in time for the first review of the plan.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change be made to the plan.

Reason for Recommendation

The changes would result in unnecessary repetition.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

New Policy – Landscaping and Planting

Representation Type – Deposit Stage

4045.D26	Envirowatch	Object	Object to the omission of a policy relating to landscaping and planting.
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COMPLIANCE WITH THE LDP

No evidence has been submitted by the representor with regards to the conformity with the Preferred Strategy, the SA/SEA/AA/Habitats or the Tests of Soundness.

COUNCIL ANALYSIS

New Policy requirement for landscaping and planting

The Representor objects to the lack of policy in the plan on landscaping and planting, and suggests the following policy be included in the Countywide Policies section:

"The Council will require all new developments to include planting as it is an important strategy in the landscaping of urban areas and it will ensure that planting is carried out."

Whilst there is no specific policy relating to landscaping and planting, this plan does address this issue through policy SP6 – Place Making, SP12 – Conservation of the Natural Heritage and CW5 – General Design Considerations. It is therefore, considered that landscaping and planting is well provided for and addressed within the plan and a specific policy would cause unnecessary repetition.

CONCLUSION

Landscaping and planting is adequately covered by other policies within the plan, and a specific policy addressing only these issues would be unnecessary repetition.

OFFICER RECOMMENDATION

That the Council Recommends to the Planning Inspector that no change be made to the plan.

Reason for Recommendation

The changes are unnecessary as there are other policies in the plan that adequately cover landscaping and planting.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

New Policy – New Playing Field Provision

Representation Type – Deposit Stage

337.D3	Mr Prana Ballava Das	Object	Object to the omission of a policy relating to new playing field provision.
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SUMMARY OF REPRESENTATION

The Representer objects to the omission of a lack of policy in the plan on new playing field provision.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the representer with regards to the conformity with the Preferred Strategy, or the SA/SEA/AA/Habitats.

The representer considers the proposed changes will assist towards achieving improving the plan by addressing test of soundness C2 and CE4 by achieving NPFA standards and provide more certainty of the Council's proposals.

COUNCIL ANALYSIS

Object to Omission of Policy on New Playing Field Provision

The representer acknowledges the plan makes reference to the protection of recreational facilities in the form of policies CW10 – Protection of Open Space and CW11 – Protection of Community and Leisure Facilities. However, the representer considers that a policy promoting the provision of new playing fields is required in areas that fall below the National Playing Field Association standards. The policy should set out the criteria for the selection of sites. It is considered that such uses could be located outside of the settlement boundary.

The National Playing Field Association, which has been replaced by the Fields in Trust 'Planning and Design for Outdoor Sport and Play', requires playing pitches to be available within "*1.2km of all dwellings in major residential areas*" (para 4.3.4). The Fields in Trust document also states that the Football Association has a standard of "*one small-sided court/pitch per 10,000 population*" (para 4.3.21). There is no onus on the local planning authority that requires the provision of playing pitches below that of the 6-acre standard.

The plan does make provision for the new playing fields under a number of other policies within the plan including SP7 – Planning Obligations, SP20 – Protection of Strategic Leisure Network, SP25 – Community, Leisure and Education Facilities, CW13 – Leisure and Open Space Provision and LE04 – Formal Leisure Facilities, which specifically identifies areas throughout the county borough that require additional playing pitches.

The plan also safeguards suitable land for the development of playing fields, however, the actual provision of these facilities are dependent upon money and funding being available, not only for the initial provision, but also for the continued maintenance and upkeep of the facility. An indication of the delivery and implementation of the identified facilities within the plan are addressed

within Appendix 20. The provision of some facilities will also be dependent upon s106 agreements.

Additional requirements for playing field provisions may arise during the lifetime of the plan and these will be reviewed and addressed as part of the first review of the plan. In addition, it is the intention of the LPA to produce a leisure SPG that will supplement the leisure policies contained within the plan.

CONCLUSION

There are adequate policies within the plan to provide for leisure and recreational requirements.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change be made to the plan.

Reason for Recommendation

The changes are unnecessary as there are other policies in the plan that adequately cover playing field provision and the 6-acre standard is considered sufficient in ensuring that an adequate supply of playing fields is provided. The amendment to the plan is considered to adversely affect the soundness of the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

New Policy – Redevelopment of Health Sites

Representation Type – Deposit Stage

4008.D11	Gwent NHS Trust	Healthcare	Object	Object to the omission of a policy for ‘the redevelopment of health sites’.
4008.D18	Gwent NHS Trust	Healthcare	Object	Object to the omission of a policy for ‘the redevelopment of health sites’.
4008.D21	Gwent NHS Trust	Healthcare	Object	Object to the omission of a policy for ‘the redevelopment of health sites’.

SUMMARY OF REPRESENTATION

The Representor objects to the omission of a policy in the LDP that deals with the need to rationalise and replace redundant and out-dated health sites and hospital premises.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the representor with regards to the conformity with the Preferred Strategy, the SA/SEA/AA/Habitats or the Tests of Soundness.

COUNCIL ANALYSIS

New ‘Redevelopment of Health Sites’ Policy

Amend the LDP to include a policy relating to the redevelopment and replacement of redundant and out-dated health site and hospital premises. The representor suggests the following wording for a policy;

Redevelopment of Health Related Sites

The council will give favourable consideration to the re-use or redevelopment of hospital or health service sites for appropriate alternative uses, in conjunction with proposals for the rationalisation and improvement of health services, provided that adequate consideration has been given to the following:

- Access and vehicle circulation;
- Design and Amenity;
- Conservation of the Natural and Built Environment;
- Proximity to Existing Facilities and Services;
- Landscape Impact;
- Relationship to Existing Urban Form;
- Open Space Requirements.

The provision of a policy that is specific to the redevelopment of health related sites is not necessary. Any future redevelopment proposals will be considered on their merit having regard to relevant national and local development plan policies, in particular Policy SP4 – Settlement Strategy, SP5 – Settlement Boundaries and CW17 – General Locational Constraints.

CONCLUSION

There is not a requirement to include a specific policy on the redevelopment of health sites and it is considered that the current policies within the plan are adequate to address a development proposal relating to the redevelopment or re-use of health sites.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change be made to the plan.

Reason for Recommendation

There are adequate policies contained within the plan to address the redevelopment of health sites, and there is no legislative or national guidance that requires such a specific policy.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

New Policy - Urban Masterplan for Caerphilly Basin

Representation Type – Deposit Stage

154.D12	Mr Christopher Brimble	Object	Seeks an Urban Masterplan for the Caerphilly Basin area.
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SUMMARY OF REPRESENTATION

Beneath the LDP as a general policy document, and in order to realise the principles and vision of that plan, a more strategic and overarching set of development criteria need to be in place for the Caerphilly Basin, more closely aligned to an urban design framework that encompasses specific sites, including housing and employment sites.

There are a few commercial sites allocated in the Caerphilly Town Centre which will have only limited impact without a clearly defined wider development brief for the town centre more generally. A strategic masterplan is needed for the town centre, which recognises that high density mixed use development is a prerequisite for a vibrant lively and attractive core area. There are sites where four or five storey buildings would be suitable. Development criteria and design guidance must be in place to ensure the town is not blighted by bland nondescript buildings.

COMPLIANCE WITH THE LDP

Preferred Strategy

The respondent was not involved at the Preferred Strategy stage

SA / SEA / AA - EU Habitats Directive

The respondent did not supply evidence with regard to these subjects

Tests of Soundness

The respondent considers that the LDP fails to comply with P2, C2, C3, CE3 and CE4

DESIRED CHANGE TO THE DEPOSIT LDP

Ensure that all sites are cross referenced to fully realise policy aims, particularly in regard to Policies SP3, SP4, SP6, SP10, SP18, SP19, SP21 and SP22. Site specific development briefs should be prepared for all sites in or within walking distance of Caerphilly town centre and relating to a strategic development masterplan.

COUNCIL ANALYSIS

It is considered unnecessary to prepare a master plan for the Caerphilly Basin. The LDP supplies the strategic context within the section on the Southern Connections Corridor, which sets out the wider strategic objectives for the area already. In terms of more detailed matters it is considered that other plan policies, combined with National Planning Guidance such as TAN 12 - Design, the Council's Supplementary Planning Guidance documents, and site development briefs as appropriate, will ensure that proposed developments will be implemented in the most appropriate manner.

Within this representation, the respondent has raised detailed issues including perceived transport policy deficiencies and his proposal to increase the development densities of allocated housing site. These are dealt with elsewhere in the Council's responses. In addition, he considers there is contradiction between the emphasis on town centres as a focus of economic activity and the provision of industrial employment land, particularly in terms of Class B1 uses. The Council sees no contradiction in these two strategies. Offices where the public needs direct or constant access to the services provided (Use Class A2) are best located in town centres where the public transport system delivers highest accessibility. Class B1 uses, namely light industry and those offices to which the public does not require constant access, are normally best located in the suburbs or on traditional industrial estates, although for the latter use, sometimes town centre sites are also appropriate.

Compliance with the LDP

- The representation would conflict with the LDP Strategy
- There are no implications for the SA/SEA/AA - EU Habitats Directive
- The representation would not meet the Tests of Soundness in relation to the LDP Retail Strategy, Employment Land Protection & Allocation, and the supporting policies

CONCLUSION

It is considered unnecessary and potentially confusing to consider developing an additional strategic layer to the LDP as proposed.

OFFICER RECOMMENDATION

That the Council recommends to the Planning Inspector that no change should be made to the LDP in respect of the representation.

Reason for Recommendation

The desired change would adversely affect the soundness of the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

New Policy – Walking and Public Rights of Way

Representation Type– Deposit Stage

4045.D33	Envirowatch	Object	Object to the omission of a policy relating to PROWs and Walking.
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COMPLIANCE WITH THE LDP

No evidence has been submitted by the representor with regards to the conformity with the Preferred Strategy, the SA/SEA/AA/Habitats or the Tests of Soundness.

COUNCIL ANALYSIS

Object to wording of Bullet Point 1, Paragraph 0.92

The representor objects to the lack of policy in the plan on walking and Rights of Way as these are the biggest economy earner in tourism in both England and Wales.

Planning Policy Wales states that LPA should “*seek to protect and enhance the rights of way network as a recreational and environmental resource. They are also encouraged to promote the national cycle network, long distance footpaths, bridleways, canals, inland waterways and disused railways for sustainable recreation*” (para 11.1.13). However, footpaths as Rights of Way are statutorily protected under the Countryside and Rights of Way Act, and as such it is not considered necessary to afford them additional protection through the plan.

With reference to walking being promoted as an economic and tourism activity, the plan does address this issue through policy SP13 – Countryside Recreation, SP20 – Protection of Strategic Leisure Network, CW2 – Sustainable Transport, Accessibility and Social Inclusion and TM01 – Tourism proposals, which include the long distance walking route, the Rhymney Valley Riverside Walk. It is therefore, considered that walking as a tourism activity is well provided for and addressed within the plan and a specific policy would cause unnecessary repetition.

CONCLUSION

Walking as a tourism activity is adequately covered by other policies within the plan, and a specific policy addressing only walking would result in unnecessary repetition. Public Rights of Way are covered by national legislation and in line with guidance in LDP Wales, it is not necessary to repeat national guidance and legislation within the plan.

OFFICER RECOMMENDATION

That the Council recommend to the Planning Inspector that no change be made to the plan.

Reason for Recommendation

The changes are unnecessary as there are other policies in the plan that adequately cover walking as a tourism activity, and the reference to Public Rights of Way would be repeating national legislation, which would adversely affect the soundness of the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

New Policy – Water Quality

Representation Type – Deposit Stage

846.D4	Environment Agency	Object	Object to the omission of a policy relating to Water Quality.
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SUMMARY OF REPRESENTATIONS

The Representor objects to the omission of a lack of policy in the plan on water quality.

COMPLIANCE WITH THE LDP

No evidence has been submitted by the Representor with regards to the conformity with the Preferred Strategy or the SA/SEA/AA/Habitats.

The representor considers the recommended change will meet the tests of soundness C1 and C2 by ensuring that the Plan is in line with Planning Policy Wales and the Water Framework Directive. It would also ensure that the strategic policies are realistic and appropriate in light of the findings of the evidence base.

COUNCIL ANALYSIS

Object to Omission of Policy on Water Quality

The representor objects to the lack of policy in the plan on water quality. It is considered that SEA/SA baseline indicators identifies particular water quality issues (both surface water and groundwater) within the County Borough, but no policies have been included to set out how the targets and objectives will be achieved.

The plan also fails to address the risk to controlled waters that may result from the development of brownfield and contaminated sites.

Paragraph 13.11 of Planning Policy Wales identifies that development plans are important vehicles for environmental protection and should enable consideration of the effects that proposed developments might have on water quality. It is considered that the objective to improve water quality should be addressed by inclusion of a suitably worded policy in the LDP.

It is suggested that the policy could be worded as follows:

"Development proposals which may impact upon the water environment will only be permitted where they would not pose an unacceptable risk to the quality of controlled waters (including groundwater and surface water)."

It is considered that there has indeed been an oversight and a policy on water quality should be included within the plan. The plan contains a key objective relating to water *"Manage, protect and enhance the quality and quantity of the water environment and reduce water consumption"* (key objective 14) but it does not address water quality in any of the policies. It is also considered that national guidance does not adequately cover the issue of water quality and the requirements to protect the water environment, as required by the 'The Water Resource Act, 1991' and the 'Water Framework Directive' 2000/60/EC. This legislation is designed to: enhance the status and prevent further

deterioration of aquatic ecosystems and associated wetlands, which depend on the aquatic ecosystems; promote the sustainable use of water; reduce pollution of water, especially by 'priority' and 'priority hazardous' substances (see Daughter Directives) and ensure progressive reduction of groundwater pollution.

Planning Policy Wales does however, make reference to the pollution of the water environment and states "*Planning authorities should operate on the basis that the relevant pollutant control regimes will be properly applied and enforced by other agencies*" (para 13.10.2) and as such it is not considered necessary to include reference to the pollution of waterways.

CONCLUSION

It is considered that there is a legislative requirement to protect the quality of the water environment that is not adequately covered in national planning guidance. The plan makes reference to the management, protection and enhancement of the water environment, but no policy has been written into the plan.

OFFICER RECOMMENDATION

1. That the Council recommend to the Planning Inspector that no change be made to the plan in respect of a new water quality policy.
2. That the Council recommend to the Planning Inspector a new Water Protection Policy be included within the plan as follows:

CWXX – Water Protection Policy

Development proposals will only be permitted where;

A They do not have an adverse impact upon the water environment and

B Where they would not pose an unacceptable risk to the quality of controlled waters (including groundwater and surface water).

Climate change, increases in populations and changes in lifestyle have all had an impact upon the water environment and the pressures upon it. Climate change will affect the amount of rain that falls, it will impact upon river flows, replenishing of groundwater, the quality of water available and incidents of flooding, particularly localised, flash flooding. The demands and pressures on water resources will also change, with the scale and nature of the problem differing across Wales, as will the approach to dealing with the problems. The approach to the protection of the water environment will need to take into account the quality and quantity of the local water resource, and how this impacts upon the wider environment in terms of preventing further deterioration of aquatic ecosystems, associated habitats, fisheries, promoting the sustainable use of water, and controlling water abstractions.

Reason for Recommendation

The changes are necessary as they reflect the need and requirement of national legislation and reflect the key objectives in the plan.

COUNCIL RESOLUTION

Resolved to accept the officer recommendation.

NOT DULY MADE REPRESENTATIONS

REPRESENTATIONS TO THE DEPOSIT LDP AND ALTERNATIVE SITES STAGE THAT ARE NOT DULY MADE

DEPOSIT STAGE

Altogether 1807 representations were received to the Deposit LDP from organisations, bodies and individuals, comprising 290 representations of support, 1414 representations of objection, and 55 representations containing comments. The Deposit consultation response included 12 petitions that were received in respect of 18 sites. The most notable of which was in respect of proposals for Bedwas Colliery with 2056 signatories, relating to the three Bedwas Colliery allocations.

52 representations were not duly made as they were submitted after the consultation deadline. These 52 are listed below. Policy representations are listed first, in Plan Order, followed by Site representations, which are in Ward Order.

Policy Representations

4275.D1	Britannia, Fleur-de-lis and Pengam Community Group	Support the LDP.
4278.D1	BWEA	Renewable energy comments on the LDP.

Site Representations

Argoed

4261.D1	Dr Lyndsey Thomas	Delete site HG1.17 from Policy HG1.
4262.D1	Mr Alan Lewis	Delete site HG1.17 from Policy HG1.
756.D1	Granville-West Chivers & Morgan	Inclusion of land west of Gelynos Avenue, Argoed (E14) as a housing site.

Bedwas, Trethomas & Machen

351.D1	Cllr Raymond Davies	Delete site HG1.64 and CF1.34 from LDP and protect land at Machen Quarry for leisure use.
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Blackwood

4256.D1	Pentwyn Farm Trustees	Allocate candidate Site E405 North of Chartist Bridge for housing.
4256.D2	Pentwyn Farm Trustees	Reinstate land at Penwtyn Farm south of Chartist Bridge for housing.

Crosskeys

897.D1	Stan James and Son	Comments relating to E110, Coal Yard Pontywaun
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Darran Valley / Twyn Carno

4277.D1	RWE Npower	Support the allocation of Nant Llesg in the LDP
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Morgan Jones

2460.D1	Mrs Anna Dooley	Delete site HG1.68 - St Ilan's Comprehensive from Policy HG1.
3213.D1	Mr & Mrs Horrell	Objection to the Housing Site Allocation HG1.68 St Ilands Comprehensive.
3218.D1	Mr S Baynton	Delete site HG1.68 - St Ilan's Comprehensive from Policy HG1.
3224.D1	Mrs GI Lilwall	Delete site HG1.68 - St Ilan's Comprehensive from Policy HG1.
3244.D1	Andrew Jenkins	Delete site HG1.68 - St Ilan's Comprehensive from Policy HG1.
3257.D1	Mr & Mrs Harper	Objection to the Housing Site Allocation HG1.68 St Ilands Comprehensive.
3267.D1	Ms Christine Davies	Delete site HG1.68 - St Ilan's Comprehensive from Policy HG1.
3667.D1	Mrs Yvonne Bennett	Delete site HG1.68 from Policy HG1.
4255.D1	Mr David Lintern	Deletion of Site HG1.68 from Policy HG1.
4255.D2	Mr David Lintern	Deletion of site HG1.68 from Policy HG1.
4257.D1	Mr & Mrs Williams	Deletion of site HG1.68 from Policy HG1.
4258.D1	Rose Bishop	Delete Site HG1.68 from Policy HG1.
4259.D1	V Diniz	Delete site HG1.68 from Policy HG1.
4260.D1	Barbara Whitnell	Delete site HG1.68 from Policy HG1.
4263.D1	Holly Clothier	Objection to the Housing Site Allocation HG1.68 St Ilands Comprehensive.
4264.D1	Mrs L Brown	Objection to the Housing Site Allocation HG1.68 St Ilands Comprehensive.
4265.D1	Anne I. Prosser	Objection to the Housing Site Allocation HG1.68 St Ilands Comprehensive.
4266.D1	Anthony Harris	Objection to the Housing Site Allocation HG1.68 St Ilands Comprehensive.
4267.D1	Sylvia Hackett	Objection to the Housing Site Allocation HG1.68 St Ilands Comprehensive.
4268.D1	Mrs V Clarke	Objection to the Housing Site

4269.D1	K. M. Slattery	Allocation HG1.68 St llans Comprehensive. Objection to the Housing Site Allocation HG1.68 St llans Comprehensive.
4270.D1	Adele Moore	Objection to the Housing Site Allocation HG1.68 St llans Comprehensive.
4271.D1	A Hawke	Objection to the Housing Site Allocation HG1.68 St llans Comprehensive.
4272.D1	Joan Rees	Objection to the Housing Site Allocation HG1.68 St llans Comprehensive.
4273.D1	Mr P. M. H. Thomas	Objection to the Housing Site Allocation HG1.68 St llans Comprehensive.
4279.D1	R Mahoney	Delete site HG1.68 - St llan's Comprehensive from Policy HG1.
4280.D1	Denise Lewis	Delete site HG1.68 - St llan's Comprehensive from Policy HG1.
4281.D1	Nick Gratton	Delete site HG1.68 - St llan's Comprehensive from Policy HG1.
4282.D1	Susan Drucker	Delete site HG1.68 - St llan's Comprehensive from Policy HG1.
4283.D1	Mr & Mrs Thomas	Delete site HG1.68 - St llan's Comprehensive from Policy HG1.
4284.D1	Mr Michael Jones	Delete site HG1.68 - St llan's Comprehensive from Policy HG1.
4285.D1	Mr & Mrs I Mortimore	Delete site HG1.68 - St llan's Comprehensive from Policy HG1.
4286.D1	P Davies	Delete site HG1.68 - St llan's Comprehensive from Policy HG1.
4287.D1	Miss S E Warrick	Delete site HG1.68 - St llan's Comprehensive from Policy HG1.
4288.D1	S Parry	Delete site HG1.68 - St llan's Comprehensive from Policy HG1.
4289.D1	Mrs Caple	Delete site HG1.68 - St llan's Comprehensive from Policy HG1.
4290.D1	Joanne & Steve Walby	Delete site HG1.68 - St llan's Comprehensive from Policy HG1.
4291.D1	A L James	Delete site HG1.68 - St llan's Comprehensive from Policy HG1.
4292.D1	Mr K P Ames	Delete site HG1.68 - St llan's Comprehensive from Policy HG1.
4293.D1	M & D Walby	Delete site HG1.68 - St llan's Comprehensive from Policy HG1.
4294.D1	Mr & Mrs Scrivens	Delete site HG1.68 - St llan's Comprehensive from Policy HG1.
4295.D1	Mr & Mrs A T Yendle	Delete site HG1.68 from Policy HG1.

ALTERNATIVE SITES STAGE

Altogether 532 representations were received at the Alternative Sites Stage from organisations, bodies and individuals, comprising 110 representations of support 266 representations of objection and 155 representations containing comments.

20 representations were not duly made, being either submitted after the consultation deadline or related to a site not part of the Alternative Sites Consultation. These 20 are listed below. Policy representations are listed first, in Plan Order, followed by Site representations, which are in Ward Order.

General Representations

2532.A1	Dowlais Top Investment Company Limited	No adverse comments to make on the published alternative sites
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Policy Representations

1593.A17	Gwent Wildlife Trust	Further explanation of the SINC system and its meaning and implications for landowners would be beneficial.
4414.A1	Ruperra Castle Preservation Trust	Objects to the omission of policy protection for Historic Sites.

Site Representations

Aber Valley

4198.A1	Caerphilly Teaching Local Health Board	Comments in relation to HG99.5, Panteg Public House, Abertridwr
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Argoed

4337.A1	Mr Colin Davies Williams	Comments in relation to Land at the Rear of Penylan Road, Argoed.
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Bedwas, Trethomas & Machen

3560.A1	Mr & Mrs Jones	Object to the HG1.64 housing allocation at Bedwas Colliery.
4418.A1	MH & LM Soper	

Crumlin

766.A1	J. J. Hatfield & Co.	Objection to NH3.47
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Llanbradach

4198.A2	Caerphilly Teaching Local Health Board	Comments in relation to LE99.25, former church site, Pencerrig Street, Llanbradach
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Morgan Jones

3957.A1	Mr John Mutter	Object to HG1.68
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Pengam

4396.A2	Mrs Jennifer Franklin	Object to the proposed inclusion of E183, land at Pengam Road, Britannia for housing
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Risca East

4417.A5	Mr Brian Hancock	Object to HG1.56 for housing
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Risca West

4417.A1	Mr Brian Hancock	Object to site CM99.2, commercial development at Pontymister Industrial Estate.
4417.A2	Mr Brian Hancock	Object to allocation of site E360, Danygraig Brickworks, for housing.
4417.A3	Mr Brian Hancock	Object to HG99.16, Mill Street, Pontymister.
4417.A4	Mr Brian Hancock	Comments relating to LE99.12, Brookland Road, Pontymister.
4417.A6	Mr Brian Hancock	Object to HG1.57 for housing.
4417.A7	Mr Brian Hancock	Object to HG1.58.
4417.A8	Mr Brian Hancock	Object to CM4.8.
4417.A9	Mr Brian Hancock	Object to CM4.9.
4417.A10	Mr Brian Hancock	Object to CF1.38.

St Cattwg

2195.A1	Mr Morgan Thomas	Inclusion of candidate sites E82 and C25, (at and near Gelligaer Court, Penpedairheol) which were not in the Alternative Sites Register
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LEGISLATIVE CHANGES

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Deposit Stage

In preparing the consultation responses to the Local Development Plan, officers have had regard to:

- The Wales Spatial Plan (produced by WAG)
- The Wales Transport Strategy (produced by WAG)
- National Planning Policy (produced by WAG):
 - Planning Policy Wales (PPW) (2002)
 - Ministerial Interim Planning Policy Statements (MIPPS) (a series)
 - Minerals Planning Policy Wales (MPPW) (2000)
 - Technical Advice Notes (Wales) (TANs) (a series)
 - Minerals Technical Advice Notes (Wales) (MTANs) (a series)
 - Planning Circulars (a series)

The Welsh Assembly Government has encouraged collaborative working between local authorities to create a sub-regional context for strategic planning basis. The Council has input into various regional and sub-regional plans and strategies, with the LDP having regard to their content:

- The South East Wales Development Strategy (SEWEF)
- The Regional Transport Plan (Sewta)
- The Waste Strategy and the Regional Waste Plan (SEWRWG)
- The Regional Technical Statement for Aggregate Minerals
- The Regional Household Apportionment (SEWSPG)
- The Good Practice Guide to Preparation of Viability Studies in South East Wales (SEWSPG)

Since the publication of the Deposit LDP the following guidance has been published. These documents have been taken into account in the preparation of the consultation responses.

- Draft TAN 6: Planning for Sustainable Rural Communities, July 2009
- Draft TAN12: Design, June 2009 (amendments to the TAN12)
- TAN 16: Sport, Recreation and Open Space, January 2009
- Draft TAN22: Planning for Sustainable Buildings, May 2009
- MIPPS 01/2009: Planning for Sustainable Buildings, May 2009
- Fields in Trust: Planning and Design for Outdoor Sport and Play, 2008

As a result of the publication of this new guidance three policies are proposed to be deleted from the plan, namely Policies **CW1 Sustainable Buildings**, **CW4/CW5 General Design Considerations** as they now repeat national guidance and therefore should not be included in the plan.

7 CFF97 HCBG

CORRECTIONS

As a result of the consultation exercise a number of minor drafting errors have been identified within the written statement and on the Proposals Map. These will be rectified prior to submission to the Planning Inspectorate and will not form part of the Focused Changes document.