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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Rebecca Barrett
(Rhif Ffôn: 01443 864245 Ebst: barrerm@caerphilly.gov.uk)

Dyddiad: Dydd Mercher, 25 Tachwedd 2020

Annwyl Syr/Fadam,

Bydd cyfarfod o'r **Pwyllgor Cynllunio** yn cael ei gynnal trwy Microsoft Teams ar **Dydd Mercher, 2ail Rhagfyr, 2020** am **5.00 pm** i ystyried materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny.

Bydd y cyfarfod hwn yn cael ei recordio a bydd ar gael i'w weld trwy wefan y Cyngor, ac eithrio trafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig. Felly, bydd delweddau/sain yr unigolion sy'n siarad yn ystod y Pwyllgor Cynllunio ar gael i'r cyhoedd trwy'r recordiad ar wefan y Cyngor: www.caerffili.gov.uk

Oherwydd cyfyngiadau yn ymwneud â Covid-19, mae Ymweliadau Safle'r Pwyllgor Cynllunio wedi'u hatal ac ni fydd y cyfarfod hwn ar agor i'r wasg na'r cyhoedd. Fodd bynnag, gall y rhai sydd â diddordeb wneud cais i fynychu o bell a siarad mewn perthynas ag unrhyw eitem ar yr agenda hon. I gael rhagor o fanylion am y broses hon, cysylltwch â Chlerc y Pwyllgor ar barrerm@caerffili.gov.uk

Yr eiddoch yn gywir,

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

Christina Harrhy
PRIF WEITHREDWR

A G E N D A

Tudalennau

- 1 Nodi penodiad y Cynghorydd E.M. Aldworth fel Is-gadeirydd y Pwyllgor Cynllunio tan Gyfarfod Cyffredinol Blynnyddol y Cyngor yn 2021.

A greener place Man gwyrddach



2 I dderbyn ymddiheuriadau am absenoldeb

3 Datganiadau o Ddiddordeb.

Atgoffi'r Cyngorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cyngorwyr a Swyddogion.

I gymeradwyo a llofnodi'r cofnodion canlynol:-

4 Cynhaliwyd y Pwyllgor Cynllunio ar 4ydd Tachwedd 2020. 1 - 4

I dderbyn ac ystyried yr adroddiad(au) canlynol:-

5 Rhif Cod 20/0636/COU - 17 Y Stryd Fawr, Rhymni, Tredegar NP22 5NB. 5 - 14

6 Rhif cod 20/0830/COU - Iconic, Llanarth Corner, Llanarth Road, Maes-y-ffynnon, Pontllan-fraith, NP12 2LG. 15 - 26

7 Rhif cod 20/0806/NCC - Tir ar Gyfeirnod Grid 319235 191320, Ystâd Ddiwydiannol Nine Mile Point, Cwmfelin-fach. 27 - 58

8 Cynllun Datblygu Lleol Cyngor Bwrdeistref Sirol Caerffili - Datganiad Darparu Tai. 59 - 86

Cylchrediad:

Cyngorwyr M.A. Adams, Mrs E.M. Aldworth, C. Andrews, A. Angel, J. Bevan, M. Davies, J.E. Fussell, R.W. Gough, D.T. Hardacre, L. Harding, A.G. Higgs, A. Hussey, B. Miles, Mrs G.D. Oliver, R. Saralis (Cadeirydd), J. Simmonds, J. Taylor, A. Whitcombe a T.J. Williams

A Swyddogion Priodol

SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH

Bydd yr unigolion hynny sy'n mynychu cyfarfodydd pwyllgor i siarad/roi tystiolaeth yn cael eu henwi yng nghofnodion y cyfarfod hynny, weithiau bydd hyn yn cynnwys eu man gweithio neu fusnes a'r barnau a fynegir. Bydd cofnodion o'r cyfarfod gan gynnwys manylion y siaradwyr ar gael i'r cyhoedd ar wefan y Cyngor ar www.caerffili.gov.uk. ac eithrio am drafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig.

Mae gennych nifer o hawliau mewn perthynas â'r wybodaeth, gan gynnwys yr hawl i gael mynediad at wybodaeth sydd gennym andanoch a'r hawl i gwyno os ydych yn anhapus gyda'r modd y mae eich gwybodaeth yn cael ei brosesu.

Am wybodaeth bellach ar sut rydym yn prosesu eich gwybodaeth a'ch hawliau, ewch i'r [Hysbysiad Preifatrwydd Cyfarfodydd Pwyllgor Llawn](#) ar ein gwefan neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio griffd2@caerffili.gov.uk neu ffoniwch 01443 863028.



PLANNING COMMITTEE

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON WEDNESDAY, 4TH NOVEMBER 2020 AT 5:00 PM

PRESENT:

Councillor R. Saralis - Chair

Councillors:

M. Adams, E.M. Aldworth, C. Andrews, A. Angel, J. Bevan (part of meeting), M. Davies, R.W. Gough, L. Harding, A. Hussey, B. Miles, G. Oliver (by telephone), J. Simmonds, J. Taylor, A. Whitcombe, T.J. Williams

Councillor S. Morgan (Deputy Leader and Cabinet Member for Economy and Enterprise)

Together with:

M. Woodland (Senior Solicitor), R. Kyte (Head of Regeneration and Planning), C. Campbell (Transportation Engineering Manager), C. Boardman (Area Principal Planner), E. Rowley (Area Senior Planner), A. Vick (Senior Engineer), R. Barrett (Committee Services Officer)

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors J.E. Fussell, D.T. Hardacre and A.G. Higgs, together with R. Thomas (Planning Services Manager) and M. Godfrey (Team Leader, Pollution Control).

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

3. MINUTES – 7TH OCTOBER 2020

It was moved and seconded that the minutes of the meeting held on the 7th October 2020 be agreed as a correct record and by a show of hands-up this was unanimously agreed.

RESOLVED that the minutes of the Planning Committee held on 7th October 2020 (minute nos. 1-8) be approved as a correct record.

4. CODE NO. 20/0636/COU - 17 HIGH STREET, RHYMNEY, TREDEGAR, NP22 5NB

Councillor C. Cuss spoke on behalf of local residents in objection to the application.

During consideration of the application, the Committee were advised that Councillor J. Bevan wished to contribute to the debate but was unable to do so as he was experiencing technical difficulties and was unable to fully connect to the meeting. It was therefore moved and seconded that the application be deferred to the next meeting of the Planning Committee to allow Councillor Bevan to make his contribution, and in noting there were 9 For, 6 Against and 0 Abstentions this was agreed by the majority present.

RESOLVED that for the reasons set out at the meeting, the application be DEFERRED to the next meeting of the Planning Committee on 2nd December 2020.

5. CODE NO. 20/0071/COU - THE ROLLING MILL INN, 88 COMMERCIAL STREET, PONTYMISTER, RISCA, NEWPORT, NP11 6EE

A written statement was read out on behalf of local residents in objection to the application, and Mr A. Jenkins the Applicant spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to the conditions contained within the Officer's report, and with the inclusion of one additional condition relating to the removal of the existing cellar and one amended condition relating to approved plans, the recommendation contained in the Officer's report be approved and in noting there were 15 For, 0 Against and 0 Abstentions this was unanimously agreed.

RESOLVED that:-

- (i) Subject to the conditions contained in the Officers report and the following additional and amended conditions this application be GRANTED;

Additional Condition (08)

Revised elevation details indicating the removal of the existing cellar as shown in in the Proposed Ground Floor Plan received on 27.01.2020 shall be submitted for consideration and approval in writing with the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to beneficial occupation of the development hereby approved.

Reason

To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking in the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Amended Condition (02)

The development shall be carried out in accordance with the following approved plans and documents:

Site Location Plan received on 27.01.2020; and

Proposed Ground Floor Plan received on 27.01.2020.

Reason

To ensure that the development is carried out only as approved by the Local Planning Authority.

- (ii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: CW2 and CW3.
- (iii) The applicant be advised of the comments of the Council's Transportation and Engineering Manager that are brought to the applicant's attention:

Before any vehicle crosses the public footway, a properly formed vehicular crossover must be provided, the constructional details of which must be agreed with the Highway Authority. The applicant should ring (01495) 235323 in this regard. Should the applicant wish to undertake the work themselves, or employ a private contractor, a Licence to Excavate the Highway will be required. This licence will not be required if the work is undertaken by the Council's Network Contracting Services. It should be noted that any unlicensed work in, or disturbance of, the highway is an offence under the Highways Act 1980 and in such circumstances legal action may be undertaken in order to rectify matters. The applicant should also be made aware that it will be a requirement to relocate the street lighting column and telegraph pole in order to provide access to the parking spaces. The relocation of the street lighting column can be arranged via the Council's Street Lighting Department whilst the relevant statutory undertaker can assist with the relocation of the telegraph pole.

- (iv) The applicant be advised of the comments of Natural Resources Wales attached to the report.

The meeting closed at 6.08 pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 2nd December 2020.

CHAIR

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Application Number: 20/0636/COU

Date Received: 05.08.2020

Applicant: Mr J Furneaux

Description and Location of Development: Change the use of a 4 bed terraced house (C3) to a 6 bed traditional bed-sit style HMO (C4) - 17 High Street Rhymney Tredegar NP22 5NB

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The site is located within the Conservation Area of Rhymney along the main High Street.

Site description: The semi-detached three-storey building features painted render with one side featuring a bay window to the ground and first floor. A raised patio area leads to a parking area for 3 vehicles situated adjacent the highway to the front elevation which has an entrance and exit enabling vehicles to enter and leave in a forward gear.

Development: Change the use of a 4 bed terraced house (C3) to a 6 bed traditional bed-sit style.

Dimensions: Not applicable.

Materials: Not applicable.

Ancillary development, e.g. parking: Cycle rack to rear and bin storage area.

PLANNING HISTORY 2010 TO PRESENT

None.

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan (2010)

Policies: Policy SP5: Settlement Boundaries; Policy SP6: Place Making; Policy SP21: Car Parking; Policy CW2: Amenity; Policy CW3 Design Considerations: Highways; and Policy CW15: General Locational Constraints.

Supplementary Planning Guidance Supplementary Planning Guidance LDP5 - Car Parking Standards.

NATIONAL POLICY Planning Policy Wales (Ed. 10).
The Planning (Listed Buildings and Conservation Areas) Act 1990.
Technical Advice Note 24: The Historic Environment and Conservation Principles.
Welsh Government Houses in Multiple Occupation: Practice Guidance (March, 2017).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not Applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within a high risk area.

CONSULTATION

Transportation Engineering Manager - No objection subject to the following conditions:

- 1) The building shall not be occupied until the area indicated for the parking and turning of vehicles has been laid out in accordance with the submitted plans to the satisfaction of the LPA, and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.
- 2) The building shall not be occupied until the proposed cycle stands have been provided, which shall be maintained in perpetuity for the use of residents and visitors. Head Of Public Protection - No objection raised subject to advice from the Housing Officer being relayed to the applicant.

Transportation Engineering Manager - No objection subject to conditions to secure car parking and cycle storage provision.

Conservation & Design Officer - There appear to be no proposals for the external fabric of the existing building, that in terms of its historic fabric, would not in itself, have any harmful impact upon the character or appearance of the conservation area provided that it was not allowed to deteriorate and over time affect detrimentally the amenity of the property itself or its surroundings.

However, consideration should be given on the likely impact that this type of change of use may have on the wider neighbourhood and this likelihood increases where there are a number of such properties already in the area.

Welsh Government has produced recent relevant guidance on the considerations needed to be mindful of, in the proposed change of use of such properties to HMOs in

their document 'Houses in Multiple Occupation: Practice Guidance March 2017. Paragraph 1.5 states:

Where there are high concentrations of HMOs, the Review confirmed that common problems include:

Damage to social cohesion with higher levels of transient residents and fewer long term households and established families, leading in the long term to communities which are not balanced and self-sustaining;
Access to the area for owner occupiers and first time buyers becoming much more difficult because of increased house prices and competition from landlords, with a reduction in the number of family homes;
Increases in anti-social behaviour, noise, burglary and other crime;
Reduction in the quality of the local environment and street scene as a consequence of increased litter, refuse and fly tipping, increased levels of disrepair and prevalent letting signs;
A change of character in an area through a tendency for increased numbers of takeaways, discount food stores and letting agencies;
Increased pressure on parking;
Reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls.

Conclusion

I am concerned about the key issues raised in paragraph 1.5 of the WG Guidance on HMOs and the increased likelihood that these matters will make an already challenged Town Centre into a more problematic one that will strip the community of its special 'character or appearance', that the legislation states that local planning authorities are duty bound to 'preserve or enhance'.

Recommendation

Refusal of this application in that it is contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that,
'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Reasons:

- 1) To preserve or enhance the character or appearance of the conservation area;
- 2) For the proper development management of the historic environment.

ADVERTISEMENT

Extent of advertisement: The application was advertised by way of site notice, press advertisement, and 16 No. neighbour notification letters.

Response: 51 x third party representations (summarised):

Concern for family due to feeling unsafe in Rhymney due to the residents in existing HMO's.

- Proposed HMO not beneficial to the area.
- High Street is already congested.
- Lack of parking.
- Number of police/anti-social incidents recently.
- Many flats in the area already.
- The High Street has become a 'no go' area.
- Effect on house prices.
- Current situation in Rhymney is having an effect on mental health and wellbeing of many people.
- Over concentration of HMO's in the area.
- A balanced mix of housing types needed.
- No outdoor amenity space for occupants.
- Adverse impact on the Conservation Area.
- Proposal contradicts the Well-being of Future Generations Act.

Summary of observations Issues of safety, crime, anti-social behaviour, house prices, health and the behaviour of future occupiers are not a material to the consideration of this application. However, parking and highway safety, the over concentration of HMO's and the consequential impacts upon the mix of housing, community cohesion and the character and appearance of the Conservation Area, together with the Well-being of Future Generations Act are material considerations which are addressed in the appraisal below.

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?

The Local Planning Authority has no control over who the occupants of the proposed development would be, their behaviour or what their particular background is. As such, the end user of the proposal is not a material planning consideration.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The proposed development only affects the interior of the building. Therefore, the proposal is not liable for CIL.

ANALYSIS

Policies: The application site is located within the settlement boundary as designated by the maps contained within the Caerphilly County Borough Local Development Plan (2010), and therefore the presumption is in favour of development subject to material planning considerations. In this instance, those main issues are the acceptability of the proposal in principle; the impact upon the character and appearance of the Rhymney Town Conservation Area; the amenity of the area; and highway safety considerations.

The application site is located within the Rhymney Town Conservation Area, therefore the proposal should be considered against the provisions of Planning (Listed Buildings and Conservation Areas) Act 1990 which seeks to ensure that any development within a Conservation Area preserves or enhances the character and appearance of that area.

The proposed development would not involve any alterations to the external appearance of the existing dwelling. A cycle rack and bin store are, however, proposed to the rear curtilage of the building and to ensure that these would not have an adverse impact on the character of the Conservation Area, full details will be secured by condition. Subject to condition the physical works associated with the proposal are considered to preserve the character and appearance of the Conservation Area.

With regard amenity impact it is not considered that the use of the existing dwelling as a shared house for up to 6 people living together would, in planning terms, raise any amenity issues in terms of noise, disturbance, amenity space requirements or impact upon privacy.

A number of concerns have been raised by third parties and by the Council's Conservation Officer regarding the concentration of HMO's in the area and the perceived impact upon issues of social cohesion, the amenity and character of the area and Conservation Area.

There are no specific policies in the LDP relating to this issue, however, in 2015 the Welsh Government commissioned a study into the impact of HMO concentrations on local communities in certain areas across Wales. The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study also revealed common problems associated with high concentrations of HMOs in some areas including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in antisocial behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on school through falling rolls.

In this respect the research identified that 10% is a general 'tipping point' beyond which the evidence indicates that a concentration of HMOs can begin to have an adverse impact on the character and balance of a community. This tipping point is described as

a threshold beyond which a community can 'tip' from a balanced position in terms of demographic norms and impacts, towards a demographic that is noticeably more mixed in terms of shared and family households.

The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission. Following the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation: Practice Guidance (February 2016)'. Within this it is identified that HMOs provide a source of accommodation for certain groups which include students and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

In this instance Council records indicate that there are only 5 HMO's within Rhymney as a whole and no HMO's within at least 100 metres of the application site. On this basis the number of HMO's within the area is low and well below the 10% threshold identified in Welsh Government research. As such, the proposal would not lead to an overconcentration of HMO properties within the area or have a negative impact upon the social cohesion of the community. It is not considered therefore that a recommendation of refusal could in any way be justified on these grounds and the proposed use of the site as a HMO is considered to be compatible with neighbouring residential land uses. Therefore, the proposal is considered to be in accordance with Policy CW2.

With regard parking and highway safety the Highway Authority raise no objections subject to the formalisation of off street car parking to the front elevation. In this respect 3 car parking spaces are shown on both the proposed and existing plans. Furthermore, to the rear of the property is situated a hardstanding area which is capable of providing the cycle storage and refuse storage area. As such, 3 residents car parking spaces will be secured by condition and on this basis the proposal is regarded as acceptable and in accordance with Policy SP21 and SPG LDP5.

To conclude, while concerns have been raised regarding the amount of HMO properties within Rhymney, it cannot be argued that there is an overconcentration of such uses in the area and as a consequence it is considered that the proposal would not have an unacceptable impact upon the amenity of the area or the character of the Rhymney Conservation Area. Adequate off street car parking can also be provided and no physical alterations are proposed to the elevations of the existing building. Subject to conditions relating to bicycle and refuse storage and off street car parking, the application is recommended for approval.

Other material considerations: 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 in providing the sustainable use of existing housing stock to meet housing needs 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 GRANTED

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 02) The development shall be carried out in accordance with the following approved plans and documents:
 - Proposed Site Plan (Received: 31/07/2020).
 - Proposed Second Floor Layout (Received: 31/07/2020).
 - Proposed Ground Floor Layout (Received: 31/07/2020).
 - Proposed First Floor Layout (Received: 31/07/2020).
 - Site Location Plan (Received: 06/08/2020).REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

- 03) The building shall not be occupied until the area indicated for the parking and turning of vehicles has been laid out in accordance with the submitted plans to the written satisfaction of the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.
REASON: In the interests of highway safety to ensure that adequate parking facilities are provided within the curtilage of the site.

- 04) Prior to the commencement of development, full details of the cycle rack and bin store detailed on the proposed plans shall be submitted to and agreed in writing by the Local Planning Authority. The approved cycle rack and bin store shall be provided prior to the first beneficial occupation of the development hereby approved and shall thereafter be maintained as such.
REASON: In the interest of highway safety and to ensure the proposal preserves or enhances the designated Conservation Area in accordance with Section 72(1) of the Planning Listed Building and Conservation Areas) Act 1990.

- 05) The building shall not be occupied until the proposed cycle stands have been provided, which shall be maintained in perpetuity for the use of residents and visitors.
REASONS: In the interests of highway safety to ensure that adequate parking facilities are provided within the curtilage of the site.

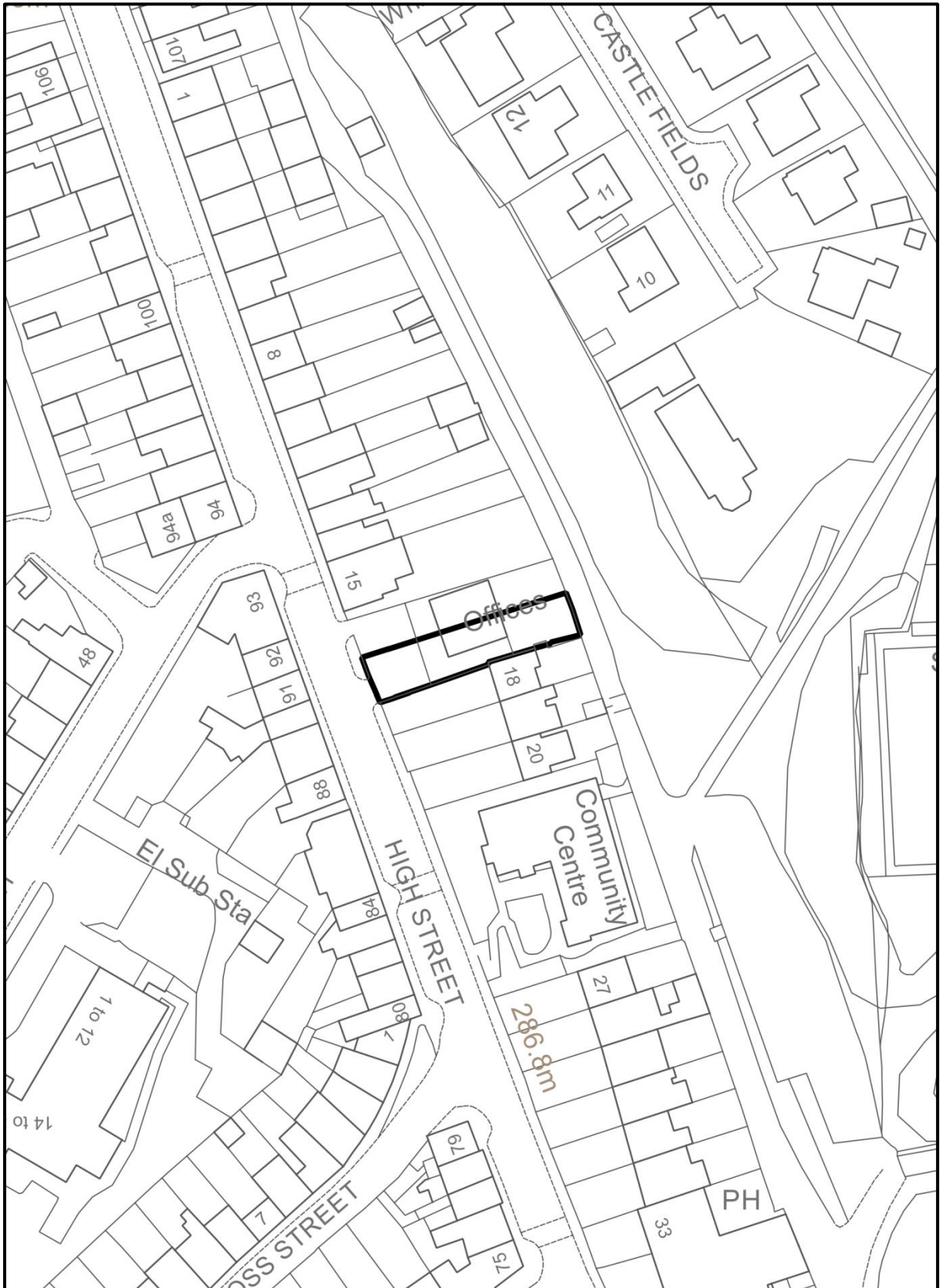
Advisory Note(s)

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority.



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Application Number: 20/0830/COU

Date Received: 06.10.2020

Applicant: Mr A.S Mitha

Description and Location of Development: Change the use of former hairdressers to an A3 premises - Iconic Llanarth Corner Llanarth Road Springfield Pontllanfraith

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: Iconic, Llanarth Corner, Llanarth Road, Springfield, Pontllanfraith.

Site description: The application site is a detached property comprising of a commercial unit and residential unit located on the corner junction of Llanarth Road/Islwyn Terrace and Meadow Road in Springfield, Pontllanfraith. To the north is the neighbouring detached dwelling (Beech Corner), to the south is Meadow Road with residential properties beyond. To the west is Llanarth Road with residential properties beyond. To the east is an area of open space with the residential street of Brookfield Road beyond.

Development: Change the use of former hairdressers to an A3 premises.

Dimensions: The area sought for change of use to A3 is approximately 60sqm2.

Materials: Not applicable.

Ancillary development, e.g. parking: Staff parking.

PLANNING HISTORY 2010 TO PRESENT

None.

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The site lies within the defined settlement boundary.

Policies: CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints), SP5 (Settlement Boundaries), SP6 (Place making) SP10 (Conservation of Natural Heritage).

NATIONAL POLICY Planning Policy Wales 10th Edition, Technical Advice Note 12: Design.

SUPPLEMENTARY PLANNING GUIDANCE Supplementary Planning Guidance note LDP 7 (Householder Development)

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not Applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? This is a Low risk area, and so it is intended to attach an informative note about mining conditions in the area.

CONSULTATION

Police Architectural Liaison Officer - There are no objections to the change of use planned to A3

Transportation Engineering Manager - No objection subject to planning condition in respect of staff parking.

Head Of Public Protection - No objection subject to planning conditions to mitigate noise and odour.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters were sent.

Response: 20 individual responses objecting to the development were received which include those of a local ward member.

A petition against the application with 97 signatories and with the title "Say no to the food & drink application in Llanarth road" was received.

A counter petition in support of the proposal was also received with 211 Signatories.

Summary of observations: The matters raised in objection of the application in the correspondence received are summarised below:

- Concern at late opening hours and resultant noise, odour and disruption to family life.
- Increased Litter and food waste.

- Increase in Antisocial behaviour and safety concerns.
- Impact on mental health through loss of sleep due to noise and anxiety due to antisocial behaviour.
- Limited existing Parking with existing parking problems and no car parking nearby.
- Noise from traffic and patrons.
- Increase in traffic and highlight existing vehicles speed in area.
- Dangerous corner and could cause adverse impacts for highway safety.
- Odour.
- Existing antisocial behaviour in the nearby Islwyn Park with associated noise and parking problems and proposal could lead to increased littering to street and car park.
- The application site being in the middle of a residential area is an unsuitable location for such a business.
- This sort of outlet should be either in shopping areas or on Commercial Street where there are other outlets.
- Questions the need for a takeaway due to a large number of similar businesses within the local area.
- There are separate delivery services available to residents.
- Will decrease nearby housing prices.
- Vermin will be attracted including from brook nearby.
- The applicant would be better off applying to convert to another flat or a single dwelling.
- Inspecting the area in the current pandemic does not reflect the normal traffic/parking and antisocial behaviour.
- The area mainly consists of pensioners.

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?

It is not considered that crime and disorder will be materially affected by the development.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No as there is no new floor space created by the development.

ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main considerations for the application are the impact on neighbour amenity, highway safety and the impact of the development on the character of the area.

The application property has most recently been operating as a hairdresser's (A1 use class) with a separate residential unit of accommodation. The proposed development is to change the use of the A1 retail unit to an A3 (Food and Drink) unit understood to be likely operate as a hot food takeaway. The separate unit of accommodation would remain and is within the ownership of the applicant. The application site is not designated for any specific use within the adopted Local Development Plan. In principle the proposed use as a hot food takeaway is considered to accord with the role and function of the settlement of Pontllanfraith in accordance with adopted Local Development Plan CW15 (General Locational Constraints).

The impacts of the development on neighbour amenity have been considered. The area surrounding the application site is predominately residential in nature. The proposal to change the hairdressers to a takeaway has the potential for adverse impacts on surrounding residential properties. The nearest residential property (not within the ownership of the applicant) is a detached property located to the north (Beech House). There are further residential properties on the opposite side of the road from the application site on Llanarth Road, Meadow Road and to the east on Brookfield Road.

It is acknowledged that takeaway uses have the potential to harm the amenity of an area by way of odour, noise and disturbance from patrons along with associated Highway implications. It is noted that the existing A1 (Retail) use of the unit, which was last used as a hairdressers, could be brought back into use and operated as another use within Class A1 without the need for planning consent (such as a convenience store). The use of the unit for purposes within Class A1 Retail would itself have an impact on the local area in terms of parking, noise and disturbance from patrons.

There are however specific issues in relation to the operation of hot food takeaways which can be more intensive than retail uses falling within Class A1. In particular the issue of odour from cooking and preparation of food can be significant, if not adequately addressed through the use of commercial grade extraction/filtration systems. The Environmental Health Officer has been consulted on the application and has raised no objections to the proposed use, subject to planning conditions to address noise from plant and equipment and requiring details of equipment to control odour and extraction to be submitted for approval prior to the takeaway use commencing.

The impact of the proposed use on the amenity of occupiers of neighbouring properties by way of antisocial behaviour has been considered. The use of the premise as a takeaway has implications for noise and littering, however this is not considered to be of such a magnitude worse than the potential impacts of the lawful use of the unit within

Class A1, as for example a retail shop, to justify refusal of the application on this basis. The matter of antisocial behaviour has been raised in some representations to the application with correspondence highlighting existing antisocial behaviour issues with Iswlyn Park. Noting that the existing ground floor retail unit could be operated for A1 retail uses without the need for further planning permission it is not considered that the approval of an A3 use would necessarily lead to greater antisocial behaviour. The Police have been consulted on the application and have raised no objections to the development.

It is a fact that issues such as antisocial behaviour can be influenced by the operating practices of businesses and, if antisocial behaviour did occur, this could be addressed under existing legislation and enforcement powers. These could include civil enforcement of littering powers or antisocial behaviour orders through community policing activities. It is considered that the adverse impacts of the takeaway use can be adequately mitigated through the proposed conditions and that the development will have an acceptable impact on all surrounding residential properties in accordance with adopted Local Development Plan Policy CW2 (Amenity).

The impact of the development on highway safety is a relevant consideration in the determination of this planning application. The premise is located on Llanarth Road close to a junction on a bend in the road. There is a length of existing double yellow lines in front of the premise but there is also on-street parking within the local area. The Highway Authority have reviewed the planning application and have advised that they raise no objections to the development. Following discussions with the applicant the plans to utilise a front forecourt area for parking has been removed as it does not meet adopted Parking Guidelines in terms of depth of parking bays. The existing parking restrictions are considered sufficient to prevent dangerous parking and there is adequate on-street parking provision within the local area to serve the new business. A staff parking area will be required by planning condition and the existing residential unit on the application site has access to a separate garage. It is considered that the development accords with adopted Local Development Plan Policy CW3 (Highways).

Comments from Consultees: Addressed in the body of this report.

Comments from public: Concern at late opening hours and resultant noise, odour and disruption to family life.

- Increased Litter and food waste.
- Increase in Antisocial behaviour and safety concerns.
- Impact on mental health through loss of sleep due to noise and anxiety due to antisocial behaviour.

The development, subject to the proposed planning conditions can be adequately mitigated in terms of litter, noise and odour.

- Limited existing Parking with existing parking problems and no car parking nearby.
- Noise from traffic and patrons.

- Increase in traffic and highlight existing vehicles speed in area.
- Dangerous corner and could cause adverse impacts for highway safety.

The Highway Authority has considered the existing situation in respect of highway safety and raises no objection to the application.

- Odour.

The Environmental Health Officer has raised no objection and odour can be adequately controlled through the installation of extraction/filtration equipment required to be agreed by a planning condition.

- Existing antisocial behaviour in the nearby Islwyn Park with associated noise and parking problems and proposal could lead to increased littering to street and carpark.

There are both civil and police enforcement powers to address littering and antisocial behaviour.

- The application site being in the middle of a residential area is an unsuitable location for such a business.
- This sort of outlet should be either in shopping areas or on Commercial Street where there are other outlets.

The unit can be lawfully use for retail uses at present and the impact of a takeaway has been considered and is deemed acceptable.

- Questions the need for a takeaway due to a large number of similar businesses within the local area.
- There are separate delivery services available to residents.
- The applicant would be better off applying to convert to another flat or a single dwelling.
- It is not the role of the planning system to resist or restrict commercial activities based on supply/demand/competition reasons and the application has been considered on the basis of the submitted proposal.
- Will decrease nearby housing prices.

The devaluation of property is not a material planning consideration.

- Vermin will be attracted including from brook nearby.

The issue of waste is subject to a planning condition requiring the agreement of details for waste management and collection. This will enable suitable storage and management of waste to be provided minimising the potential for attraction of vermin.

- Inspecting the area in the current pandemic does not reflect the normal traffic/parking and antisocial behaviour.

Welsh Government has provided advice and guidance to Welsh Local Planning Authorities during the current Covid-19 pandemic and has not considered it appropriate to suspend or otherwise alter the general process of assessment or determination of planning applications. The actual impact of the pandemic will undoubtedly vary by location but could include impacts on parking (such as greater levels of parking in daytime with increased homeworking). It is not considered that the overall assessment of material planning considerations has been inhibited by the present pandemic situation.

- The area mainly consists of pensioners

It is understood that there will be a mixture of resident ages in most areas and whilst there may be a greater proportion of pensioners in certain areas this in itself is not material to the consideration of this particular application.

Other material considerations: 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.

The proposed development is considered acceptable subject to the mitigation measures to address odour, noise from plant/equipment and staff parking. It is recommended for approval accordingly.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
 - Site Location and block plans, drawing reference 2020-08/PL01;
 - Proposed Floorplan and Elevations drawing reference 2020-08/PL03 revision 2.REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The area shown on the submitted plans for staff parking shall be provided prior to first use of the approved development and maintained thereafter free of obstruction for the parking of staff/outward delivery vehicles only.
REASON: In the interests of highway safety and to comply with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 04) For the avoidance of doubt the floor space permitted for A3 use shall be limited to the ground floor area of the building 2020-08/PL03 rev 02 and shall exclude the areas annotated "Residential Tenancy" and "Residential Entrance".
REASON: To define the scope of this permission.
- 05) The use hereby permitted shall not be open to customers outside the following times:

(A) 09.00 hours to 23.00 hours Monday to Saturday, and
(B) 09.00 hours to 22.00 hours Sunday.

REASON: In the interests of residential amenity.

- 06) Prior to development commencing on site, details of all external and roof mounted plant/machinery associated with the application shall be submitted to and agreed in writing with the Local Planning authority. These details shall include the location of the plant and predicted noise levels (measured as a LAeq 1 hour) as measured on the boundary of the application site. Thereafter these agreed details shall be fully installed prior to the A3 use commencing.
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 07) Prior to the commencement of the development a scheme for the storage, collection and disposal of commercial waste shall be submitted to and agreed in writing by the Local Planning Authority. Any facilities required by the agreed scheme shall be provided prior to the commencement of the A3 use and the premise shall be operated in accordance with the approved scheme thereafter.
REASON: In the interests of public health and the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) Prior to the commencement of the development hereby approved a scheme of odour/effluvia/fume control, including the erection of any associated stacks or vents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) A grease trap, details of which shall be agreed with the Local Planning Authority prior to installation, shall be installed in the foul drainage system prior to the commencement of the use hereby approved.
REASON: To prevent pollution in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

Please find attached the comments of The Environmental Health Officer that are brought to the applicant's attention.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered

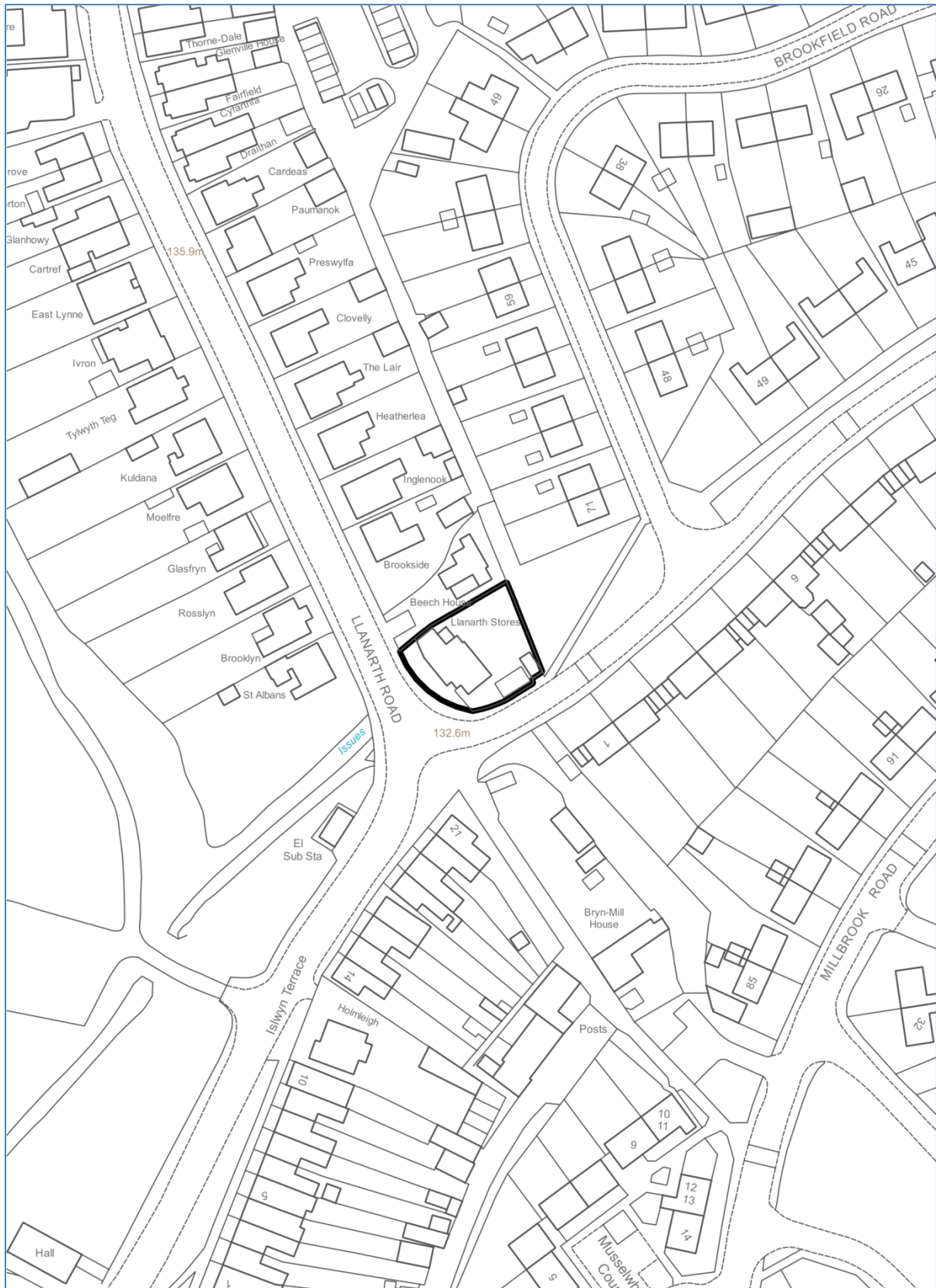
during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority.

Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing.

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20/0830/COU



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Application Number: 20/0806/NCC

Date Received: 29.09.2020

Applicant: Hazrem Environmental Ltd

Description and Location of Development: Vary condition 1 of planning permission 15/0601/FULL (Develop an up to 100,000tpa Solid Recovered Fuel (SRF)/Refuse Derived Fuel (RDF) production facility) to extend time to commence development - Land At Grid Ref 319235 191320 Nine Mile Point Industrial Estate Cwmfelinfach

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: The application site is located within Nine Mile Point Industrial Estate. The industrial estate was built in the 1970s by the Welsh Development Agency, and provides some 35 industrial units ranging in size, supporting a variety of activities including manufacturing, workshops, administration offices and distribution warehouses.

Site description: The site is a vacant parcel of undeveloped land that measures 1.11 hectares in area. The western edge is raised upon a bank, and the remainder of the site is relatively flat with small undulations. The site is bordered by an industrial unit to the east and roads to the south and west. Across the road to the west there are a number of industrial units and an area used for car parking. To the north and south of the site, across the adjacent road, is an area of woodland. The Sirhowy River runs parallel to the southern edge of the site beyond the woodland.

The closest residential property to the proposed site is approximately 460 metres to the west in the village of Cwmfelinfach.

Access to the site is via Greenmeadow Road off New Road, Cwmfelinfach (B4251) and has been positioned to the south of the site away from the adjacent factory entrances. There are no public rights of way, access routes to or across the application site.

Development: Planning permission is sought to vary condition 01 of planning consent 15/0601/FULL (Develop an up to 100,000tpa Solid Recovered Fuel (SRF)/Refuse Derived Fuel (RDF) production facility) to extend the period of time within which development can commence by one additional year.

Dimensions: The main building measures 80 metres in length by 45 metres in width with a maximum height measuring 14 metres.

The external machinery has a footprint measuring approximately 65 metres in length by 15 metres in width with a maximum height measuring 15 metres and is situated to the west of the main building including the Drier Stack, which is 1.2 metres in diameter and 19 metres in height.

The bale storage bay measures 28.5 metres in length by 11.4 metres in width with a maximum height measuring 3 metres (height) and is positioned to the north of the building.

The administrative office building measures 10.0 metres in length by 6.0 metres in width and 4.0 metres in height.

Materials: The external finishes of the building comprise of steel cladding sheets for the roof and elevations. Vehicle access doors will be galvanised roller shutters and personnel access doors and windows will be coated aluminium. However, no details of the preferred RAL colours to be used have been provided.

The boundary enclosure indicates a steel palisade fence.

Ancillary development, e.g. parking: The submitted details indicate 18 off car parking spaces including 2 disabled spaces.

PLANNING HISTORY 2010 TO PRESENT

15/0601/FULL- Develop an up to 100,000tpa Solid Recovered Fuel (SRF)/Refuse Derived Fuel (RDF) production facility - Granted - 10.12.2015.

20/0725/COND - Discharge condition 14 (surface water and land drainage scheme) of planning consent 15/0601/FULL (Develop an up to 100,000tpa Solid Recovered Fuel (SRF)/Refuse Derived Fuel (RDF) production facility) - Decided - 24.11.2020.

20/0726/COND - Discharge conditions 10 (Parking Layout), 19 (Hard and Soft Landscaping), 22 (Arboricultural Impact Assessment), 23 (Tree Protection), 25 (Landscaping and Management Scheme), 26 (Light Mitigation Strategy), 27 (Light Mitigation Strategy) and 28 (Bird Nesting Provision) of planning consent 15/0601/FULL (Develop an up to 100,000tpa Solid Recovered Fuel (SRF)/Refuse Derived Fuel (RDF) production facility) - Decided - 24.11.2020.

20/0796/COND - Discharge conditions 08 (Contamination) and 15 (Site Investigation) of planning consent 15/0601/FULL (Develop an up to 100,000tpa Solid Recovered Fuel (SRF)/Refuse Derived Fuel (RDF) production facility) - Decided - 24.11.2020.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within settlement limits and is also designated as a Secondary Employment Site EM2.28 (Nine Mile Point, Cwmfelinfach).

Policies: SP3 (Development Strategy in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP9 (Waste Management), SP10

(Conservation of Natural Heritage), SP16 (Managing Employment Growth), SP21 (Parking Standards), CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design considerations - Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW13 (Use Class Restrictions - Business and Industry) and CW15 (General locational Constraints).

NATIONAL POLICY Planning Policy Wales Edition 10 (December 2018), Technical Advice Note 12: Design (March 2018), Technical Advice Note 18: Design (March 2007) and Technical Advice Note 21: Waste (February 2017).

Paragraph 5.13.4 of Planning Policy Wales states:-

"The Welsh Government's policy for waste management is contained in Towards Zero Waste and associated sector plans. Planning Authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy as far as possible."

Paragraph 5.13.10 of Planning Policy Wales states:-

"Planning authorities must support the provision and suitable location of a wide ranging and diverse waste infrastructure which includes facilities for the recovery of mixed municipal waste and may include disposal facilities for any residual waste which cannot be dealt with higher up the waste hierarchy. The extent to which a proposal demonstrates a contribution to the waste Planning authorities must support the provision and suitable location of a wide ranging and diverse waste infrastructure which includes facilities for the recovery of mixed municipal waste and may include disposal facilities for any residual waste which cannot be dealt with higher up the waste hierarchy. The extent to which a proposal demonstrates a contribution to the waste management objectives, policy, targets and assessments contained in national waste policy will be a material planning consideration."

Paragraph 5.13.12 of Planning Policy Wales states:-

"For all wastes, suitable locations for sustainable waste management development should be identified in development plans as well as criteria by which applications for such developments will be determined."

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? The site is located within a high risk development referral area. There is a mine shaft present on site which has been completely filled in and capped. The development has been designed to ensure that there are no buildings or roads within 15 metres of the centre of the mine shaft.

CONSULTATION

Head Of Public Protection - This department has no adverse comments to make in respect of the above application to vary condition 1 of the previous consent on the basis that the conditions proposed by the department previously are attached to any subsequent planning consent

Transportation Engineering Manager - No objection subject to the previous comments and conditions relating to 15/0601/FULL being carried forward.

Senior Engineer (Land Drainage) - No comments received at the time of writing the report.

Public Health Wales - Comments are provided collaboratively with Anuerin Bevan University Health Board Comments.

There are no grounds for objection based upon public health considerations contained in the application. However, their comments remain regarding the previous concerns about the potential impact on local air quality and the local health of people and has previously recommended that a robust air monitoring regime be undertaken to validate predicted emission upon local air quality.

Notwithstanding the above the application seeks permission to extend the time for which to commence development by 1 year and therefore there is no change to the public health risk assessment.

Dwr Cymru - No objection to the Variation of Conditions and we ask that any drainage Conditions on the original consent are brought forward.

The Coal Authority - The application site is within the defined Development High Risk Area. However, the application type is listed as exempt from Version 5, 2019 of the Coal Authority's Resources for Local Planning Authorities.

Accordingly, there is no requirement under the risk-based approach that has been agreed with the Local Planning Authority for a Coal Mining Risk Assessment to be submitted with any planning application or for the Coal Authority to be consulted on this proposal.

Natural Resources Wales - No objection to the application as submitted to vary condition 1 of planning permission 15/0601/FULL but caveats that the existing Environmental permit will soon be varied and that the permit associated with the Environmental Permitting (England and Wales) Regulations 2016 (EPR) does not take into account matters related to traffic volumes or traffic-associated air pollution effects arising from proposed development, as well as the location of the facility.

Informative advice is also provided to be conveyed to the developer.

Head Of Public Services - No comments received at the time of writing the report.

Police Architectural Liaison Officer - No objection.

Senior Arboricultural Officer (Trees) - No comments received at the time of writing the report.

Western Power Distribution - Provides informative advice to the developer.

Landscape Architect - No comments received at the time of writing the report.

ADVERTISEMENT

Extent of advertisement: The application was advertised in the press, by means of a site notice and three neighbouring businesses were notified by way of letter.

Response: Fifteen letters of representation were received objecting to the proposed development of which five representations were further representations submitted.

Summary of observations: The representations received have been summarised into the following categories:-

FIVE YEAR COMMENCEMENT DATE

- The length of time to implement the consent was suffice in that no attempt was made to implement the consent during the first three years of the consent unlike a three year commencement time limit that would have been imposed in England.

COVID 19 PANDEMIC

- Covid 19 is not a reasonable excuse to extend the period of time.
- The applicant has commenced work on a site in a neighbouring authority during the pandemic and so there is no reason why this could not be the case in Caerphilly.
- Most contractors during Covid times would have relished the opportunity of outdoor employment during the pandemic.

- Welsh Government has encouraged the construction industry to continue to work throughout the pandemic.
- Plant and machinery have been working on site during the past 6 months. The present corona virus epidemic is responsible for their delay is therefore untrue as they have remained free to operate as normal.

EMERGING LEGISLATION AND THE REQUIREMENT FOR THE DEVELOPER TO COMPLY

- The Environment Act 2016 came into effect in August 2020.
- The Well-being of Future Generations (Wales) Act 2015 came into effect in April 2016.
- The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations came into force in April 2017.
- The JRC Reference Report on Monitoring of Emissions to Air and water from IED Installations was published in July 2018.
- The Commission Implementing Decision (EU) 2018/1147 of 10 August 2018 establishing best available techniques (BAT) conclusions for waste treatment, under Directive 2010/75/EU of the European Parliament and of the Council was made. In particular, this development now falls under Schedule 1 of the 2017 EIA regulations as follows:
 "10. Waste disposal installations for the incineration or chemical treatment (as defined in Annex IIA to Council Directive 75/442/EEC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day."
 D9 of Annex IIA includes treatment by drying
 "D9 Physio-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 8 and D 10 to D 12 (e.g. evaporation, drying, calcination, etc.)" and the compounds or mixtures are discarded by means of D10
 "D10 Incineration on land"

Therefore an Environmental Impact Assessment would be required for a similar development seeking planning permission today.

- Further development of the kind planned would now require an Environmental Impact Assessment as was applied to a company's comparable plant in Swindon. Extension of the original permission would exempt the development from such scrutiny.

HIGHWAY SAFETY

- Highway safety and parking were not considered to be material planning considerations in 2015.
- The proposal will exacerbate existing parking and congestion issues on the estate and in particular around the sole entrance to the estate.

- A further 88 HGV movements will impose further congestion and traffic which poses a safety risk in an area that has already experienced a number of accidents.
- No indication has been given as to how the staffing levels compare with other facilities of the same type and capacity.
- No apparent allowance is made in the car parking capacity for shift changeovers.
- The site will displace existing on street parking for other businesses within the industrial estate.

COAL MINING LEGACY ISSUES

- The facility is being built on an old mine shaft.

SURVEY WORK PREVIOUSLY SUBMITTED

- The surveys and site investigations that were conducted to support the initial application are now 5 years old and should not be relied upon.

THE TECHNOLOGICAL PROCESSES OF THE DEVELOPMENT

- The applicant's technology and processes is far more polluting than the technological advancements available.

ENVIRONMENTAL IMPLICATIONS

- Additional light and vibration from the development will impact upon local ecology such as bats, owls, adders and slow worms.
- There is a study being undertaken on the mountain opposite, a similar study should be undertaken on the site.
- There is no evidence to indicate that a full environmental/ nature report has been undertaken.
- Hazrem should be given the opportunity to explain to the council how they will comply with the requirement that prevent 15,000 to 35,000 tonnes a year of liquid waste to the local sewer which at present discharges to UK rivers and protect fish stocks from the frequent wipe-outs seen in Welsh rivers.
- The factory will release 15,000 to 20,000 tons of carbon dioxide into the local air every year, the result of burning natural gas to dry the waste. More heat will be used to dry the waste than will be produced by burning it and therefore increase global warming levels.
- The proliferation of energy from waste or incinerator adversely affects recycling efforts as local authorities and businesses find it easier to send materials for destruction rather than to sustainably recycle them.

PUBLIC HEALTH CONCERNS

- The origin of the waste to be used is unknown and the applicant should be required to inform the Council of where it will be obtaining its waste from.
- The proposal will cause further harm to the health of local residents and their children.
- The local primary is in close proximity with prevailing south westerly winds.
- The proposal will represent a major health risk to existing employees and businesses operating within Nine Mile Point Industrial Estate.
- The Aneurin Bevan Health Board state that the gas emissions from the factory will be inadequately monitored (only 2 hours/month), and will result in a minimum 3 years delay in taking any necessary remedial action when emissions limits are exceeded. The valley is one of Wales' most deprived health areas* and should be protected from this threat.

COMMUNITY BENEFIT

- There is no benefit to the local community.

THE USE OF THE BUILDING ITS LOCATION

- The use of building is not in line with other businesses on the estate.
- The proposal is considered to be inappropriate in the context of this small well regarded local industrial estate and the surrounding countryside
- Appropriate consideration should be given to presence of existing Energy from Waste (EfW) / incinerator facilities, and others now proposed, including a very large facility at Newport and another in east Cardiff, the alleged need for this operation at Nine Mile Point is increasingly doubtful.

AIR MONITORING CONCERNS

- Requests for more information from the applicant regarding the proposed air monitoring regime and then re-consult Aneurin Bevan Health Board University and Public Health Wales.
- CCBC did not previously consider the impact of increase in traffic flow, particularly HGV movements and their associated pollution that would result from impact on air quality.
- The Inspector at the enquiry with NRW made it clear that NRW could not consider truck movements as part of the Appeal and only consider the operations within the site itself. Extension of the planning permission would allow this serious anomaly. The opportunity to correct this inadvertent oversight arises.
- The air monitoring regime proposed takes into account 1% of operational time and a comparable plant in Swindon has exceeded Nitrogen Oxide emissions to date on 6 recorded occasions. Therefore the superficiality and inadequacy of the testing regime could not ensure effective monitoring of harmful emissions.

PUBLIC OPPOSITION

- References to the previous permissions and objection letters together with the support of various groups together with support from present and past MPs have been referred to.

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?

There are no specific crime and disorder implications material to the determination of this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The proposal seeks to extend the time period to commence development, ecology matters have previously been considered and addressed as part of planning consent 15/0601/FULL.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes the development is CIL liable as the proposal intends to create more than 100 square metres of additional floor space. However, in that the proposed use of the building falls within a B2 use class whereby the rate is charged at £0 per square metre for new commercial development, as such no CIL will be collected.

ANALYSIS

Policies: The application has been considered in accordance with national policy and guidance and local plan policies.

Planning permission is sought to vary condition 01 of planning consent 15/0601/FULL (Develop an up to 100,000tpa Solid Recovered Fuel (SRF)/Refuse Derived Fuel (RDF) production facility) to extend the period of time within which development can commence by one additional year.

For reference in respect of the extant consent, members of Planning Committee resolved to grant planning permission on 10 December 2015 to construct a building within Nine Mile Point Industrial Estate to develop an up to 100,000 tonnes per annum Solid Recovered Fuel (SRF)/Refuse Derived Fuel (RDF) production facility.

SRF is a quality alternative to fossil fuel produced from waste including paper, card, wood, textiles and plastic. It has a moisture content of less than 15% and therefore SRF has a high calorific value and can be used in facilities such as cement kilns.

RDF is made of waste which includes biodegradable material as well as plastics. It has a lower calorific value than SRF and is used in combined heat and power facilities.

In terms of the facility itself the SRF/RDF production plant would sort, shred and dry non-hazardous commercial, industrial and household waste to produce SRF/RDF bales. The resulting bales would be wrapped and stored before being transported off site to facilities which would utilise the product to generate energy. The waste material itself would be delivered to the site off Greenmeadow Road, via the 'in' weighbridge and tipped into the tipping bay within the fully enclosed building. Vehicles will drive up the eastern edge of the site and over the weighbridge close to the northern exit.

All vehicles must be weighed when they enter and exit the site. Therefore the weighbridge has been positioned to allow for this and to ensure HGV's do not have to wait on the external roads. Spaces have been incorporated in to the site for HGVs to wait. A dedicated vehicle entrance/exit for staff has also been provided to the south of the site to ensure staff safety.

Vehicles are required to enter the main building in order to tip waste and collect materials. However, due to space constraints vehicles are not able to drive through the building. Therefore vehicles have sufficient space to manoeuvre and reverse into the building and then drive back out and around the perimeter. Sufficient space has been incorporated into the design to allow safe manoeuvring of 25 tonne vehicles.

The materials would pass through a series of shredders, screens, and magnets. Inert materials, recyclable plastics and metals would be extracted as appropriate leaving a mix of mainly non-recyclable paper, card, wood, textiles and plastics. For SRF output, the material would pass through a rotating drum drier to reduce the moisture content, thereby increasing the materials calorific value. There will be an option in the process to produce output material loosely, however, if this is a requirement, the finished product would be held within the building prior to collection. The resulting bales would be transported by fork lift trucks to the bale storage building onto roll on/roll off vehicles and bulkers to off-site facilities which would utilise the product to generate energy.

The majority of the facility would be enclosed within an industrial building, and the delivery of waste would take place within the enclosed building and the recyclable skips are within the enclosed building. Roller shutter doors will be located at either end of the building. Once baled and wrapped, the bales would be stored within a covered bay within the site. A drier stack and other machinery associated with the process would be situated to the east outside of the main building.

The proposed development would include the following components situated on sealed, concrete hardstanding: -

The main building including a tipping bay, recycling bays and the SRF/RDF line;

- External machinery;
- Bale storage area;
- Admin office;
- 2 weighbridges;

- Staff/visitor parking.

The development will provide eighteen jobs. The SRF facility is proposed to operate over two 12 hour shifts, with 4 operational staff per shift. The facility will be operating 24 hours per day, 7 days per week, although direct waste deliveries to the building will be restricted to Monday to Friday 07:30 to 18:00 and Saturday 07:30 - 13:00 and no vehicle movements on Sundays or Bank Holidays.

Import of materials would be via refuse collection vehicles with a bulk load of 10 tonnes or bulk container transport from waste transfer stations but it is reasonable to assume that the greatest proportion of material would be delivered to the site by large bulk HGVs with a bulk load of 25 tonnes from a number of source locations.

The export of materials from the facility is seen to consist of three components; firstly the manufactured RDF/SRF bales which largely destined for Newport Docks; secondly the recyclable material, which would be transported to the appropriate recycling plant for each type of material; and thirdly the residue, which will be sent to landfill. The average tonnage per vehicle leaving the site is 25 tonnes. Whilst the transfer of material off-site in terms of residues or RDF/SRF bales will largely be transported into shipping containers on 44 tonne articulated vehicles.

The Welsh Government Development Management Manual confirms that Sections 73(2) and (4) of the Town and Country Planning 1990 Act restricts the LPA in their determination of section 73 applications. The effect of the provisions is to limit the LPA to considering the question of whether the conditions identified in the section 73 application should apply as originally stated, would be acceptable if modified or it would be acceptable to remove them. The LPA cannot revisit the original permission and reconsider whether it should have been granted in the first place. However as a section 73 application is a planning application in its own right, it is necessary to assess what material changes there may have been in terms of policy since the original permission was granted in order to ensure that all relevant material considerations have been assessed. In that respect the site lies within the settlement boundary identified within the Council's Adopted Local Development Plan (LDP) up to 2021. Policy SP5 (Settlement Boundaries) states that the boundaries are defined in order to define the area within which development would normally be allowed, to promote the effective use of urban land and to prevent fragmented development and inappropriate development in the countryside. The proposed development is considered to comply with Policy SP5.

In tandem with Policy SP5, Policy CW15 (General Locational Constraints) states that development proposals must not constrain the development of any adjacent site for its allocated land use and that within settlement boundaries they accord with the role and function of the settlement. In that regard this application relates to a previously approved industrial unit within an identified employment site that would not prejudice the implementation of wider comprehensive redevelopment of Nine Mile Point Industrial Estate, Cwmfelinfach (EM2.28).

Policy CW13 relates to new development on identified industrial estates. Nine Mile Point Industrial Estate is identified as a Secondary Employment Site in the LDP. Policy CW13 states that development proposals on industrial estates will be subject to the following restrictions:

On sites allocated or identified as Secondary Employment Sites, development will only be permitted if it is:

- Within use classes B1 (light industrial), B2 (General industrial) or B8 (Storage or Distribution);
- An appropriate sui generis use;
- To provide an ancillary facility or service to the primary employment use;
- An acceptable commercial service unrelated to class B uses.

The proposed development will fall within use class B2 and it should also be noted that planning approval has previously been granted in respect of the development of the site for B1, B2 and B8 as referred to above. Therefore the proposal accords with this policy.

Policy CW2 relates to amenity and states that development proposals should have no unacceptable impact on the amenity of adjacent properties or land; should not result in the over-development of the site; and the proposed use is compatible with surrounding land-uses. The proposed development is considered to accord with this policy as the proposed building is considered to be acceptable in terms of its siting, massing, materials and design, and will integrate with the existing, industrial/commercial setting. The building has been appropriately sited within the site, and adequate provision has been made for parking and vehicular movements within the site so as not to represent over-development. Furthermore, given the site's industrial estate location, the proposed use is compatible with the surrounding land uses and would not result in any significant harm in terms of visual amenity of the surrounding area or residential amenity.

Policy CW3 considers highway safety. In that regard adequate provision has been made for parking and vehicular movements within the site. Subject to the imposition of the same conditions imposed to the original consent, it is not considered that the proposal will have no detrimental impact on the safe, effective and efficient use of the transportation network. Policy CW3 is therefore complied with.

Policy CW5 explains that development proposals will only be permitted where they do not have an unacceptable adverse impact upon the water environment and where they would not pose an unacceptable risk to the quality of controlled waters (including ground water and surface water). In that respect from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

Consequently a change in legislation does impact upon the proposed development in that the extension of time to commence the development would require the developer to comply with Schedule 3 of the Flood and Water Management Act 2010. However, Sustainable Drainage Approval is a technical approval independent of the need to obtain planning permission and the proposal scheme will need to demonstrate that there will be no adverse impacts to existing drainage systems and watercourses.

Finally, it should be noted that the developer has submitted details to the Local Planning Authority to discharge all of the pre-commencement conditions associated with planning consent 15/0601/FULL. Those details have subsequently been agreed in writing and the conditions have now been discharged. In that respect the developer can now commence development works on site lawfully in compliance with the extant consent that will expire on 10th December 2020 if time and resources permits them to do so.

Whilst the proposal would continue to comply with local planning policies, it should be noted that various pieces of new legislation have come into effect since the original consent was granted on 10th December 2015 and the developer would be required to comply with any separate legislation that falls outside of the planning system. Whilst national planning policy has adopted a waste hierarchy, it still recognises that at present this is aspirational and there will be residual waste which cannot be dealt with higher up the waste hierarchy. Consequently, there is still a demand for the type of development proposed in order to prevent waste from being sent directly to landfill.

In conclusion having regard to the above observations, by extending the time to commence the development by one year the proposal would still accord with policies CW2, CW3 and CW13 of the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010 and Planning Policy Wales Edition 10 (December 2018).

Comments from Consultees: Whilst Dwr Cymru/Welsh Water have raised no objection to the application, they have requested that the original conditions imposed to the consent are imposed for the Sustainable Drainage reasons that have been addressed in the report.

Comments from public: Responses to the representations received are as follows:-

FIVE YEAR COMMENCEMENT DATE

- The length of time to implement the consent was suffice in that no attempt was made to implement the consent during the first three years of the consent unlike a three year commencement time limit that would have been imposed in England.

In response to the above, the circumstances and reasoning for imposing a different implementation period to commence a particular development are unknown. Furthermore, the Local Planning Authority can only consider Welsh Planning legislation.

There are many occasions where developers apply for an extension of time and this application has to be determined in the same manner accordingly.

COVID 19 PANDEMIC

- Covid 19 is not a reasonable excuse to extend the period of time.
- The applicant has commenced work on a site in a neighbouring authority during the pandemic and so there is no reason why this could not be the case in Caerphilly.
- Most contractors during Covid times would have relished the opportunity of outdoor employment during the pandemic.
- Welsh Government has encouraged the construction industry to continue to work throughout the pandemic.
- Plant and machinery have been working on site during the past 6 months. The present corona virus epidemic is responsible for their delay is therefore untrue as they have remained free to operate as normal.

In response to the above the developer is seeking a one year extension of time to implement the consent. This is not an unreasonable request in that significant time delays (two years) were incurred as a result of the need to acquire an environmental permit from Natural Resources Wales.

Whilst reference has been made to another development that has commenced by the developer during the Covid 19 pandemic, such matters cannot be considered by the Local Planning Authority. However, it should be noted that development sites do not all have the same conditions imposed to planning consents and will differ on a site by site basis.

Furthermore, whilst there has been a strong commitment by Welsh Government to ensure where possible that construction work can continue safely, this can only be undertaken once the necessary pre-commencement work and the associated details to support conditions discharge applications have been submitted and agreed in writing with the Local Planning Authority. The Local Planning Authority cannot comment on the circumstances of individual companies and their availability to perform such requirements equally so Welsh Government have also stressed the importance of those being able to work from home, should do so. There are many steps and processes involved to discharge planning conditions and the developer has throughout the Covid 19 pandemic sought to discharge the appropriate pre-commencement conditions for which have now been agreed in writing. Any works that have taken place on site to date have been exploratory works associated with discharging necessary pre-commencement conditions.

EMERGING LEGISLATION AND THE REQUIREMENT FOR THE DEVELOPER TO COMPLY

- The Environment Act 2016 came into effect in August 2020.

- The Well-being of Future Generations (Wales) Act 2015 came into effect in April 2016.
- The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations came into force in April 2017.
- The JRC Reference Report on Monitoring of Emissions to Air and water from IED Installations was published in July 2018.
- The Commission Implementing Decision (EU) 2018/1147 of 10 August 2018 establishing best available techniques (BAT) conclusions for waste treatment, under Directive 2010/75/EU of the European Parliament and of the Council was made. In particular, this development now falls under Schedule 1 of the 2017 EIA regulations as follows:

"10. Waste disposal installations for the incineration or chemical treatment (as defined in Annex IIA to Council Directive 75/442/EEC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day."

D9 of Annex IIA includes treatment by drying

"D9 Physio-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations numbered D 1 to D 8 and D 10 to D 12 (e.g. evaporation, drying, calcination, etc.)" and the compounds or mixtures are discarded by means of D10

"D10 Incineration on land"

Therefore an Environmental Impact Assessment would be required for a similar development seeking planning permission today.

- Further development of the kind planned would now require an Environmental Impact Assessment as was applied to a company's comparable plant in Swindon. Extension of the original permission would exempt the development from such scrutiny.

In respect of the above the developer will be required to comply with any separate legislation that falls outside of the planning system.

Planning Policy Wales Edition 10 (December 18) (PPW) fully takes into account the requirements of the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016 and development accords with relevant policy objectives PPW in this respect.

The proposed development falls within Schedule 2 Part 10 Infrastructure Projects (a) Industrial estate development projects of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. This was the case in 2015 and still remains the case now. The Schedule 2 industrial estate threshold was raised to 5 hectares on the 6th April 2015 and the development proposed equates to 1.11 hectares of new industrial estate development, significantly below the 5 hectares threshold.

When considering whether a Schedule 2 project requires an Environmental Impact Assessment (EIA), the Local Planning Authority (LPA) should consider whether the proposal is likely to have significant effects on the environment, and whether the proposal is in a sensitive area. This involves considering the characteristics of development, the location of the development, and characteristics of potential impacts. A screening opinion was previously provided confirming that the Local Planning Authority did not consider that an EIA was required. Notwithstanding the above, the application has been screened and it is not considered that an EIA is required for this application as the previous permission approved an industrial estate development project falling below the 5 hectares threshold and would not generate any significant effects on the environment by extending the time period for compliance by one year.

HIGHWAY SAFETY

- Highway safety and parking were not considered to be material planning considerations in 2015.
- The proposal will exacerbate existing parking and congestion issues on the estate and in particular around the sole entrance to the estate.
- A further 88 HGV movements will impose further congestion and traffic which poses a safety risk in an area that has already experienced a number of accidents.
- No indication has been given as to how the staffing levels compare with other facilities of the same type and capacity.
- No apparent allowance is made in the car parking capacity for shift changeovers.
- The site will displace existing on street parking for other businesses within the industrial estate.

Highway safety matters are a material planning consideration and were appropriately considered as part of application 15/0601/FULL together with being accompanied by a Transport Statement. This application does not seek to revisit the merits of the proposal as these have previously been considered. Furthermore, the requirements of condition 10 imposed to consent 15/0601/FULL, that required revised parking details indicating a minimum of 18 off-street parking spaces within the curtilage of the site, have been submitted to and agreed by the Local Planning Authority.

COAL MINING LEGACY ISSUES

- The facility is being built on an old mine shaft.

Coal mining legacy implications have previously been considered by The Coal Authority and conditions were imposed to consent 15/0601/FULL i.e. conditions (15) and (16). Those pre commencement conditions have been submitted for consideration and have been agreed in writing by the Local Planning Authority.

SURVEY WORK PREVIOUSLY SUBMITTED

- The surveys and site investigations that were conducted to support the initial application are now 5 years old and should not be relied upon.

In that the surveys to support application 15/0601/FULL provided a five year time limit to implement the consent, it is not considered that extension of time sought would have a significant impact upon the survey work. Notwithstanding the above, the developer is required to undertake further survey work in accordance with condition 25 of 15/0601/FULL. However it should be noted that there is no requirement to submit that information for consideration to the Local Planning Authority.

Conversely it could be argued that if a new Transport Statement was submitted, then the present traffic data would be considerably lower than the levels previously recorded as a result of individuals working remotely during the Covid 19 pandemic with an emerging trend that many organisations are likely to continue in the same vein for at least some of a working week post Covid 19.

Furthermore, given the advancement of technology and regulation of emission standards for HGV and private motor vehicles in respect of engine improvements and improved management of CO2 and pollutants, vehicle emissions on the road are reducing and improving with emerging technologies.

THE TECHNOLOGICAL PROCESSES OF THE DEVELOPMENT

- The applicant's technology and processes is far more polluting than the technological advancements available.

The merits of the proposal have previously been considered, the Local Planning Authority can only consider whether the one year extension of time to extend the life span of consent 15/0601/FULL is acceptable. In addition the developer would still be required to comply with legislation covered by the operating permit issued by NRW.

ENVIRONMENTAL IMPLICATIONS

- Additional light and vibration from the development will impact upon local ecology such as bats, owl's adders and slow worms.
- There is a study being undertaken on the mountain opposite, a similar study should be undertaken on the site.
- There is no evidence to indicate that a full environmental/ nature report has been undertaken.
- Hazrem should be given the opportunity to explain to the council how they will comply with the requirement that prevent 15,000 to 35,000 tonnes a year of liquid waste to the local sewer which at present discharges to UK rivers and protect fish stocks from the frequent wipe-outs seen in Welsh rivers.
- The factory will release 15,000 to 20,000 tons of carbon dioxide into the local air every year, the result of burning natural gas to dry the waste. More heat will be

used to dry the waste than will be produced by burning it and therefore increase global warming levels.

- The proliferation of energy from waste or incinerator adversely affects recycling efforts as local authorities and businesses find it easier to send materials for destruction rather than to sustainably recycle them.

In response to ecology implications, these are matters that cannot be revisited but the developer is required to satisfy themselves with the recommendations made in Section 4 of the Preliminary Ecological Report dated July 2015, prepared by Enzygo and submitted to accompany the original application.

With regards to the concerns relating to compliance with other legislation, these are not matters that The Local Planning Authority can become embroiled in. Such are matters covered by separate legislative and for which the developer will need to demonstrate compliance with.

In response to the concerns around carbon dioxide emissions and global warming levels, whilst not the preferred method it is a method available that reduces the need for landfill and any permit will seek to control those emissions.

Finally Caerphilly County Borough Council is committed to recycling and composting as much waste as possible and the Authority has developed a service that meets the needs of all stakeholders and is crucially achieving the key objective of continuous increases in the amount of materials diverted from landfill.

PUBLIC HEALTH CONCERNS

- The origin of the waste to be used is unknown and the applicant should be required to inform the Council of where it will be obtaining its waste from.
- The proposal will cause further harm to the health of local residents and their children.
- The local primary is in close proximity with prevailing south westerly winds.
- The proposal will represent a major health risk to existing employees and businesses operating within Nine Mile Point Industrial Estate.
- The Aneurin Bevan Health Board state that the gas emissions from the factory will be inadequately monitored (only 2 hours/month), and will result in a minimum 3 years delay in taking any necessary remedial action when emissions limits are exceeded. The valley is one of Wales' most deprived health areas* and should be protected from this threat.

These matters have previously been considered as part of the original consent. The application was supported by an Odour and Air Quality Assessment, which describes the potential for air quality and odour impacts associated with the operation of the proposed SRF/RDF facility. The report was considered by this Council's Head of Public Protection together with Aneurin Bevan University Health Board (ABUHB) and Public Health Wales (PHW) previously and it is noted that ABUHB and PHW

recommended a robust air monitoring regime to be undertaken to validate predicted emissions upon local air quality. It should be noted that NRW have granted permit in accordance with the provisions of Environmental Permitting (England and Wales) Regulations 2010 and covers issues such as emissions. Consequently ABUHB and PHW recognise that the application solely seeks to extend the period to commence the development and other matters would be addressed under the provisions of Environmental Permitting (England and Wales) Regulations 2010. The regulation of the Permit will be carried out by Natural Resources Wales and will cover issues such as emissions.

COMMUNITY BENEFIT

- There is no benefit to the local community.

Whilst there may not be any direct community benefit associated with the development, the development is located on an industrial estate and will provide employment opportunities and therefore increased expenditure within the local towns and villages. It should also be noted that not all development proposals will provide community benefits in a physical form.

THE USE OF THE BUILDING ITS LOCATION

- The use of building is not in line with other businesses on the estate.
- The proposal is considered to be inappropriate in the context of this small well regarded local industrial estate and the surrounding countryside
- Appropriate consideration should be given to presence of existing Energy from Waste (EfW) / incinerator facilities, and others now proposed, including a very large facility at Newport and another in east Cardiff, the alleged need for this operation at Nine Mile Point is increasingly doubtful.

Policy SP9 seeks to minimise the production of waste and its impact on the environment by reducing the land take-up for waste facilities. To assist in this regard the policy indicates that all allocated and protected B2 industrial sites are designated as potentially suitable locations for new in-building waste management facilities, which provides substantial choice in meeting the estimated land requirement of up to 10.4 ha. Notwithstanding that the site's suitability has previously been considered, it still remains the case that all allocated and protected class B2 industrial sites are designated as potentially suitable locations for new-in building waste management facilities.

AIR MONITORING CONCERNS

- Requests for more information from the applicant regarding the proposed air monitoring regime and then re-consult Aneurin Bevan Health Board University and Public Health Wales.

- CCBC did not previously consider the impact of increase in traffic flow, particularly HGV movements and their associated pollution that would result from impact on air quality.
- The Inspector at the enquiry with NRW made it clear that NRW could not consider truck movements as part of the Appeal and only consider the operations within the site itself. Extension of the planning permission would allow this serious anomaly. The opportunity to correct this inadvertent oversight arises.
- The air monitoring regime proposed takes into account 1% of operational time and a comparable plant in Swindon has exceeded Nitrogen Oxide emissions to date on 6 recorded occasions. Therefore the superficiality and inadequacy of the testing regime could not ensure effective monitoring of harmful emissions.

Concerns relating to air monitoring have previously been addressed. The application is not seeking to establish whether the principle of development is acceptable, they are seeking to extend the time to commence development by one year and the Local Planning Authority has to consider whether there are any material change in circumstances that would prevent granting the requested extension.

In respect of vehicle emissions and truck movements, these are matters that have been considered by The Head of Public Protection previously.

Whilst data has been provided in respect of a comparable plant in England, this does not specifically relate to the proposed development and therefore cannot be considered.

PUBLIC OPPOSITION

- References to the previous permissions and objection letters together with the support of various groups together with support from present and past MPs have been referred to.

Whilst previous representations have been made the Local Planning Authority can only comment on the representations received to date in respect of this application for consideration and those representations received have been noted and addressed.

Other material considerations: Condition 14 of consent 15/0601/FULL relates to a scheme for the disposal of surface water and land drainage within the site. In that new legislation in respect of Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales on 07.01.2010 requiring all new developments of more than one dwelling to implement sustainable drainage to manage on-site surface water, it is no longer considered necessary to impose the same condition to any subsequent consent in that the Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission.

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 GRANTED

- 01) The development hereby permitted shall be begun before the expiration of one year from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
Dwg No.CRM.083.001.P.D.001 Site Location Plan dated May 2015;
Dwg No. CRM.083.001.P.D.003.B Proposed Site Layout Plan dated September2013; and Dwg No. CRM.083.001.P.D.005.B Site Elevations dated September 2015.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) No development shall take place until an intrusive site investigation has been carried out. The results of the site investigation and methodology used shall be submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.
REASON: To ensure the stability of the site in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in Condition 03, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures which shall be retained (for the period agreed in the remediation scheme in perpetuity).
REASON: To ensure the stability of the site in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to

be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.

REASON: In the interests of public health in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 06) Notwithstanding the submitted plans no works shall commence on site until after revised parking details have been submitted to and approved in writing by the Local Planning Authority, which indicate a minimum of 18 off-street parking spaces within the curtilage of the site. Such provision shall be laid out and constructed in accordance with the approved plan prior to beneficial occupation of the buildings hereby approved first commencing and maintained free of obstruction for the parking of motor vehicles only.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Prior to the commencement of works, details of the walkover surveys as stated in the recommendations of Section 4 of the Preliminary Ecological Report dated July 2015, prepared by Enzygo shall be submitted for consideration to the Local Planning Authority and agreed in writing. The measures shall be complied with as agreed.
REASON: To ensure adequate protection for protected species in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species on the proposed building, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the unit hereby approved is first occupied.
REASON: To improve biodiversity and further resilience of ecosystems, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales Edition 10 (2018) and Technical Advice Note 5: Nature Conservation and Planning (2009).
- 10) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting

and/or seeding season following the occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 11) Prior to the commencement of works associated with the development hereby approved, a landscaping and management scheme including at least 75% native and local provenance tree shrub and wildflower species shall be submitted to the Local Planning Authority for approval. The agreed details shall be carried out in the first planting or seeding season following the completion of the development. Any trees or plants which within a period of five years from the completion of the development, die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The management proposals should also be included, along with timing of management, management requirements, who is responsible for management, etc.
- REASON: To improve biodiversity and further resilience of ecosystems, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales Edition 10 (2018) and Technical Advice Note 5: Nature Conservation and Planning (2009).
- 12) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:
- a) A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,
 - b) The details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,
 - c) A schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,
 - d) Written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,
 - e) The details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),

- f) The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,
- g) The details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),
- h) The details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),
- i) The details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,
- j) The details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) The details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,
- l) The details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,
- m) The details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site,
- n) The details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,
- o) The details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837),
- p) The details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) The timing of the various phases of the works or development in the context of the tree protection measures.

The development shall thereafter be carried out in accordance with the agreed details.

REASON: In the interests of visual amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 13) The plans and particulars submitted in accordance with Condition 12a shall include details of the means of protection and maintenance of the trees, shrubs and hedges referred to in Condition 12 until they are established.

REASON: In the interests of visual amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 14) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health in accordance in policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) Details of the colours of the external finishes of the main building, external machinery and administrative office shall be submitted for consideration and approval in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to beneficial occupation.
REASON: In the interests of visual amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 16) Notwithstanding the submitted plans, details of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to beneficial occupation of the buildings hereby approved.
REASON: In the interests of visual amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) Prior to beneficial occupation of the buildings hereby approved first commencing a Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority which sets out the delivery strategy for the development and mitigates the impact on the highway network at peak times. Deliveries to and from the site shall accord with the agreed strategy at all times.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 18) Prior to the use of the buildings and plant hereby approved commencing, a scheme for Pest Control for the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme must be adhered to thereafter.
REASON: To prevent pests being attracted to the area in the interests of public health in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 19) The proposed entrance and exit points onto Greenmeadow Road shall provide for visibility splays of 2.4m x 43m in both directions which shall be provided prior to the commencement of the use of the access. No obstruction or planting above 900mm shall be placed or allowed to grow in the required visibility splays.

- REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 20) The proposed site gates shall be located clear of the highway as indicated on the approved plan.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 21) There shall be no Heavy Goods Vehicle deliveries to or from the site outside the following times: 07:30 - 18:00hrs Monday to Friday, 07:30 - 13:00hrs Saturdays; and no such deliveries on Sunday or Bank Holidays.
REASON: To protect the local residential amenity from traffic noise in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 22) Commercial vehicles carrying waste entering or leaving the site hereby approved, must be either fully enclosed or be provided with sheets to cover loads.
REASON: To prevent any contamination leaving the site in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 23) Storage of non-conforming waste shall be in suitable covered impervious containers prior to removal, details of which shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the use of the buildings and plant hereby approved.
REASON: To prevent odour/air pollution in the interests of public health in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 24) All odours generated in the SRF/RDF building hereby approved, shall be captured and maintained under negative pressure and treated in the odour treatment system (RTO), all in accordance with a scheme to be submitted and agreed with the Local Planning Authority prior to the commencement of the use of the buildings and plant hereby approved. This system must be monitored to ensure the fugitive release of odours from the building is prevented.
REASON: In the interests of public health in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 25) There shall be no external preparation, mixing and screening of waste at the site.
REASON: To prevent odour/air pollution in the interests of public health in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 26) Good housekeeping practices and a closed door management strategy shall be maintained on the SRF/RDF buildings; hereby approved at all times including

fast closing access doors, which shall be interlocked to ensure two doors cannot open at once during operation, all in accordance with a scheme to be submitted and agreed with the Local Planning Authority prior to the commencement of the use of the buildings and plant hereby approved.

REASON: Prevent odour/air pollution in the interests of public health in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

The following policy (ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3 and CW13.

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority.

Please find attached the comments of Aneurin Bevan University Health Board/ Public Health Wales, Dwr Cymru/ Welsh Water, Natural Resources Wales and Western Power Distribution, that are brought to the applicant's attention.

WARNING:

SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website: www.caerphilly.gov.uk/sab

Notification of initiation of development and display of notice:

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include:

Notice of initiation of development:

Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the town and Country Planning (development Management procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

Display of Notice:

The person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

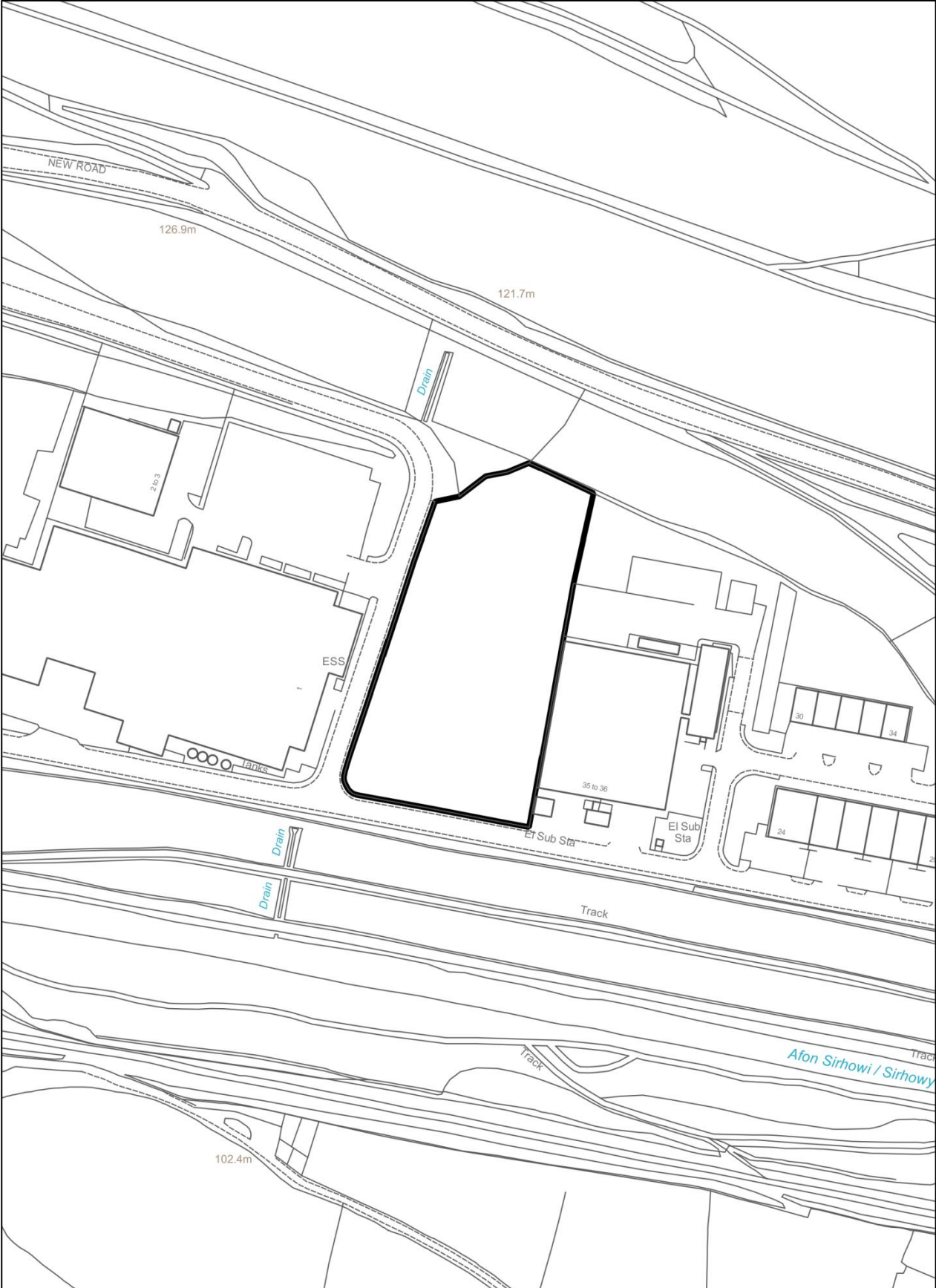
The person carrying out the development must ensure the notice is:

(a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;

(b) Legible and easily visible to the public without having to enter the site; and

(c) Printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

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PLANNING COMMITTEE – 2ND DECEMBER 2020

SUBJECT: CAERPHILLY COUNTY BOROUGH COUNCIL LOCAL DEVELOPMENT PLAN – HOUSING DELIVERY STATEMENT

REPORT BY: INTERIM CORPORATE DIRECTOR - COMMUNITIES

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1. PURPOSE OF REPORT

- 1.1 To provide an update to members on recent changes to planning policy in respect of housing supply and housing delivery.
- 1.2 For Planning Committee to consider the Housing Delivery Statement and endorse the Statement and its recommendations for consideration by Council.

2. SUMMARY

- 2.1 It is a statutory requirement that the Council submits an Annual Monitoring Report (AMR) to Welsh Government (WG) on an annual basis that monitors the strategy and policies of the adopted Caerphilly County Borough Local Development Plan up to 2021 (LDP). The last AMR was approved by Council on 23rd October 2019 and submitted to Welsh Government in accordance with the regulations.
- 2.2 The 2019 AMR recognised the need to identify more land for employment and housing to support local need and regional aspirations and recommended that a review of the Adopted LDP be commenced. It also identified a series of proactive actions focusing on addressing the shortfall in the 5-year housing land supply.
- 2.3 In July 2020, the Minister for Housing and Local Government wrote to Local Authorities in relation to 'Planning and the post Covid-19 recovery'. The letter indicated that, in light of the pandemic and the need to focus on plan preparation, there would be no requirement for an AMR to be submitted for the year 2019-20, although LPAs are strongly encouraged to continue with data collection. The next formal AMR should be submitted in October 2021.
- 2.4 Whilst there was no requirement to submit an AMR for the 2019-20 monitoring year, it is considered that there is a need to prepare a Housing Delivery Statement which will address one area of policy that is normally addressed in the AMR – the matter of housing delivery and housing supply. This is particularly pertinent as there have been significant changes in national planning policy to the way that the amount of land available for housing is considered.

- 2.5 It is now a national policy requirement to monitor the delivery of housing against a housing trajectory as the main way of assessing housing delivery. This approach assesses how many dwellings have been built both per annum and cumulatively against the housing requirements as set out in the Adopted LDP, and forecasts how many will realistically be delivered in the remaining years of a plan period, in consultation with stakeholders. The analysis of housing delivery against the housing trajectory indicates that there continues to be a shortfall in housing delivery.
- 2.6 This report seeks Council endorsement of the Housing Delivery Statement, which explains the housing trajectory and sets out what pro-active actions the Council is taking to address the shortfall in housing. If approved by Council, the Housing Delivery Statement will be a consideration for the Local Planning Authority (LPA) in the determination of future planning applications.

3. RECOMMENDATIONS

- 3.1 That Planning Committee consider the Housing Delivery Statement and endorse the Statement and its recommendations for consideration by Council.
- 3.2 Thereafter, that Council approves the Housing Delivery Statement and its recommendations as the basis for informing future planning decisions by the Local Planning Authority.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To facilitate the delivery of housing in the County Borough.

5. THE REPORT

Changes to national planning policy

- 5.1 In March 2020, changes were made to national planning policy in respect of how the amount of housing being delivered through a development plan was assessed. The key changes included the revocation of Technical Advice Note 1: Joint Housing Land Availability Studies (TAN 1), which set out the methodology on how to calculate a 5-year housing land supply, and the removal of the requirement to provide a 5-year land supply in Planning Policy Wales.
- 5.2 The focus on the 5-year housing supply has been replaced with a consideration of housing completions against a housing trajectory. The adopted LDP does not contain a housing trajectory, as this was not a requirement at the time of the preparation of the adopted LDP. However, in line with guidance set out within Welsh Government's Development Plans Manual, a trajectory has been prepared, in consultation with the Housing Stakeholder Group, which considers past completions on an annual basis compared to the annual LDP housing requirement, and cumulative completions compared to the total LDP housing requirement. Forecast completions for the remainder of the plan period are also included, as well as a further 5 years, which will form part of the evidence base until such time as the 2nd Replacement LDP is adopted.

Housing Stakeholder Group

- 5.3 In accordance with national planning guidance, a Housing Stakeholder Group has been set up to inform the timing and phasing of sites within the housing trajectory. The group comprises representatives from internal departments (Planning, Housing, Property) as well as external stakeholders representing the development industry – the Home Builders Federation, major housebuilders, Registered Social Landlords, planning agents and utility providers.
- 5.4 A virtual meeting of the Housing Stakeholder Group was held in July 2020, where an informative discussion was held on the impact of the Covid-19 pandemic on housing delivery. The group agreed the housing completions figures for 2019-20, and the forecasts for future completions in the final full year of the plan period, and five years beyond.
- 5.5 The Housing Stakeholder Group have been consulted on the Housing Delivery Statement and their comments have been incorporated.
- 5.6 The Development Plans Manual, which provides guidance on how the Housing Stakeholder Group should operate, indicates that where there are areas of dispute or disagreement between the LPA and members of the Stakeholder Group, this should be recorded in the AMR. However, no group member will have a veto on the content of the AMR, and it will be for the LPA to make a judgement/conclusion on any disagreements. As there is no requirement for an AMR to be prepared this year, these issues have been considered in the Housing Delivery Statement.

Housing Trajectory

- 5.7 The analysis of the housing trajectory as set out in the Housing Delivery Statement indicates that annual completions have been below the average annual requirement of 575 dwellings per annum for every year since 2008-9. The completions figure for 2019-20 is 336 dwellings, which was 41.6% lower than the average annual requirement (AAR). The remaining year of the plan period is also forecast to be below the AAR.
- 5.8 In terms of cumulative completions, there is a shortfall of some 2,879 dwellings compared to what should have been delivered at this point in the plan period.
- 5.9 The Housing Delivery Statement acknowledges that it is difficult to forecast housing delivery for the future, as the full impact of the Covid-19 pandemic on housebuilding is unknown, and the recovery will be influenced by national policy decisions on matters such as the Help to Buy scheme and land transaction tax.
- 5.10 However, it is evident that there is a significant shortfall in housing delivery and the Local Authority has a role in addressing it where possible. Where a housing trajectory shows an under delivery of housing, the LPA must identify what actions it will take to rectify this. These actions would normally be set out within the AMR, but as there is no requirement for an AMR this year, they will instead be addressed within the Housing Delivery Statement.
- 5.11 Notably, the key mechanism to address a shortfall of housing is a review of the LDP. This has already commenced and a consultation on the Delivery Agreement (DA) for the 2nd Replacement Local Development Plan began in March 2020. The public consultation was subsequently cancelled as a result of Covid-19 restrictions and it will be necessary for a consultation to be undertaken on a revised DA in due course.

It is likely that the 2nd Replacement LDP will not be in place until late 2024 at the earliest, and it is important that the housing shortfall is addressed in the interim.

5.12 The Housing Delivery Statement includes the following recommendation:
In the period up to the adoption of the 2nd Replacement LDP, the Council will continue to address the shortfall in housing delivery through proactive action, including:

- **Considering proposals for new residential development on their relative planning merits on a site-by-site basis and having due regard for the need to increase the delivery of housing;**
- **Working with Welsh Government and the Cardiff Capital Region to bid for funding aimed at facilitating the redevelopment of sites with high infrastructure and/or remediation costs for housing;**
- **Utilising the innovative funding model to bring forward Council owned sites with viability issues;**
- **The identification of schemes through the Regeneration Project Board where funding opportunities could be exploited to deliver regeneration projects, including for housing and employment;**
- **Supporting the development of new build Council housing on appropriate sites;**
- **Working to ensure new housing complies with high environmental standards to help address the climate emergency;**
- **Accelerate the development of the Council's own house building plans to offer mixed housing tenure opportunities on appropriate sites across the county borough.**

5.13 This recommendation reflects recommendations included in previous AMRs. The endorsement of this recommendation by Council will ensure that the Council's agreed actions to increase housing delivery will be a consideration in the determination of future planning applications for housing by the Local Planning Authority.

6. ASSUMPTIONS

6.1 The Housing Delivery Statement includes timescales for the delivery of housing on a site-specific basis. Whilst these figures have been agreed by the Housing Stakeholder Group, it is acknowledged in the Housing Delivery Statement that, due to the current Covid-19 pandemic they can only be a 'best guess' at a point in time.

7. LINKS TO RELEVANT COUNCIL POLICIES

Corporate Plan 2018-2023

7.1 The report recommendations contribute towards or impact predominantly on the following Corporate Well-being Objectives:

Objective 3 – Address the supply, condition and sustainability of homes throughout the county borough

Objective 6 - Support citizens to remain independent and improve their well-being.

Caerphilly County Borough Local Development Plan up to 2021

- 7.2 The proposals also align with the key objectives of the Council's Adopted LDP, specifically:
- Accommodate sustainable levels of population growth.
 - Ensure an adequate and appropriate range of housing sites are available across the County Borough in the most suitable locations to meet the housing requirements of all sections of the population.

A Foundation for Success - Regeneration Strategy 2018-2023

- 7.3 The proposals contribute towards the following key priority of A Foundation for Success 2018-2023:

Priority SQL5: Improve the delivery of new housing and diversify housing across all tenures.

Caerphilly Homes Service Plan (2018-2023), Priority Objective 2

- 7.4 The proposal would support Priority Objective 2: Increase the provision of new, affordable homes to meet identified needs, promoting 'Lifetime Homes' principles for grant funded delivery, and, where appropriate, supporting Welsh Government's Innovative Housing Programme (IHP).

8. WELL-BEING OF FUTURE GENERATIONS

- 8.1 The aim of the Well-Being of Future Generations (Wales) Act is to improve the social, economic, environmental and cultural well-being of Wales by changing the way local authorities and public bodies think, act and make decisions with the overall objective being to create a Wales where we want to live, both now and in the future. The Act also sets a duty on public bodies to ensure that everything that they do is in accordance with the sustainable development principle (the needs of the present are met without compromising the ability of future generations to meet their own needs).
- 8.2 The Housing Delivery Statement sets out measures aimed at increasing housing delivery to provide much-needed housing in the County Borough, contributing towards the social and economic well-being of Wales.
- 8.3 The report recommendations are consistent with the five ways of working as defined within the sustainable development principle in the Act. The five ways of working are:
- Long Term – Housing is a long-term asset and the development of additional dwellings will diversify the housing stock and help support communities.
 - Prevention – new dwellings will be required to be of a high standard, which will support positive physical and mental health.
 - Integration – the development of housing will promote new development at a scale that can be well integrated within existing communities.
 - Collaboration – The housing trajectory has been prepared in consultation with the Caerphilly Housing Stakeholder Group.
 - Involvement – Local communities will have the opportunity to comment on any applications for new housing developments as part of the planning process.

9. EQUALITIES IMPLICATIONS

9.1 There are no direct equalities implications in respect of this report.

10. FINANCIAL IMPLICATIONS

10.1 There are no direct financial implications in respect of this report. In respect of the recommendation to work with Welsh Government and the Cardiff Capital Region to bid for funding to facilitate the redevelopment of sites, officers will report to Cabinet as necessary when funding opportunities arise.

11. PERSONNEL IMPLICATIONS

11.1 There are no direct personnel implications in respect of this report.

12. CONSULTATIONS

12.1 All consultation responses are reflected in the report.

13. STATUTORY POWER

13.1 The Planning and Compulsory Purchase Act 2004 requires the Council to prepare and keep under review a Local Development Plan for the County Borough to act as a single framework for the control and use of land within its administrative boundary.

13.2 The Local Government Act 1998. The Local Government Act 2003. The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005. The Planning (Wales) Act 2015

Author: Victoria Morgan, Principal Planner, Strategic and Development Plans,
morgav@caerphilly.gov.uk

Consultees: Cllr. Sean Morgan, Deputy Leader and Cabinet Member for Economy and Enterprise
Cllr. Lisa Phipps, Cabinet Member for Housing and Property
Cllr. Royston Saralis, Chair of Planning Committee
Cllr. Andrew Whitcombe, Chair of Housing and Regeneration Scrutiny Committee
Cllr Mrs Christine Forehead, Vice-Chair of Housing and Regeneration Scrutiny Committee
Christina Harray, Chief Executive
Mark S. Williams, Interim Corporate Director Communities
Dave Street, Corporate Director Social Services & Housing
Stephen Harris, Head of Financial Services and Section 151 Officer
Rhian Kyte, Head of Regeneration and Planning
Sean Couzens, Chief Housing Officer
Robert Tranter, Head of Legal Services/Monitoring Officer
Mark Williams, Interim Head of Property Services
Ryan Thomas, Planning Services Manager
Allan Dallimore, Regeneration Services Manager

Jane Roberts Waite, Strategic Co-ordination Manager, Housing
Anwen Cullinane, Senior Policy Officer, Equalities and Welsh Language
Lynne Donovan, Human Resources Service Manager

Appendices:

Appendix 1 Housing Delivery Statement

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2020

Caerphilly County Borough Council
Local Development Plan up to 2021 (Adopted 23 November 2010)

Draft Housing Delivery Statement

December 2020

Rhian Kyte
Head of Regeneration and Planning

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Housing Delivery Statement

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1 Introduction

- 1.1 On 26th March 2020, the Minister for Housing and Local Government wrote to Local Planning Authorities (LPAs) to advise them that Planning Policy Wales (PPW) had been amended with immediate effect. The amendments removed the five year land supply policy and replaced it with a policy statement making it explicit that the housing trajectory, as set out in an adopted Local Development Plan (LDP), will be the basis for monitoring the delivery of development plan housing requirements as part of LDP Annual Monitoring Reports (AMRs).
- 1.2 The Minister also confirmed that Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015) had been revoked, and as a consequence there is no longer a requirement to undertake a calculation to determine whether a local authority has a five-year housing land supply. The requirement to provide a five-year supply of land for housing is therefore no longer a material planning consideration.
- 1.3 Following the advice contained within Edition 3 of the Development Plans Manual (DPM), which was published alongside the Ministerial letter, a housing trajectory has been prepared to consider the future delivery of housing. This would normally be published as part of the AMR, which would include a statement in respect of how issues in respect of the under-delivery of housing would be addressed.
- 1.4 However, the Minister wrote again to Local Authorities on 7th July 2020 in respect of Planning and the post Covid-19 recovery. The letter addressed a number of issues in respect of development plan preparation, including a statement that there would be no requirement for LPAs to submit an Annual Monitoring Report (AMR) to Welsh Government in October 2020. As a result, Caerphilly did not submit a full AMR. However, it is considered necessary to provide a statement on housing delivery and the Housing Trajectory, as this is one of the key issues that prompted a decision to undertake a review of the LDP in the 2019 AMR.
- 1.5 This Housing Delivery Statement sets out a number of key actions that should be considered in order to address the shortfall in the delivery of housing.

2 Annual Monitoring Report

- 2.1 The AMR is the key mechanism for assessing the extent to which LDP policies are working, including those in respect of housing. Where it is concluded that policies are not being implemented successfully, the AMR sets out recommendations on how this could be addressed, including recommending a Review of an adopted LDP where appropriate.
- 2.2 The Council has prepared eight AMRs to date, the most recent of which was agreed by Council in October 2019 (2019 AMR). It is evident from successive AMRs that new housing has not been delivered at the levels required. Policy SP14 indicates that there is a housing requirement for 8,625 new dwellings to be delivered over the 15-year plan period. This equates to an annual requirement of 575 dwellings per annum.
- 2.3 Due to the previous timescales for the preparation of the annual Joint Housing Land Availability Study, annual completions have historically been reported for the previous year (i.e. the 2018 JHLAS completion figures are reported in the 2019 AMR). However, the latest completion figures have been included in Appendix 1 of the AMR. Having regard for the 2019 completions data, the 8th AMR indicated that

4,835 units had been delivered (56% of the overall Adopted LDP total housing requirement) up to the end of March 2019. Therefore, there was a requirement for a further 3,790 dwellings to be developed over the remainder of the plan period, i.e. by the end of 2021, to meet the LDP housing requirement.

- 2.4 Following the receipt of the letter from the Minister for Housing and Local Government in July 2020, which stated that there would be no requirement for an AMR to be submitted to Welsh Government in October 2020, but LPAs could submit one if they wished, consideration was given as to whether it was appropriate to prepare an AMR for 2020, given the significant resources required for its preparation.
- 2.5 Data was been collected in respect of the monitoring indicators for the AMR for the monitoring period 1st April 2019 to 31st March 2020. The monitoring period was largely unaffected by Covid-19 restrictions, which began in March 2020, and therefore the data collected is largely reflective of the pre-Covid period. Whilst this information is useful, officers were mindful that Covid-19 has had and will continue to have wide-reaching impacts on many of the indicators in the plan, for example, vacancy rates in town centres; unemployment rates; out-commuting rates; average house prices; the number of new developments granted planning permission and usage of open spaces within the County Borough. It was considered that the preparation of an AMR for 2020, which uses data that does not fully reflect the current circumstances, would be of limited use. The 2021 AMR will contain data from both the 2019/20 and the 2020/21 monitoring years and will allow a clearer understanding of how the Covid-19 pandemic has affected the policy areas that are monitored through the AMR process.
- 2.6 Whilst a full AMR was not prepared this year, it is considered that a statement on housing delivery, identifying the number of dwellings completed within the 2019/20 monitoring period, and providing an assessment of forecasted future delivery will be beneficial for future decision making for the Planning Committee.

3 Requirement for a Housing Trajectory

- 3.1 In March 2020, Welsh Government published Edition 3 of the DPM, which required housing delivery to be assessed against the housing trajectory set out within an adopted LDP. In the case of Caerphilly County Borough Council, this is not possible, as the adopted LDP does not include a housing trajectory, as it was prepared before this was a requirement set out in national policy.
- 3.2 However, the DPM states that there will be a requirement for future AMRs to include a housing trajectory to measure housing delivery going forward. This should include monitoring:
 - The annual level of housing completion monitored against the average annual requirement (AAR) set out in the LDP, both in numerical and percentage terms.
 - Total cumulative completions monitored against the cumulative average annual housing requirement set out in the plan, both in numerical and percentage terms.
- 3.3 The housing trajectory should include robust information on the timing and phasing of both sites with planning permission and LDP allocations for the remaining years of the plan period.

4 Housing Stakeholder Group

- 4.1 The DPM requires that a Housing Stakeholder Group be set up to ensure completion figures are recorded correctly and to consider the timing and phasing of allocated LDP sites and sites with planning permission in respect of anticipated annual delivery rates.
- 4.2 The Group will also be involved in the preparation of a Housing Trajectory as an integral part of the 2nd Replacement Local Development Plan.
- 4.3 Membership of the group is a matter for each LPA to determine, but should ideally consist of relevant LPA departments, home builders, landowners (and agents where appropriate), Registered Social Landlords, statutory undertakers, infrastructure providers and other bodies as appropriate. The Terms of Reference of the Group has been included in Appendix 1.
- 4.4 A virtual meeting of the Stakeholder Group was held via Teams on 15th July 2020. The meeting was attended by:
- CCBC officers (Planning and Housing)
 - Home Builders Federation (HBF)
 - 3 National Housebuilders
 - 3 Registered Social Landlords
 - 4 Agents
- 4.5 The agenda, terms of reference and schedule of sites was also circulated to other stakeholders by email in advance of the meeting, and stakeholders who were unable to attend the meeting had the opportunity to make written comments on the documentation in advance of the meeting.
- 4.6 One comment was received after the meeting in respect of a site trajectory, and an amendment has been made to reflect the comment received. The comment related to the categorisation of the site rather than the forecasts.

5 2020 Housing Trajectory

- 5.1 In accordance with the guidance, LPAs who adopted an LDP prior to the publication of the DPM Edition 3 in March 2020 will need to create a housing trajectory based on the actual completions to date, and set out the timing and phasing of sites/supply in the remaining years of the plan period.
- 5.2 In September 2020, the LPA received a letter from Minister for Housing and Local Government, which clarified an important matter in respect of the expiry date of the adopted LDP. Following previous advice from Welsh Government, the LPA had previously considered that the adopted LDP would expire on 31st December 2021, at the end of the plan period. However, it has now been established that LDPs adopted prior to the 4th January 2016 (which includes the Caerphilly LDP) will remain the LDP for determining planning applications until they are replaced by a further LDP. For monitoring purposes, consideration will continue to be given to housing delivery during the plan period (2006-2021).

- 5.2 As there is only one full year of the plan period remaining, the housing trajectory has been extended for a further five years, up to 2025/26. Whilst this is not a requirement, it will form part of the evidence base for the 2nd Replacement LDP by identifying how many units are forecast to be delivered in the period between the end of the adopted LDP plan period and the adoption of the 2nd Replacement LDP. It is also beneficial in allowing other service areas (e.g. education, health, utility providers etc) to identify where new housing is likely to be developed to inform longer-term service planning.
- 5.3 The guidance indicates that where an adopted LDP does not include a trajectory, past completions and forecast completions should be assessed against a straight line Average Annual Requirement (AAR). In the case of the Caerphilly adopted LDP, the AAR is 575 dwellings per annum.
- 5.4 The housing trajectory graph identified in Figure 1 below has been derived from the following elements, as required by the DPM:
- The timing and phasing of allocations (Appendix 2);
 - The timing and phasing of sites with planning permission (referred to in the DPM as Appendix 3);
 - Actual annual completions compared with the Average Annual Requirement (Appendix 4);
 - Completions up to 2019/20 and forecasts for the remaining full year of the plan period and 5 further years (compiled from Appendices 2, 3 and 4).

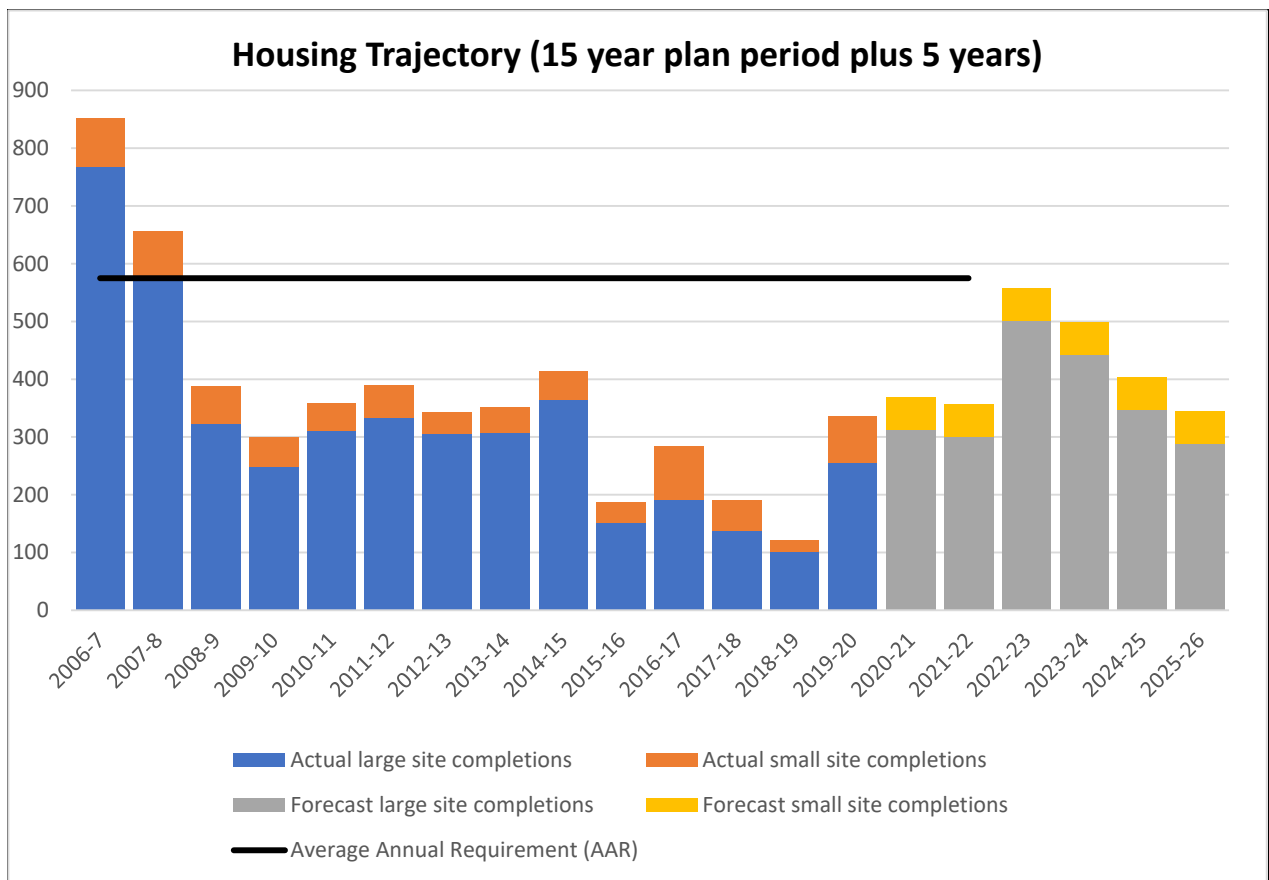


Figure 1 – Housing Trajectory Graph

- 5.5 The Housing Trajectory Graph in Figure 1 shows that the number of dwellings that have been constructed each year have been consistently below the annual average requirement (AAR) of 575 dwellings per annum for every year since 2008-9. The economic crash and subsequent recession have had a significant impact on housebuilding across the County Borough and build rates have not recovered to the levels delivered at the start of the plan period.
- 5.6 In 2019/20, the housing completion figures was 336 dwellings, which was substantially higher than the previous year (2018/19) of only 122 dwellings but is still significantly lower than the AAR (41.6% lower than the requirement). Several large sites are currently being developed out by major housebuilders (including Hawtin Meadows in Pontllanfraith, Pandy Road in Bedwas, the former Bedwellty School site in Aberbargoed and Oakdale Golf Club), and these have provided a significant proportion of completions for 2019/20. It is anticipated that these sites, together with other sites with recent planning permissions (including Cwm Gelli in Blackwood, Virginia Park in Caerphilly and Hendredenny in Caerphilly) will deliver a large number of units over the next few years, but even including these sites the forecast completions for 2020-21 (the last full year of the plan period), are anticipated to remain well below the AAR.
- 5.7 As a consequence of the low levels of annual completions, the cumulative total of dwellings that have been developed is considerably lower than the number of dwellings that the plan makes provision for based on a straight-line AAR trajectory of 575 dwellings per annum (Figure 2). At this point in the plan period (14 years), it would be assumed that 8,050 dwellings would have been constructed. However, only 5,171 had been built up to 2019/20, equating to 64.2% of the housing requirement that would have been expected at this point in the plan period. This is a shortfall of 2,879 dwellings, or 35.8% below what should have been delivered, with only one full year of the plan period remaining.

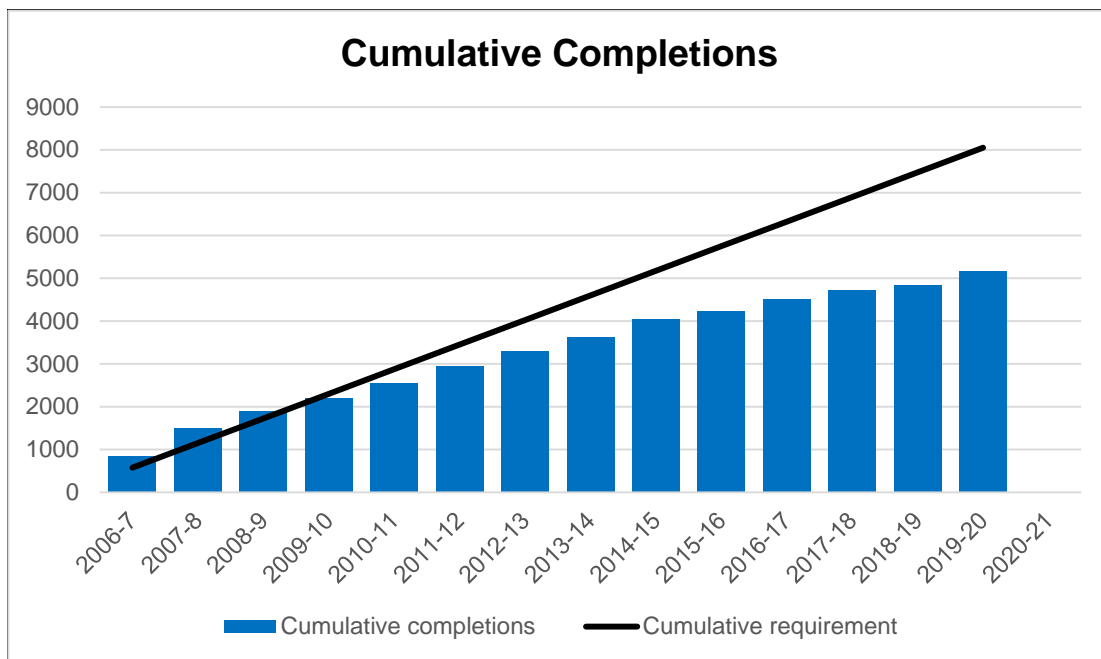


Figure 2: Cumulative completions compared to cumulative housing requirement

- 5.8 The forecast completions after the LDP plan period has ended are anticipated to continue to remain lower than the AAR. The full impact of the Covid-19 pandemic on

the housebuilding industry in the long-term is clearly unknown at present, and there is inevitably a degree of uncertainty regarding any trajectory, as the economy seeks to recover from the impacts of Covid 19. National policy decisions on matters such as the Help to Buy scheme and land transaction tax has the potential to influence the sale of new homes and overall housing delivery, together with the availability of funding for the provision of affordable housing. The forecasts post 2021 include lower rates of completions on certain sites, where appropriate, to reflect the current situation. Whilst the figures have been agreed by the Housing Stakeholder Group, it is acknowledged that, due to the current crisis, they can only be a 'best guess' at a point in time.

6 Recommendations

- 6.1 The DPM indicates that the LPA must set out what action (where relevant) is being undertaken to address any shortfall or under delivery in respect of the housing trajectory. This would normally be included within the AMR, but in light of Ministerial letter and decision not to prepare an AMR this year, these actions are set out within this Housing Delivery Statement, the recommendations of which will need to be endorsed by Council.
- 6.2 The 2019 AMR process identified that 2 housing policies, namely: SP14 Total Housing Requirements; and SP15 Affordable Housing Target, were not being implemented as anticipated and required action to be taken. It also identified that one objective, namely Objective 9, which seeks to: *“Ensure an adequate and appropriate range of housing sites are available across the County Borough in the most suitable locations to meet the housing requirements of all sections of the population”* was not being met.
- 6.3 The 2019 AMR recommended that the appropriate response to addressing the shortfall in housing was to undertake a review of the adopted plan. Since the 2019 AMR was agreed by Council in October 2019, a Review Report has been prepared and was subject to public consultation. The Review Report concludes that the Council should commence an immediate full revision of the LDP.
- 6.4 The preparation of a Delivery Agreement (DA) is a key requirement in preparing a revised LDP. The DA provides details of the stages involved in the plan-making process, the time each part of the process is likely to take, and the resources that the Council will commit to Plan preparation. The DA will also establish the Local Planning Authority's early full and continuous approach to community engagement and involvement in the preparation of the 2nd Replacement LDP. In March 2020, the Council commenced a public consultation on the draft DA, but following the restrictions associated with Covid-19 the decision was made to cancel the consultation and consult on a revised DA once restrictions were eased. The crisis has had an impact on the timescales for the adoption of the 2nd Replacement LDP and it is now anticipated that a new Plan will not be in place until late 2024 at the earliest.
- 6.5 Even though work on a Replacement LDP has commenced, there is still a need to increase the delivery of housing in the short term, which will require other interventions or actions to address the issue.
- 6.6 Recommendation R3 of the 2019 AMR set out a number of proactive measures aimed at increasing housing delivery, and the merits of these remain relevant, with

recommendations form the basis of the following recommendations of this Housing Delivery Statement.

- 6.7 In order to address the shortfall in housing delivery, as highlighted in the Housing Trajectory, it is recommended that:

In the period up to the adoption of the 2nd Replacement LDP, the Council will continue to address the shortfall in housing delivery through proactive action, including:

- **Considering proposals for new residential development on their relative planning merits on a site-by-site basis and having due regard for the need to increase the delivery of housing;**
- **Working with Welsh Government and the Cardiff Capital Region to bid for funding aimed at facilitating the redevelopment of sites with high infrastructure and/or remediation costs for housing;**
- **Utilising the innovative funding model to bring forward Council owned sites with viability issues;**
- **The identification of schemes through the Regeneration Project Board where funding opportunities could be exploited to deliver regeneration projects, including for housing and employment;**
- **Supporting the development of new build Council housing on appropriate sites;**
- **Working to ensure new housing complies with high environmental standards to help address the climate emergency.**
- **Accelerate the development of the Council's own house building plans to offer mixed housing tenure opportunities on appropriate sites across the county borough.**

Appendix 1 – Housing Stakeholder Group Terms of Reference

Housing Stakeholder Group

Terms of Reference

June 2020

Purpose

The Housing Stakeholder Group will consider site specific information on housing delivery with the aim of agreeing the timescales for the delivery of future housing within the County Borough. The Group will also provide input into the preparation of a housing trajectory for the Deposit 2nd Replacement Local Development Plan (LDP).

Objectives

On an annual basis the Housing Stakeholder Group will:

- Agree completions figures for small and large sites for the previous monitoring year (1st April to 31st March);
- Forecast the anticipated annual delivery rates for sites with planning permission and sites deferred for the completion of Section 106 agreements (where it is anticipated that the site will be delivered in the short term);
- Forecast the anticipated annual delivery rates for housing allocations in the adopted LDP.

In addition, the Group will also:

- Discuss the timing and phasing of sites proposed for inclusion in the Deposit 2nd Replacement LDP;
- Provide input into the preparation of a housing trajectory for the Deposit 2nd Replacement LDP.

Membership

The Development Plans Manual (Edition 3, March 2020) states “*membership of the group is a matter for each LPA to determine, but should ideally consist of relevant LPA departments, home builders, land owners (and agents where appropriate), Registered Social Landlords, statutory undertakers, infrastructure providers and other bodies as appropriate.*”

For Caerphilly CBC it is considered that the Housing Stakeholder Group should comprise representatives from the following:

- Planning Department, CCBC
- Property Services, CCBC
- Housing, CCBC
- Home Builders Federation (HBF)

- Private sector developers
- Planning consultants
- Landowners and their agents
- Developing Registered Social Landlords (RSLs)
- Dwr Cymru/Welsh Water

Where large sites are submitted and considered through the candidate sites process for the 2nd Replacement LDP, the Local Authority will work with individual landowners to seek to prepare an agreed position in respect of the trajectory and phasing of the sites. The wider stakeholder group will also have the opportunity, through the Stakeholder meetings, to provide input on site specific trajectories.

Quorum

The Housing Stakeholder Group is an advisory body and as such has no decision-making powers. As a result, there is no requirement for the group to have a quorum for meetings. It is, therefore, proposed that no quorum be set for the Group meetings.

All documentation, including an agenda, sites schedule and completion figures, will be circulated to the Housing Stakeholder Group at least two weeks before the date of the meeting. Written responses will be accepted in respect of the sites schedule.

Chair

The meeting will be chaired by the Local Planning Authority.

Meeting Format

Due to the restrictions associated with the Covid 19 outbreak, the 2020 meeting will be held virtually using a meeting platform such as Teams.

Subsequent meetings will either be held virtually or at the Caerphilly CBC offices.

Meetings to agree the annual completions figure and to consider the anticipated annual delivery rates for future years will be held on annual basis in June/July, so that the information can be agreed prior to the submission of the Annual Monitoring Report (AMR) to Welsh Government by the end of October each year.

There may be a need for additional meetings to provide input into the preparation of a housing trajectory for the Deposit 2nd Replacement LDP. Notice of any additional meetings will be given at the earliest opportunity, with a minimum notice period of two weeks.

Disputes

The council will be responsible for making decisions where there is disagreement on the timing and phasing of sites. No group member will have a veto on the content of the AMR. However, where there are outstanding areas of dispute/disagreement, which should be limited in number, these will be recorded within the AMR. Every effort should be made by the Group to achieve consensus on the timing and phasing of sites in the plan period.

Reporting Mechanism

The Housing Trajectory will be reported to Council as part of the AMR in October of each year.

The 2nd Replacement LDP will be reported to Council at various stages in accordance with the timetable set out with the emerging Delivery Agreement.

Appendix 2 - The timing and phasing of allocations

PP No	LDP Ref	Strategy Area	Site Name	Settlement	Total site capacity	Amended capacity at planning application stage	Units remaining	Total Completions (as of 1st April 2020)	Under Construction	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	Beyond 5 years after end of plan period
	HG 1.01	HOVRA	Land to the South of Merthyr Road	Princetown	140		138	2	0							138
	HG 1.02	HOVRA	Land East of Llechryd Bungalow	Llechryd	39		39	0	0							39
	HG 1.04	HOVRA	Lower Hill Street	Rhymney	10	8	8	0	0							8
	HG 1.05	HOVRA	Maerdy Garage adj to Maerdy House	Rhymney	16	15	14	0	1							14
	HG 1.06	HOVRA	Maerdy Crossing	Rhymney	57		57	0	0							57
19/0679/NCC	HG 1.07	HOVRA	Former depot south of Pontlottyn Link Road	Pontlottyn	36	25	25	0	0							25
	HG 1.09	HOVRA	Greensway	Abertysswg	28		28	0	0							28
	HG 1.10	HOVRA	Land south west of Carn Y Tyla Terrace	Abertysswg	133		131	2	0							131
	HG 1.12	HOVRA	Land off Railway Terrace	Fochriw	147		147	0	0							147
	HG 1.13	HOVRA	Land at Graig Rhymney	New Tredegar	30		30	0	0							30
	HG1.14	HOVRA	Land adjacent to Abernant Road	Markham	82		80	2	0							80
	HG1.15	HOVRA	Bedwellty Road	Aberbargoed	180	118	66	52	0	0	0	0	2	2	2	60
	HG1.16	HOVRA	Land adjacent to Gelynos Avenue	Argoed	13		7	6	0	0	0	4	2	1	0	0
	HG1.18	HOVRA	Aberbargoed Plateau	Aberbargoed	413		413	0	0	0	0	0	0	0	30	383
	HG1.19	HOVRA	Bargoed Retail Plateau	Bargoed	48		48	0	0							48
	HG1.21	HOVRA	Park Estate	Gilfach	53		53	0	0							53
18/1005/FULL	HG1.22	HOVRA	Bedwellty Comprehensive School	Aberbargoed	74	55	29	8	18	10	19	0	0	0	0	

PP No	LDP Ref	Strategy Area	Site Name	Settlement	Total site capacity	Amended capacity at planning application stage	Units remaining	Total Completions (as of 1st April 2020)	Under Construction	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	Beyond 5 years after end of plan period
	HG1.26	NCC	Blackwood Ambulance Station	Blackwood	24		24	0	0							24
16/0085/NCC	HG1.27	NCC	Pencoed Avenue	Cefn Fforest	65	34	18	16	0	0	0	0	6	6	6	0
	HG1.28	NCC	Land east of Bryn Road	Cefn Fforest	24		24	0	0							24
08/0752/OUT	HG1.30	NCC	Land at Hawtin Park	Pontllanfraith	194	73	73	0	0	0	0	0	36	37	0	0
	HG1.32	NCC	Tiryberth	Hengoed	173		173	0	0							173
18/0362/FULL	HG1.33	NCC	Penallta Colliery	Ystrad Mynach	689	684	148	536	0	0	23	28	0	0	0	97
	HG1.35	NCC	Land at New Road	Ystrad Mynach	18		18	0	0							18
	HG1.38	NCC	Land to the east of Handball Court	Nelson	90		90	0	0							90
17/0053/NCC	HG1.40	NCC	Land at Gellideg Heights	Maesycwmmmer	137		137	0	0	0	5	20	20	20	4	68
	HG1.42	NCC	Land west of Old Pant Road	Pantside	56		56	0	0							56
19/0701/OUT	HG1.43	NCC	The Stores, Albertina Road	Newbridge	10	14	14	0	0		4	10				
	HG1.44	NCC	Land at Fields Park	Newbridge	80		80	0	0							80
	HG1.46	NCC	Chris Bowen Garage	Newbridge	16		16	0	0							16
	HG1.50	SCC	Land adjacent to Pen-y-Cwarel Road	Wyllie	56		56	0	0							56
17/0545/NCC	HG1.52	SCC	Land at Station Approach	Risca	10	15	15	0	0							15
	HG1.54	SCC	Eastern part of land adjacent to River Ebbw	Pontymister	48		48	0	0							48
13/0667/NCC	HG1.55	SCC	Suflex Factory	Pontymister	88	65	65	0	0							65
	HG1.56	SCC	Tyn y Waun Farm	Machen	10		10	0	0							10
	HG1.57	SCC	Waterloo Works	Waterloo	545		545	0	0							545
	HG1.58	SCC	Former Petrol Filling Station, Newport Road	Trethomas	10		10	0	0							10

PP No	LDP Ref	Strategy Area	Site Name	Settlement	Total site capacity	Amended capacity at planning application stage	Units remaining	Total Completions (as of 1st April 2020)	Under Construction	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	Beyond 5 years after end of plan period
	HG1.60	SCC	Bedwas Colliery	Bedwas	630		630	0	0							630
	HG1.61	SCC	St James Primary School	Caerphilly	49		49									49
	HG1.64	SCC	Cardiff Road/Pentrebane St	Caerphilly	127		127	0	0							127
17/0304/NCC	HG1.65	SCC	Land between Van Road/Maes Glas, and the Railway	Caerphilly	62	57	28	29	0							28
	HG1.69	SCC	Hendre Infants School	Caerphilly	16		16									16
16/0665/FULL	HG1.70	SCC	Cwm lfor Primary School	Caerphilly	46	19	12	0	7	12						
	HG1.71	SCC	Land east of Coedcae Road	Abertridwr	27		27	0	0							27
	HG1.72	SCC	Windsor Colliery	Abertridwr	193		193	0	0	0	30	40	40	40	43	
	HG1.73	SCC	Land below Coronation Terrace	Senghenydd	12		12	0	0							12
						TOTAL	4027	653	26	22	81	102	106	106	85	3525

Sites completed as of 1st April 2020 have not been included

Appendix 3 - The timing and phasing of sites with planning permission

PP No	Strategy Area	Site Name	Settlement	Total site capacity	Amended capacity at planning application stage	Units remaining	Total Completions (as of 1st April 2020)	Under Construction	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	Beyond 5 years after end of plan period
18/0229/NCC	HOVRA	Ty Fry Road	Aberbargoed	15		15	0	0	0	0	0	0	0	0	15
16/0656/FULL	HOVRA	Eastview Terrace	Bargoed	10		0	0	10	0	0	0	0	0	0	0
17/0605/FULL	HOVRA	Opp. Highcrest Garage	Markham	45		45	0	0	0	0	4	4	4	4	29
19/0800/OUT	HOVRA	British Legion Club	Rhymney	10		10	0	0	0	0	0	0	0	0	10
19/1024/RM	NCC	Cwm Gelli	Blackwood	115	164	164	0	0	0	10	30	42	42	40	0
17/0230/FULL	NCC	Red Lion Inn	Blackwood	17		0	0	17	0	0	0	0	0	0	0
19/0002/FULL	NCC	Unit A, 12 The Market Place	Blackwood	47		47	0	0	0	0	20	27	0	0	0
18/0345/NCC	NCC	Carn Gethin Farm	Cefn Hengoed	27		27	0	0	0	0	0	0	0	0	27
17/0888/FULL	NCC	Ton-y-Felin	Croespenmaen	60		60	0	0	0	25	35	0	0	0	0
18/0037/RM	NCC	Ty Mawr	Croespenmaen	50		0	0	50	0	0	0	0	0	0	0
17/0915/NCC	NCC	North of Glanyrafon, Ford Rd	Fleur-de-lis	12		9	0	3	1	4	4	0	0	0	0
18/0593/NCC	NCC	40 Victoria Road	Fleur-de-lis	20		20	0	0	0	0	10	10	0	0	0
17/0053/NCC	NCC	Land at Gellideg Heights	Maesycwmmmer	95		95	0	0	0	5	20	20	20	30	0
19/0725/NCC	NCC	Ty Du	Nelson	200		200	0	0	0	0	20	40	40	40	60
16/0668/OUT	NCC	North of cark park, Aiwa	Newbridge	45		45	0	0	0	0	0	0	0	0	45
15/0782/FULL	NCC	Woodfield Park FH	Oakdale	45		0	20	25	0	0	0	0	0	0	0
17/1095/RM	NCC	Oakdale Golf Course	Oakdale	132		80	52	0	20	30	30	0	0	0	0
17/0088/OUT	NCC	Fair View Garage	Pengam	17		17	0	0	0	0	7	10	0	0	0
17/0142/RM	NCC	Hawtin Park (West)	Pontllanfraith	190		84	89	17	20	32	32	0	0	0	0
18/0594/NCC	NCC	Tredeggar Junction Hotel	Pontllanfraith	13		13	0	0	0	0	0	0	0	0	13
18/0374/FULL	NCC	Sir Ivor Road	Pontllanfraith	20		20	0	0	0	0	10	10	0	0	0
18/0440/RM	SCC	North of Pandy Road	Bedwas	240		166	44	30	0	40	42	42	42	0	0
16/0987/OUT	SCC	South of Glendale	Caerphilly	10		1	4	5	0	1	0	0	0	0	0

PP No	Strategy Area	Site Name	Settlement	Total site capacity	Amended capacity at planning application stage	Units remaining	Total Completions (as of 1st April 2020)	Under Construction	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	Beyond 5 years after end of plan period
15/0442/OUT	SCC	Abertridwr Road	Caerphilly	28		28	0	0	0	0	14	14	0	0	0
16/0076/OUT	SCC	Meadowland Close	Caerphilly	11		11	0	0	0	0	0	11	0	0	0
16/0208/OUT	SCC	Catnic	Caerphilly	176		176	0	0	0	0	0	0	0	0	176
19/0049/RM	SCC	North of Hendredenny Drive	Caerphilly	260		260	0	0	0	20	45	45	45	45	60
17/1027/FULL	SCC	Caerphilly Magistrates Court	Caerphilly	34		0	4	34	0	0	0	0	0	0	0
17/0935/FULL	SCC	Land at Virginia Park	Caerphilly	11		0	0	11	0	0	0	0	0	0	0
17/0804/OUT	SCC	Virginia Park Golf Club	Caerphilly	350		350	0	0	0	20	45	45	45	45	150
17/0966/FULL	SCC	Former DeWinton PH	Llanbradach	14		0	4	10	0	0	0	0	0	0	0
17/1042/FULL	SCC	Former All Saints Church	Llanbradach	10		0	0	10	0	0	0	0	0	0	0
18/0415/OUT	SCC	Adj. to Y Fron, Pwllypant	Llanbradach	14		14	0	0	0	0	0	0	0	0	14
18/1089/FULL	SCC	Wingfield Crescent (Phase 1)	Llanbradach	30		30	0	0	0	30	0	0	0	0	0
19/0010/FULL	SCC	Garage site, Newport Road	Pontymister	18		18	0	0	0	0	18	0	0	0	0
18/0286/OUT	SCC	PD Edenhall	Risca	22		22	0	0	0	0	10	12	0	0	0
18/0930/NCC	SCC	BSW Saw Mills	Senghenydd	100		100	0	0	0	0	0	0	0	0	100
19/0221/FULL	SCC	South of The Glade	Wyllie	16		14	1	1	0	3	3	4	4	0	0
						2141	218	223	41	220	399	336	242	204	699

Sites completed as of 1st April 2020 have not been included

Appendix 4 - Actual annual completions compared with the Average Annual Requirement

LDP Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	2006-7	2007-8	2008-9	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Remaining Years	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
Total recorded completions	852	656	387	300	358	390	344	351	414	187	284	190	122	336	
Annual requirement (based on straight line AAR)	575	575	575	575	575	575	575	575	575	575	575	575	575	575	
Difference between actual completions and AAR	277	81	-188	-275	-217	-185	-231	-224	-161	-388	-291	-385	-453	-239	
Percentage difference	48.2	14.1	-32.7	-47.8	-37.7	-32.2	-40.2	-39.0	-28.0	-67.5	-50.6	-67.0	-78.8	-41.6	
Actual recorded completions on large sites during year	768	578	322	249	310	333	306	307	365	152	191	137	102	256	
Actual recorded completions on small sites during year	84	78	65	51	48	57	38	44	49	35	93	53	20	80*	
Cumulative completions	852	1508	1895	2195	2553	2943	3287	3638	4052	4239	4523	4713	4835	5171	
Cumulative requirement	575	1150	1725	2300	2875	3450	4025	4600	5175	5750	6325	6900	7475	8050	
Difference between cumulative completions and cumulative AAR	277	358	170	-105	-322	-507	-738	-962	-1123	-1511	-1802	-2187	-2640	-2879	
Percentage difference	48.2	31.1	9.9	-4.6	-11.2	-14.7	-18.3	-20.9	-21.7	-26.3	-28.5	-31.7	-35.3	-35.8	

* Due to a recording error some small sites that were completed in 2018/19 were not included in that year's survey and have been included in the 2019/20 figures instead

Appendix 5 - Housing Trajectory Figures

	2006-7	2007-8	2008-9	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Actual large site completions	768	578	322	249	310	333	306	307	365	152	191	137	102	256						
Actual small site completions	84	78	65	51	48	57	38	44	49	35	93	53	20	80						
Forecast large site completions															312	301	501	442	348	289
Forecast small site completions															56	56	56	56	56	56
Average Annual Requirement (AAR)	575	575	575	575	575	575	575	575	575	575	575	575	575	575	575	575				
Total completions	852	656	387	300	358	390	344	351	414	187	284	190	122	336	368	357	557	498	404	345
Under construction – allocations (Appendix 2)															26					
Under construction - sites with planning permission (Appendix 3)															223					
Allocations (Appendix 2)															22	81	102	106	106	85
Sites with planning permission (Appendix 3)															41	220	399	336	242	204

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