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Date: 16th May 2018

Dear Sir/Madam,

A meeting of the **Planning Committee** will be held in the **Council Chamber, Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 23rd May, 2018** at **5.00 pm** to consider the following agenda item, which was not included when the agenda was published and is now available.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy'.

Christina Harrhy
INTERIM CHIEF EXECUTIVE

AGENDA

- 13 17/0864/FULL - Durisol UK, Unit 4 Parkway, Pen-y-fan Industrial Estate, Pen-y-fan, Newport, NP11 3EF.

Circulation:

Councillors M.A. Adams (Chair), Mrs E.M. Aldworth, C. Andrews, A. Angel, J. Bevan, W. David (Vice Chair), M. Davies, J.E. Fussell, R.W. Gough, A.G. Higgs, A. Hussey, B. Miles, Mrs G.D. Oliver, J. Ridgewell, J. Simmonds, J. Taylor, A. Whitcombe, R. Whiting and T.J. Williams

And Appropriate Officers

A greener place Man gwyrddach



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Agenda Item 13

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0864/FULL 06.11.2017	Sirius Renewable Energy Mr Davies 4245 Park Approach Thorpe Park Leeds LS15 8GB	Erect a wind turbine with a maximum overall tip height of 113m, 10m micro-siting, associated infrastructure including a transformer, hardstanding areas, a control building and cabling to operate for 25 years and subsequently decommission Durisol UK Unit 4 Parkway Pen-y-fan Industrial Estate Pen-y-fan Newport NP11 3EF

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is within the curtilage of the industrial unit operated by Durisol, located on Parkway, Pen-y-Fan Industrial Estate.

Site description: Industrial unit curtilage. The proposed wind turbine would be located on land to the west of the existing unit.

Development: The application seeks full planning permission to construct a single wind turbine and associated infrastructure. The proposed wind turbine would have a rated output capacity of up to 2MW. Based on the submitted example turbine type, it would have a maximum overall tip height of 113m, hub height of 78m, and rotor diameter of 66m.

The associated infrastructure includes an external transformer kiosk building, a substation kiosk building, underground cabling and crane pad. The total land take for the development measures approximately 310 square metres.

Ancillary development, e.g. parking: None.

Cont....

Application No. 17/0864/FULL Continued

PLANNING HISTORY 2005 TO PRESENT

06/0452/FULL - Erect new storage warehouse. Granted 08.12.2006.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies in the Pen-y-fan Employment Site (LDP Ref: 2.10) as well as the defined settlement boundary.

Policies: SP1 (Development Strategy), SP5 (Settlement Boundaries), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints). The Local Planning Authority's guidance for smaller scale wind turbine developments.

NATIONAL POLICY Planning Policy Wales Edition 9 (November 2016), Technical Advice Note 8: Planning for Renewable Energy (July 2005) and Technical Advice Note 11: Noise (October 1997).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No.

CONSULTATION

Conservation & Design Officer - No objection.

Joint Radio Company Limited - No objection.

Transportation Engineering Manager - No objection subject to a condition requiring a revised Traffic Management Plan.

Cont....

Application No. 17/0864/FULL Continued

Countryside And Landscape Services - Based on the submitted ecology surveys, no objection is raised subject to the imposition of conditions. However concerns that are set out late in this report are raised in respect of the landscape impacts of the scheme.
Senior Arboricultural Officer (Trees) - No objection.

CADW - No objection.

Principal Valuer - No comments.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No objection subject to a land drainage condition and advice being forwarded to the developer.

Police Liaison - Transport - No comments.

Civil Aviation Authority - No response.

Ministry Of Defence - No objection.

Dwr Cymru - Provides advice to the developer.

Natural Resources Wales - Raise concerns regarding protected species.

Glam/Gwent Archaeological Trust - No objection subject of advice being forwarded to the applicant.

Public Health Wales - State that it is the role of the Local Authority to comment on potential noise issues from development.

Blaenau Gwent County Borough Council - No response.

ADVERTISEMENT

Extent of advertisement: 91 nearby residential properties and commercial premises were consulted by way of letter and a site notice was displayed on Parkway near the application site.

Response: 35 objection letters have been received as well as a petition signed by 94 residents. A letter of objection was also received from the AM for the area.

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Summary of observations:

- Proposal represents exceedance to visual saturation of skyline;
- Detrimental impact on visual amenity of nearby properties;
- Noise pollution;
- Inadequacy of submitted noise report;
- Danger that the sustainable energy argument overrides all other material planning considerations;
- Detrimental impact on views from Pen-y-fan Country Park;
- Inadequacy of submitted ecology report, i.e. 3-hour survey too short;
- Shadow flicker report does not take account of climate change and its potential to alter weather patterns;
- Devaluation of neighbouring land and property;
- Submitted LVIA aims to devalue the importance of SLAs and VILLs;
- Damage to landscape character;
- Structure out of keeping with surrounding area;
- Submitted reports do not take account of all properties located within 1km range of the proposed turbine;
- Existing noise issues from factories on Pen-y-fan Industrial Estate;
- Loss of trees.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?
Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. Based on the submitted ecology surveys, conditions will be attached in the interests of biodiversity.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

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ANALYSIS

Policies: Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the adopted development plan for an area, unless material considerations indicate otherwise. This application has been considered in accordance with national guidance and local plan policy. The main issues in this application are considered to be the effects of the proposed development on the character and appearance of the landscape and its consequences in these terms for impact on residential visual amenity, the effects on the adjacent Pen y Fan Pond Country Park, the effects on nature conservation interests, the effects on the amenity of properties in terms of noise and shadow flicker, and the effect on the highway network. These issues will be considered in turn below against the backdrop of the need to produce renewable energy in line with national targets.

VISUAL IMPACT IN LANDSCAPE AND IMPACT ON RESIDENTIAL AMENITY.

In terms of the impact of the development on visual amenity and on the nearby Pen y Fan Pond Country Park, the Council's Landscape Architect has made the following comments:

"In relation to visual amenity the submitted landscape and visual assessment (LVIA) evaluation of the adverse effect upon residential amenity is in my professional opinion significantly lower that would be expected for this type of development. This is notable in the LVIA assessment of the visual effect on residential properties with 1km radius of the site, properties identified as R1 to R4 which, in my judgement, should be assessed as major / moderate adverse. In addition, the settlements of Trinant and Pentwyn which were assessed by the submitted LVIA as minor-neutral adverse should also be assessed as major adverse for properties that will experience direct views, and moderate adverse for the village as a whole."

"This is clearly illustrated by the additional information requesting for an additional Viewpoint 7, located on the footway adjacent to No.16 Trinant Terrace Pentwyn. In light of the additional cumulative photomontage submitted and having now assessed this first hand on site from this and other publically assessable points within the settlement, this photomontage clearly shows that there will be significant major adverse visual impact on residents that are afforded direct views. This is primarily due to the 113m height of the proposed Parkway turbine, but more importantly due to its close proximity to Trinant and Pentwyn at approximately 1km, as the proposed turbine will appear significantly higher than the existing Pen y fan turbine.

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Existing baseline views from the topographically higher northern and western fringes of the settlement contain view of existing detractors, along the skyline to the west, including Pen y fan turbine, pylons and overhead powerlines, however, the proposed Parkway turbine when viewed from Pentwyn Terrace, and other areas within the settlement afforded views, are likely to present a further cluttering of the landform to the west and contribute to further visual degradation of the skyline. The extent of adverse visual effect experienced will depend largely upon residential building location, orientation and taking into account screening from existing buildings and filtering of views from seasonal variation, as trees in leaf should assist to reduce the visual impact but not mitigate it in all cases. Therefore, residential properties orientated directly facing the turbine to the south west; experiencing direct views from ground floor windows and gardens will experience major adverse visual effects. The photomontage clearly illustrates that the village will as a whole will experience an increased moderate adverse visual impact from the proposed Parkway turbine."

"Pen y Fan Pond Country Park

With regard to the Landscape and Visual effects upon the highly sensitive Pen y Fan Pond Country Park (Viewpoint 1), it's important to assess the proposals in relation to the existing baseline landscape, and that the existing very large operational turbine cluster on the Oakdale Plateau which are clearly within view. Any proposed axillary buildings will be screened by existing vegetation and therefore, prevent any small scale elements being visible, therefore its predictable that the adverse effects on of the proposed turbine on the country park and those enjoying it will have a lower significant adverse impact due to the existing turbines and that the proposed turbine, of a similar visual appearance, design and scale, is likely to be viewed as part a group with the result being moderate adverse visual and landscape effects. This is illustrated by the cumulative photomontage from Viewpoint 1."

Further to these comments and a follow up site visit, the Landscape Architect provided the following comments:

"Having been to site to visit Viewpoint 7 located at Pentwyn Terrace, along with other publically accessible areas within the settlement of Pentwyn and Trinant that afford direct views of the proposed Parkway Turbine, it is apparent that the visual impact will be significantly greater than minor-neutral as stated in the LVIA, which the photomontage produced for Viewpoint 7 located adjacent to No.16 Trinant Terrace clearly illustrates, and therefore should be assessed as moderate adverse for the community as a whole."

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"More importantly however, having been to Pentwyn its apparent that there are a large number of residential properties located on Trinant Terrace, Pentwyn Terrace and Philip Street which are orientated facing the proposed turbine which will experience direct views of the proposed turbine and as a result experience significant adverse visual effects. This is primarily due to the 113m height of the proposed Parkway turbine combined with its close proximity to the settlement at approximately 1km, which will cause the proposed turbine to appear significantly higher (as illustrated in the cumulative photomontage at viewpoint 7) than the existing Pen y fan turbine. In addition, existing buildings and vegetation will do little to screen direct views of the 113m high turbine. Therefore, as there are a high number of residential properties orientated directly facing and with uninterrupted direct views of the turbine to the south west, from ground floor windows and gardens, which will experience significant and unacceptable major adverse visual effects this application, should be refused."

Policy CW2 of the Adopted Caerphilly Local Development Plan (Adopted November 2010) relates to amenity and states that developments proposals should not have an unacceptable impact on the amenity of adjacent properties or land. For the reasons outlined above, it is considered that the proposed development would have such an unacceptable impact on residential visual amenity, and is therefore contrary to Policy CW2.

ECOLOGY

The following surveys were undertaken and supported the planning application:

1. An Extended Phase 1 Habitat survey undertaken on the 18th of October 2016;
2. A great crested newt survey of two ponds that lie within 500m of the turbine location undertaken on 4 occasions in May 2017, and an assessment of the terrestrial habitat within the application boundary;
3. A bat survey including a roost assessment of adjacent buildings and trees, and 6 transect surveys and static surveys undertaken in spring summer and autumn 2016 and 2017;
4. A single 3 hour bird reconnaissance survey undertaken in October 2017;
5. A reptile survey comprising 6 visits to suitable habitat on the periphery of the development;
6. A badger survey was undertaken in May 2017.

Based on these surveys the Council's Ecologist provided the following comments.

"The surveys identified that there were no habitats of ecological value within the planning application boundary. The western perimeter has a band of young scrub and trees and the southern perimeter has a perimeter of tall ruderal herbs and scattered scrub.

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The presence of ponds suitable to support great crested newts within 500m of the site, resulted in surveys being undertaken on two ponds, one to the east of the site and one to the west of the site. No evidence of great crested newts were recorded, although other amphibians were recorded within these ponds including palmate newt, common frog and common toad. The application site was considered not to support suitable terrestrial habitat for these species so the impact on great crested newts, or other amphibians is considered to be low.

A bat survey was undertaken which included walked surveys in spring summer and autumn in 2016 and 2017. The 2016 surveys centred on a previous location for the turbine, to the south of the current application site, but as part of the 2016 routes passed relatively close to the current turbine location, these are still relevant to this application. The surveys confirmed that bat usage of the adjacent vegetation to the west and south of the turbine was relatively low with only one survey (Autumn 2017) showing use of the adjacent vegetation by common pipistrelle and noctule bats. A much higher use of vegetation on the eastern edge of the industrial estate was demonstrated in all surveys undertaken, indicating a preference for using the vegetation away from the turbine location by all species of bats for foraging and commuting. Static bat detectors stationed at the wind turbine site and at a control site, adjacent to pond 1, east of the turbine showed a low use of the turbine site by bats and a significantly higher use of the control site. As there is some use of the adjacent vegetation by foraging bats guidance recommends that turbine blade tips are located more than 50m from hedgerows or trees. The precise height and location of the turbine has not been set out in the application, so a condition will be required to control its final position to ensure that the turbine blade tips are greater than 50m from the perimeter trees and shrubs. This will ensure that there is a minimum impact on commuting and foraging bats. Bats are a European protected species, and in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended) Local Planning Authorities are required to consider whether three European tests should be applied to the planning application. In this instance it is unlikely that bats will be impacted by this proposal, and a derogation licence from Natural Resources Wales is unlikely to be required. In view of this the three European Tests do not need to be applied to this application.

A desk study was undertaken to determine the impact of the proposed turbine on birds which identified a total of 8 Schedule 1 species within 1 km of the application site. Of these species only honey buzzard and red kite have been identified as having the potential to be impacted by wind turbines and if these species are considered to be breeding close to the turbine a full assessment would be required in accordance with guidance (Natural England's Technical Information Note TIN069 - there is no equivalent guidance in Wales). Habitat immediately adjacent to the turbine is not considered to be suitable breeding habitat for these species, as a result a breeding bird survey has not been undertaken.

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Application No. 17/0864/FULL Continued

However one survey was undertaken to determine the use of the site by birds during October 2017 as a potential local flight path for birds on-route to Penyfan Pond. A total of 9 species of bird were recorded, none being identified as requiring further assessment in TIN069. The margins of the development site have some potential to support common nesting birds, so a condition should be proposed to minimise impact on these species. The impact of the proposed turbine is therefore unlikely to have a significant negative impact on birds.

The site was surveyed for the potential for reptiles on 7 separate occasions during May 2017. No evidence of reptiles were recorded and reptiles are not considered to be affected by the proposal.

A badger survey found no badger activity within the application site boundary, during a survey undertaken in May 2017, but evidence of badgers was found on the eastern periphery of the industrial estate, indicating that badgers could potentially forage within the application site. The hard surfaces of the application site are unlikely to be attractive to badgers, but the margins could be potentially used by badgers in the future. A condition should therefore be placed on any approval requiring a pre-commencement badger survey, to ensure that in the event that badgers have moved into the peripheral vegetation, measures can be put in place to minimise impact on this species.

On the basis of the studies undertaken and the comments of the Council's Ecologist, it is not considered that the proposal will have a detrimental impact on ecology subject to the imposition of relevant conditions.

NOISE AND SHADOW FLICKER

The letter of concern received from the area's Assembly Member also raised the issues of the impact of the proposal in terms of noise pollution and shadow flicker, and the adequacy of the submitted reports. In response to this the Head of Public Protection made the following comments:

"1. The application uses background noise measurements from the previous Oakdale wind turbine application, this is due to the fact that it wasn't possible to carry out a background noise survey due to the influence of the existing wind turbines in the area on the readings. Therefore the Oakdale measurements were used as they contained background measurements prior to turbines in the area, this is the recommended approach in guidance. This also will provide worst case scenario as will provide lower background levels to be used for comparison.

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Application No. 17/0864/FULL Continued

2. The report does state there will be exceedances but these would be very slight and again based on optimum weather conditions (temperature, humidity, wind speed, pressure etc.). Such low increases would not usually be detectable by the human ear. However this department has imposed noise levels which it believes will not have a negative impact on neighbouring properties.

3. The noise report has focused on residential properties in the area and has based its predictions on the locations of those. This is as recommended practice in guidance.

4. As the turbine is not present to monitor the applicant uses manufacturer data of the proposed turbine to predict noise levels. This will be done factoring in factors such as ground conditions, wind speed, temperature, atmospheric absorption and distance. Again this is recommended practice in guidance.

5. This planning application is assessed independently to any noise nuisance complaints in the area; Environmental Health previously investigated an allegation against an industrial unit, however, that investigation has now ended. There are no active noise investigation currently in this area.

6. With regard to shadow flicker again this is predicted using worst case scenario weather conditions when estimating the effects of shadow flicker. However shadow flicker can be controlled by preventing the turbines operating during times when shadow flicker may occur. This has been conditioned by Environmental Health which will require the proposed turbine not to operate if shadow flicker is proven."

HIGHWAYS

The Transportation Engineering Manager raises no objection subject to a condition requiring a revised Traffic Management Plan (TMP). As three very large wind turbines have been erected on adjacent land, Highway safety in terms of the delivery of the turbine is not considered to be a significant issue for this application.

Concerns have been raised by the areas Assembly Member regarding the excessive weight being given to the need for renewable energy and that this may be outweighing all other material planning considerations, including the impact on visual amenity. The renewable energy targets set out in the EU Renewable Energy Directive, and the UK Renewable Energy Roadmap includes a target of 15% of energy to be generated from renewables by 2020. Welsh Government 'has made a commitment to tackling climate change, resolving that the Government and people of Wales will play the fullest possible part in reducing its carbon footprint' (para 4.5.1 Planning Policy Wales 9th Edition, 2016). Welsh Government has also endorsed the use of renewable energy in its Policy Statement 'Energy Wales: A Low Carbon Transition'.

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Application No. 17/0864/FULL Continued

Within both documents, the presumption is in favour of a low carbon transition to more renewable energy generation techniques. As such, there is still a need to ensure that renewable energy generation is allowed, subject to all other material planning considerations being satisfied.

Whilst it is accepted that considerable weight should be afforded to the provision of renewable energy, this must be carefully balanced against the "harm" it would cause to those in the vicinity of the proposal. In this instance, and for the reasons outlined by the Council's Landscape Architect above, a 113m to tip wind turbine in this location, is considered to cause a degree of harm that outweighs the need for renewable energy. The site is within an area identified within the Council's Supplementary Planning Guidance where large scale wind turbine development would be out of scale with the majority of the units. To the east of the site is an area that has greater sensitivity to larger scale development. The guidance defines the current proposal as very large scale.

Comments from Consultees: The Council's Landscape Architect raises objection to the proposal in light of the significant major adverse visual impact on residents afforded direct views (as shown on the additional information at Viewpoint 7 from Pentwyn Terrace Trinant) as well as in additional areas in the community which will also receive significant visual impact.

The Transportation Engineering Manager raises no objection subject to a condition requiring a revised Traffic Management Plan (TMP) to be submitted and agreed by the Local Planning Authority.

The Head of Public Protection confirms that the submitted noise assessment is satisfactory and raises no objection subject to conditions. In terms of potential shadow flicker, again, conditions are recommended to prevent such an impact occurring.

The Council's Ecologist is satisfied with the submitted ecological reports, and offers no objection subject to relevant conditions.

Natural Resources Wales raise concerns regarding the potential impact on protected species in the area, i.e. Bats. The Council's Ecologist is satisfied that, subject to conditions, this matter can be adequately controlled.

No objection is raised by other statutory consultees subject to conditions and advice.

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Comments from public:

1. Proposal represents exceedance to visual saturation of skyline - This has been addressed in the analysis section above.
2. Detrimental impact on visual amenity of nearby properties - This has been addressed in the analysis section above.
3. Noise pollution - This has been addressed in the analysis section above.
4. Inadequacy of submitted noise report - The Head of Public Protection considers the submitted noise report to be satisfactory.
5. Danger that the sustainable energy argument overrides all other material planning considerations - Whilst the need to provide renewable energy in accordance with national targets is a material planning consideration, in this instance, that need is not considered to outweigh the detrimental impact on the visual amenity of nearby residential properties.
6. Detrimental impact on views from Pen-y-fan Country Park - The Council's Landscape Architect considers the impact on Pen y Fan Pond Country Park to be a moderate adverse impact. However, when viewed as part of a group with the existing 3 very large turbines in the surrounding area, this impact, i.e. the Country Park alone, would not warrant a refusal of planning permission.
7. Inadequacy of submitted ecology report, i.e. 3-hour survey too short - The Council's Ecologist is satisfied with the ecology survey that have been undertaken. The three hour reconnaissance survey relates to a bird survey that was undertaken to provide additional information to supplement the information provided via the desk study. Additional bird surveys are usually only required on larger scale wind farms, or where the site lies adjacent to sensitive sites such as SSSI's and SPA's, or where there are known breeding bird records of species vulnerable to blade strike. This accords with guidance produced by Natural England (TIN069 Jan 2010).
8. Shadow flicker report does not take account of climate change and its potential to alter weather patterns - The Head of Public Protection is satisfied with the information that has been submitted in relation to shadow flicker.
9. Devaluation of neighbouring land and property - This is not a material planning consideration.

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Application No. 17/0864/FULL Continued

10. Submitted LVIA aims to devalue the importance of SLAs and VILLs - The Council's Landscape Architect considers that the impact on the nearest SLA (Gelligaer Common) to be minor adverse, and the proposal would be viewed as part of the existing group. Notwithstanding this, all applications for wind turbines will be considered on their own individual merits.

11. Damage to landscape character - This issue has been addressed above.

12. Structure out of keeping with surrounding area - The proposed structure is located on an employment site where other very large wind turbines are present. Therefore it is not considered that the development would be incongruous given previous permitted turbines in the locality.

13. Submitted reports do not take account of all properties located within 1km range of the proposed turbine - The impact of the proposal on the amenity of nearby properties has been carefully considered by the Local Planning Authority.

14. Existing noise issues from factories on Pen-y-fan Industrial Estate - Existing noise issues in relation to industrial units and processes are a matter for the Council's Environmental Health Department. This matter is addressed in point 5 of the Head of Public Protection's comments in the analysis section above.

15. Loss of trees - The development does not affect any trees.

Other material considerations: None.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION that Permission be REFUSED

The reason(s) for the Council's decision is/are

- 01) By virtue of its proposed siting and overall height/rotor diameter, the proposed wind turbine would result in a majorly adverse impact on the nearby residential properties that have direct views of it, and a moderately adverse impact on the area surrounding these properties. Such a detrimental impact on visual amenity is contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
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