

Caerphilly County Borough Local Development Plan Up To 2021

Draft Review Report

Report of Consultation

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Glossary of Terms

Adopted LDP	Caerphilly County Borough Local Development Plan up to 2021
LDP Regs	The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended)
LPA.....	Local Planning Authority
2RLDP	2 nd Replacement Caerphilly County Borough Local Development Plan up to 2035
RLDP	Replacement Caerphilly County Borough Local Development Plan (Withdrawn)
SDP	Strategic Development Plan
NDF	National Development Framework
FW2040	Future Wales 2040
LDP.....	Local Development Plan
PPW	Planning Policy Wales
WWDC.....	Welsh Water Dŵr Cymru
PWA 2015.....	Planning Wales Act 2015

1. Introduction

- 1.1 The Caerphilly County Borough Local Development Plan up to 2021 [Adopted LDP] was formally adopted on 23 November 2010. In October 2018 the Council resolved to commence the preparation of the second revision to the Adopted LDP. Regulation 41 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended) [LDP Regs] requires that a local planning authority [LPA] must prepare and approve a Review Report following a decision by the Council to commence a review of the Adopted LDP.
- 1.2 A Review Report will need to consider:
- The plan strategy, its aims and objectives;
 - Any significant changes in circumstances brought about by changes to the evidence base or contextual framework;
 - The policy framework and allocations in the plan;
 - The 6 Annual Monitoring Reports [AMR]; and
 - The options for undertaking a revision to the plan.
- 1.3 It is a requirement for the LPA to consult their stakeholders in the preparation of their Review Report, although there is no prescribed format or duration for that consultation. To comply with this requirement, at its meeting held on 12 February 2020 the Council resolved to publish the Draft Review Report for consultation. Given the exacting requirement to prepare an LDP within three and a half years and in order to programme the necessary work for the preparation of the 2nd Replacement Caerphilly County Borough Local Development Plan up to 2035 [2RLDP], taking account of local and national election periods, the decision was taken to undertake a 3-week consultation period on the Draft Review Report.

2. The Consultation

- 2.1 The Draft Review Report was published for comment on 24 February 2020. Due to the restrictions at that time the Review Report was the subject of a 3-week consultation period, which concluded on 16 March 2020.
- 2.2 Unfortunately, due to the restrictions applied due to the Covid pandemic, it was not possible to use the more usual forms of publicising such consultations, including holding exhibitions and using promotional posters and leaflets. Consequently, in order to publicise the consultation all specific and general consultees were formally consulted, and the Draft Review Report was publicised through the Council's website and social media channels.
- 2.3 As a result of the consultation a total of 16 submissions were received that raised a total of 50 substantive comments, 9 of which were in support. These comments are set out in Appendix 1 to this document along with the officer's view in respect of the comments and the proposed action in respect of each comment. A summary of the principal issues raised, and any changes proposed to be made to the Draft Review Report, are set out in Section 2 below.
- 2.4 Following the consultation on the Review Report the first Covid lockdown was imposed and progress on the Review Report was stalled to reflect the situation. It was intended to run the Review Report and the Delivery Agreement processes together and submit them at the same time to Welsh Government as they are both part of the initial phase of the LDP preparation process. However, the Draft Delivery Agreement consultation had only just

started when the Covid Lockdown was implemented and that meant the consultation of the Draft Delivery Agreement had to be abandoned. Due to the rapidly changes circumstance surrounding Covid, the Draft Delivery Agreement consultation was held in Abeyance until 25 January 2021. Following that consultation work on the final Review Report was recommenced.

- 2.5 The Review Report, as amended, along with the Report of Consultation will be reported to Council on June 1st 2021 for it's a resolution to approve the amended Review Report and its agreement to submit the agreed Review Report to Welsh Government in accordance with the LDP Regulations.

3. Recommended and Consequential Changes

- 3.1 Whilst the majority of comments raised as part of the consultation do not give rise to any changes in the Review Report, there are two changes that are being proposed to be made to the Review Report and these are set out below.

- 3.2 The first proposed change is to amend paragraph 2.16 to read as follows:

- “The Environment Act places a duty on Natural Resources Wales to prepare area statements for the whole of Wales that will facilitate the implementation of national natural resources policy. The area statement will comprise an important element of the evidence base that will underpin the revised LDP”.

- 3.3 The second proposed change is to amend paragraph 4.97 of the Review Report to read as follows:

- “The Environment Act sets out a biodiversity duty for local authorities that must be considered throughout the LDP. This will be underpinned by Area Statements that are required to be prepared by NRW.”

- 3.4 The Review Report also includes a number of changes that address factual updates that have been made as a result of changes to, or the introduction of new, legislation and guidance. Changes have also been made to reflect the impact of the Covid 19 pandemic restrictions on LDP preparation. Appendix 1 sets out the full list of Draft Review Report paragraphs that have been amended with a summary of the change.

4. Consultation Responses

General Issues

Issue Raised	Grounds for Comment	Officer Response	Action
1 This is not user friendly.	<ul style="list-style-type: none"> None given. 	No details or examples or explanation of how the Draft Review Report has been put forward. Consequently, it is not possible to address any specific issues in this respect.	No change be made in respect of this issue.
2 Overall the report seems fair and reasonable.	<ul style="list-style-type: none"> None given. 	No response required.	The support and comments are noted.
3 The LDP review should not take place until the SDP is in place.	<ul style="list-style-type: none"> How can Caerphilly possibly ensure this second Replacement LDP will not conflict with the eventual SDP? There will be an overallocation of housing in the region as it is very likely that LAs in the SDP area will continue to compete for housing development, and the cumulative total will be more than the SDP area needs. Won't the 42,000 new housing units proposed in NW Cardiff cater for the SDP? Only executive houses will be built, not homes for the county boroughs younger people. 	<p>The Welsh planning system is based upon the principle of relevant and up-to-date development plans..</p> <p>It is essential that a review of the LDP is undertaken to prepare a replacement LDP that will be based on up-to-date evidence and will provide a robust basis for making development decisions. The reasons for this are set out in Paragraphs 5.2 to 5.11 of the Draft Review Report.</p> <p>A key consideration for the 2nd Replacement LDP will be to ensure that it is in general conformity with the emerging SDP once its preparation has commenced.</p>	No change be made in respect of this issue.
4 Annual monitoring is accepted as a necessity, but its requirements are inadequate. The	<ul style="list-style-type: none"> None given. 	It is a statutory requirement that all Adopted LDPs are reviewed every 4 years, so are subject to regular review. In addition to this, adopted plans are the subject of annual monitoring that considers whether the plan is	No change be made in respect of this issue.

Issue Raised	Grounds for Comment	Officer Response	Action
plans are too rigid and should be subject to regular review.		<p>being implemented appropriately and, if not, can recommend that a review is undertaken.</p> <p>The 2nd Replacement LDP will need to be sufficiently flexible to adapt to changing circumstances and an element of flexibility will need to be built in. However, the plan also needs to provide certainty for residents and developers so it cannot be too flexible so that it provides no certainty.</p>	
5 Dŵr Cymru Welsh Water have no specific comments to make on the Review Report but look forward to working with you as progress work on the LDP2.	<ul style="list-style-type: none"> • None given 	The Council welcomes the intention of WWDC to work with the council through the preparation of the revised LDP.	No change be made in respect of this issue.
6 Further Guidance on how the development management decisions between January 2022 and the adoption of the Replacement LDP is requested.	<ul style="list-style-type: none"> • To capture development and investment further guidance on how development management decisions will be made between January 2022 and Spring 2024 is required. 	<p>It is noted that this comment was submitted prior to the Welsh Government Letter dated 24 September 2020 that removed the drop-dead date for existing LDPs.</p> <p>The removal of the drop-dead date for the Adopted LDP means that the main policy framework, which the Annual Monitoring Frameworks found to be delivering, would remain in force after 2021 and so that forms the basis for decision making until the revised LDP is adopted.</p>	No change be made in respect of this issue.
7 Sustainable Development should come forward prior to the adoption of the Replacement LDP.	The deletion of TAN 1 and the proposal to consider housing delivery against a trajectory will require proposals to be positively determined before the emerging Replacement LDP has been published.	It is acknowledged that sites will need to come forward to meet the needs of the county borough during the revised LDP preparation period. However, this is not a matter for the Review Report as it is a	No change be made in respect of this issue.

Issue Raised	Grounds for Comment	Officer Response	Action
	<ul style="list-style-type: none"> • The South Wales Metro proposals for Nelson, Crumlin, Blackwood and Ystrad Mynach will stimulate investment that can be captured upfront. • In the near future developments can be delivered that contribute to the enhancement of sustainable places (PPW10), that would not alter the thrust of the Replacement LDP at Maesycwmmmer, Wattsville, Oakdale and Croespenmaen. • Pre app consultation at Wattsville (CBC ref SPA/17/0076) and Penmaen, Oakdale (CBC ref SPA/18/0049) has been positive. • PPW 10 is clear that its primary Objectives are to ensure that the planning system contributes positively towards the delivery of sustainable development and improves the economic, social, environmental and cultural well-being of Wales. To do this PPW 10 is clear that this is done by taking action. • The NDF Spatial Strategy identifies growth in the South East Region should primarily be focussed in Cardiff, Newport and the Valleys. The Valleys includes Caerphilly County Borough. 	<p>detailed planning matter that will take place during the period of plan preparation rather than inform the content of the LDP.</p>	
<p>8 The overall aim must be to have a plan in place as soon as</p>	<ul style="list-style-type: none"> • There is a commitment by the constituent authorities to complete an SDP for South East Wales. The timeframe for an SDP to 	<p>It is correct that the 10 south east Wales authorities were committed to progressing an SDP, to the point that 8 of the 10 authorities</p>	<p>No change be made in respect of this issue.</p>

Issue Raised	Grounds for Comment	Officer Response	Action
possible after the current plan expires.	<p>be set in place prior to completing a replacement LDP is out of kilter with a well-functioning plan led system.</p> <ul style="list-style-type: none"> Joint LDPs would add an unnecessary complication to the strategic and local planning hierarchy. Not all local authorities are undertaking LDP reviews and understandably authorities that are undertaking reviews are at different stages. 	<p>already had council approval to commit to it. This work will now be progressed under the auspices of the Corporate Joint Committee (CJC) when it is introduced via the Local Government and Elections Bill.</p> <p>Whilst this is accepted it is inappropriate to include this in the Review Report as it deals with the SDP rather than the revision of the LDP.</p>	
9 Whilst the Replacement LDP is being prepared sites at Maesycwmmmer can be brought forward to address the housing requirement.	<ul style="list-style-type: none"> Landowners were fully engaged in the first replacement LDP working in conjunction with Caerphilly Borough Council on the proposal for a mixed-use development at Maesycwmmmer known as Parc Gwernau. There are existing permissions on sites that can be delivered, and further sites can be brought forward. 	<p>There are no restrictions on developers bringing forward sites for planning permission at any time, including the period of preparation for the revised LDP.</p> <p>However, this is a detailed matter for the development management system and is not appropriate for inclusion in the Review Report.</p>	No change be made in respect of this issue.
10 The next LDP should reflect provisions in, and dovetail with, the wider Strategic Development Plan (SDP) to which Caerphilly County Borough is party.	<ul style="list-style-type: none"> None given. 	<p>It is a statutory requirement for the LDP to be in general conformity with the SDP when it is Adopted, as set out in paragraph 2.25.</p> <p>Once the SDP is Adopted all LDPs will need to be the subject of review to determine whether they need to be amended to be in general conformity with the SDP. If an Adopted LDP does need to be amended there is a short form procedure for the LDP revision (termed LDP Lite).</p>	No change be made in respect of this issue.
11 Await with interest the outcome of the Welsh Government	<ul style="list-style-type: none"> This would have a significant effect on housing delivery in the replacement LDP, which must also align with the 	<p>Since this comment was submitted TAN 1 has now been rescinded in its totality. In addition, PPW has been amended to reflect</p>	The Review Report includes a number of changes that address

Issue Raised	Grounds for Comment	Officer Response	Action
consultation to revoke TAN 1 and monitor housing delivery as opposed to housing land supply and would support its implementation if Welsh Government decides to proceed.	regionalisation agenda in terms of the Valleys Taskforce, Cardiff Capital Region City Deal, and the South East Wales Metro. We must have a more balanced and sustainable approach to housing and jobs in Caerphilly.	the new trajectory method of monitoring housing delivery. This was not set out in the Review Report as the changes happened since it was published for comment.	factual updates that have been made as a result of changes to, or the introduction of new, legislation and guidance. This issue is covered in these changes.
12 The fact that CCBC would not have an over-arching Strategy document does not mean that it cannot take individual decisions that are mindful of the over-arching principles behind all of the aforementioned legislation.	<ul style="list-style-type: none"> None given. 	<p>This comment has been made before the Welsh Government Ministers letter of 24th September 2020 that removed the drop-dead dates for existing LDPs.</p> <p>The commenter is correct that the Council should still make development decisions in the absence of an overarching policy framework based on national legislation and guidance.</p> <p>The Minister’s letter removed the drop-dead date for the LDP, which means that the Policy Framework, which the AMRs have found to generally be delivering well, remains in force to inform decision making.</p>	No change be made in respect of this issue.

Comments Relating to the Review Report

Issue Raised	Grounds for Comment	Officer Response	Action
13 Support the 5th and 6th bullet points in AMR Recommendation R3.	<ul style="list-style-type: none"> Given the uncertainties surrounding housebuilding, it is not contended that no new housing is necessary in Caerphilly, as there is a need for local 	No response required.	The support is noted.

	residents needing different accommodation.		
14 Fully support the 2019 AMR Recommendation 3 and first bullet point	<ul style="list-style-type: none"> None given. 	No response required.	The support be noted.
15 The Recommendation in Para 1.18 is not evidenced.	<ul style="list-style-type: none"> The wording in paragraph 1.17 is vague and does not support the conclusion. 	The 12 paragraphs preceding para 1.18 plainly set out the position in respect of the LDP, i.e. that following the withdrawal of the Replacement LDP, the Council focussed on the early preparation of the SDP. As that requirement has now been met the consistent recommendation set out in the AMRs since 2013 applies, that the LDP needs to be subject of a full review. As such the recommendation in paragraph 1.18 is clearly and logically evidenced.	No change be made in respect of this issue.
16 The Draft Review Report points out, the wider policy framework and legislative landscape has changed significantly since the adoption of the current LDP. Significant pieces of legislation such as the Planning (Wales) Act 2015 and the Well-Being of Future Generations (Wales) Act 2015 will improve our policies in the long-term and the next LDP should reflect this.	<ul style="list-style-type: none"> None given. 	The purpose of the Review Report is to set out the broad requirements and actions that will need to be taken as part of the preparation of the LDP. The Review Report includes paragraphs relating to both the Planning Act and the Well-Being Act and it is considered that this issue is already adequately covered.	No change be made in respect of this issue.
17 Section 2.16 – With regard to the	<ul style="list-style-type: none"> The Environment (Wales) Act 2016 places a duty on NRW to prepare and 	Section 2 of the Review Report sets out the broad issues that will need to be considered	That a new paragraph be included after

<p>Environment (Wales) Act 2016, mention should also be made of Area Statements</p>	<p>publish area statements ‘...for the purpose of facilitating the implementation of the national natural resources policy’. Area statements will help coordinate the work of NRW, Local Authorities and others (including the delivery of LDPs), to build the resilience of our ecosystems and enhance the benefits they provide including economic, social, cultural and environmental well-being outcomes for Wales.</p>	<p>as part of the LDP preparation process. It would be too onerous, and unnecessary, to set out every single issue that needs to be considered during plan preparation in the Review Report, as this would make the Report overly long and complicated.</p> <p>It is acknowledged that the Area Statements would be an important element of the database and should be referenced in the Review Report.</p>	<p>paragraph 2.16 to read as follows:</p> <p>“The Environment Act places a duty on Natural Resources Wales to prepare area statements for the whole of Wales that will facilitate the implementation of national natural resources policy. The area statement will comprise an important element of the evidence base that will underpin the revised LDP”.</p>
<p>18 2.16 of the Review Report should fully quote the Section 6 Duty that the Environment (Wales) Act 2016 places on Public Bodies including Caerphilly CBC.</p>	<ul style="list-style-type: none"> • Ecosystem resilience must be considered as part of an LDP review, as it is integral to the utilisation of ecosystem services derived from the landscape. • Environmental considerations need to be considered more strongly in a long-term development plan and I would recommend stronger links with NRW in regard to their South East Wales Area Statement. 	<p>The purpose of the Review Report is to outline the relevant guidance, legislation and requirements that the revised LDP will need to consider as part of its preparation. It is not the purpose of the Review Report to duplicate the requirements from the legislation and guidance, as this would make the Review Report overly long and arduous to read. Consequently, it is appropriate for the Review Report to just identify where the requirements are set out.</p>	<p>No change be made in respect of this issue.</p>
<p>19 Welcome the sustainability and environmental protection provisions in these Acts.</p>	<ul style="list-style-type: none"> • Building on greenfield areas cannot possibly be consistent with the wellbeing of future generations and biodiversity. 	<p>The contention that building on greenfield land is not consistent with the Well-being Act is not correct.</p> <p>The provision of jobs and houses for people to live in are also a major part of well-being</p>	<p>The support is noted</p>

		<p>and their provision is enshrined in the Well-being Act. To provide the jobs and housing that are central to a person’s well-being will require an element of greenfield development, because there is insufficient brownfield land to accommodate the requirement and all of the supporting services and infrastructure that accompanies them.</p> <p>The premise that greenfield land should not be developed but brownfield land should, is a flawed position. Notwithstanding that the need to deliver jobs, housing and many services that support these (such as doctor surgeries) will require an element of greenfield land development, this issue revolves around the sustainability of the land, rather than whether it has been built on previously. All local planning authorities are required to deliver sustainable development. It is often perceived that sustainable development is development that is most ecologically friendly. This is an incorrect position also. Sustainable Development is defined by the interaction of 4 equally weighted factors, namely ecological, economic, social and cultural. To judge the sustainability of development solely against ecological considerations is contrary to sustainable development, not in accordance with it. It is the interaction of the four factors that provide the overall improvement in well-being.</p> <p>From an ecological point of view the principle of protecting greenfield land and developing</p>	
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		<p>brownfield land is also flawed. Some brownfield sites within the county borough contain some of the best and most diverse habitats the county borough has to offer. The premise that greenfield land should not be developed would require that these brownfield sites would need to be developed, which could severely compromise the ecological value of the site. By contrast some greenfield land, such as improved grassland (which is often associated with agriculture) has little if any ecological value. To protect such land over valuable ecological habitat that brownfield sites provide, would not only be unsustainable, but would also be unacceptable from an ecological perspective.</p>	
<p>20 Pleased to see the significance of the legislative changes considered in 2.19.</p>	<ul style="list-style-type: none"> • None given. 	<p>No response required</p>	<p>The support is noted</p>
<p>21 The review of the LDP should be considered as ‘future action’ as referred to in 2.19 and there needs to comply with all relevant legislation in existence at present. To suggest that new legislation cannot influence past plans and proposals in this way would be to make a mockery of new legislation.</p>	<ul style="list-style-type: none"> • None given. 	<p>New legislation cannot be retrospectively applied to the Adopted LDP because it has been Adopted and cannot be changed other than going through a full review as it currently is. Consequently, new legislation cannot influence an Adopted plan.</p> <p>It is agreed that the new legislation and guidance will definitely influence the revised plan, as the plan will need to be prepped in accordance with it, and this is what the Review Report sets out.</p>	<p>No change be made in respect of this issue.</p>
<p>22 Planning for Climate Change, 2010 and A</p>	<ul style="list-style-type: none"> • Natural Resources Policy, 2017, calls for an increase in renewable energy 	<p>The commenter has misinterpreted paragraph 2.75. The paragraph states, “the</p>	<p>No change be made in respect of this issue.</p>

<p>Low Carbon Revolution - The WAG Energy Policy Statement, 2010, are clearly also relevant (2.21) as is Planning Policy Wales, 2018 (paragraph 2.30).</p>	<p>and resource efficiency. If paragraph 2.74 means that the LDP going forward does not need to take account of the aforementioned legislation, then this would be not only us democratic but unlawful.</p>	<p>changes have not directly affected the <u>existing policy framework</u>” and this is the reason that a change is not required.</p> <p>The paragraph does not say that the new and revised legislation and guidance should not be considered as part of the preparation of the revised LDP. In fact, that is the purpose of the Review Report, to set out the key elements that will need to be considered in producing the revised LDP. The Review Report addresses the changes to legislation and guidance, so this issue is appropriately addressed.</p>	
<p>23 Section 2.34 – We advise further detail is added in respect of Area Statements.</p>	<ul style="list-style-type: none"> Area Statements contribute to implementing the Natural Resources Policy in a local context, taking a place-based approach. The South East Area Statement (AS), which includes Caerphilly County Borough, will be available in April 2020. In accordance with the provisions of the Environment (Wales) Act 2016, the Deposit Plan must have regard to this AS. 	<p>Area statements are already referenced in this paragraph, although its specific actions are not set out. However, this is the same for many of the documents set out in the Review Report. The Review Report should set out the broad requirements for the LDP revision otherwise the Report will become unnecessarily long and onerous. As it stands it is considered that the reference to the Area Statements and their role is sufficient for the Review Report’s purposes.</p>	<p>No change be made in respect of this issue.</p>
<p>24 Most important for Caerphilly County Borough are the amendment to Technical Advice Note (TAN) 1, whereby Paragraph 6.2 has been dis-applied.</p>	<ul style="list-style-type: none"> This means that less weight will not have to be attributed to the lack of a 5-year land supply in all planning applications (namely those for residential housing), and that the local planning authority itself can apply its own determination. 	<p>Since this comment was submitted TAN 1 has now been rescinded in its totality. In addition, PPW has been amended to reflect the new trajectory method of monitoring housing delivery. This was not set out in the Review Report as the changes happened since it was published for comment.</p>	<p>The Review Report includes a number of changes that address factual updates that have been made as a result of changes to, or the introduction of new, legislation and guidance. This issue is covered in these</p>

			changes.
25 2.75 - 2.77 The three conclusions seem to us to be slightly conflicted.	<ul style="list-style-type: none"> Two suggest no policy change necessary, the third indicates changes will be necessary in the future. This is not clear. 	<p>The recommendations are not conflicting.</p> <p>The first states that no changes are required arising directly from legislative changes.</p> <p>The second that no changes are required as a result of the introduction of the Well-being Act</p> <p>The third recommendation notes that, due to the significant changes in circumstances generally, including the LDP approaching the end of its plan period, that a review of the Adopted LDP is required.</p>	No change be made in respect of this issue.
26 Challenge the conclusion in 2.76.	<ul style="list-style-type: none"> The LDP can set the arena for true sustainable management of resources and landscapes that enables human health and well-being. 	<p>There is nothing incorrect in the conclusion at paragraph 2.76. It is accepted that the revision to the LDP will need to take account of the Well-being act and its provisions. However, the conclusion states that the Act does not apply to the content of the Adopted LDP, i.e. it is not retrospective, and this is also correct.</p>	No change be made in respect of this issue.
27 I would just question whether para 3.9, which states that the Council does not have the <u>required</u> 5-year supply of housing land is a little misleading in the light of para 2.40 and 2.41 on changes in guidance from Welsh Government.	<ul style="list-style-type: none"> None given. 	<p>Paragraph 3.9 is part of a summary of the 2019 Annual Monitoring Report, which monitors how the adopted LDP is being implemented. It is not a commentary on the current position.</p> <p>The paragraphs 2.40 and 2.41 set out the current position and as such the two statements may appear to be misleading, but they are taken from different timeframes and perspectives, and both are correct.</p>	No change be made in respect of this issue.
28 Fully support as per Para 4.6 that the	<ul style="list-style-type: none"> To ensure places remain sustainable and jobs are filled homes for 	No response required.	The support is noted.

<p>Replacement LDP must be based on all sources of evidence rather than relying solely on the latest Welsh Government projections to determine household formation and therefore the number of homes required.</p>	<p>economically active persons with children aged 15 and under are required. If homes to accommodate economically active aren't delivered there will be a significant decrease in the working age population.</p>		
<p>29 the text in section 4.48 is amended, to confirm that the status and quality of the European and national sites will also be considered as part of the plan review.</p>	<ul style="list-style-type: none"> The rationale for concluding in this section that 'Both the European and national sites...have no evidence base implications for the plan review' is not clear. We would have expected to see a similar conclusion here as that given in the following paragraph regarding SINCS i.e. 'A review of the status and quality of sites will need to be undertaken to inform any review of the plan.' 	<p>The issue here is that European and national nature conservation designations are designated and modified by other legislation and procedures. Therefore, reviewing European and national designations is beyond the scope of the local development plan, and as such cannot be reviewed as part of the LDP process. As a result, the statement in this paragraph is correct because it sets out what needs to be reviewed as part of the evidence base for the plan.</p> <p>It should be noted that the LDP itself will need to take account of these sites in setting out its context and policy framework.</p>	<p>No change be made in respect of this issue.</p>
<p>30 Fully support the comments in 4.49 – 4.53 – retention of Special Landscape Areas and Visually Important Local Landscapes, Green Infrastructure and Geology.</p>	<ul style="list-style-type: none"> None given. 	<p>No response required.</p>	<p>The support is noted.</p>
<p>31 Fully support the comments in 4.67 – 4.69</p>	<ul style="list-style-type: none"> None given. 	<p>No response required.</p>	<p>The support is noted.</p>

Renewable Energy			
<p>32 The Environment (Wales) Act 2016 also needs to be included in the list of considerations in section 4.97 (What Changes Are Required to the LDP?)</p>	<ul style="list-style-type: none"> In consideration of the issue raised in respect of area statements and the biodiversity duty that is already recognised in the text in section 2.16, a change should be made to section 4.97. 	<p>It is agreed that the Biodiversity duty now placed on local authorities is a significant change in circumstances from those at the time of the Adoption of the LDP and as such should be reflected in this paragraph.</p>	<p>That a new bullet point be inserted in paragraph 4.97 to read as follows:</p> <p>“The Environment Act sets out a biodiversity duty for local authorities that must be considered throughout the LDP. This will be underpinned by Area Statements that are required to be prepared by NRW.”</p>
<p>33 With regards to the biodiversity duty, we suggest mention should be made of the Heads of Planning letter from Welsh Government dated 23/10/19.</p>	<ul style="list-style-type: none"> This is directly relevant to the biodiversity duty on local authorities. 	<p>The WG letter sets out how the issue of biodiversity enhancement would be considered as part of the consideration process for development proposals. As such this is advice on implementing the Biodiversity in respect of development proposals.</p> <p>Whilst this letter relates to the Biodiversity Duty, it does not impart any significant policy change that the LDP would need to address – the LDP already needs to address the issue of the Biodiversity Duty itself – it is considered that, for the purposes of the Review Report, this issue is already covered by the Biodiversity Duty. Consequently, no further change is required in this respect.</p>	<p>No change be made in respect of this issue.</p>
<p>34 Agree that the LDP needs to be reviewed (paragraph 5.11).</p>	<ul style="list-style-type: none"> Based on the changes to, and the implementation of, relevant legislation including the Energy Act 2013, 	<p>No response required.</p>	<p>The support is noted.</p>

	<p>Prosperity for all: A Low Carbon Wales 2019, Well-being of Future Generations Act, 2015 (2.13) and the Environment (Wales) Act 2016. (2.4).</p> <ul style="list-style-type: none"> • CCBC must meets its statutory obligations to decarbonise and address climate change. 		
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Comments Relating to the Content of the 2nd Replacement LDP

Issue Raised	Grounds for Comment	Officer Response	Action
<p>35 LDP should avoid or severely limit greenfield development.</p>	<ul style="list-style-type: none"> • Greenfield development is unsustainable. • It is a finite quantity which is crucial for fighting global warming and Climate Change and retaining biodiversity. 	<p>This is a policy issue that is appropriately considered through the LDP preparation process, where it can be considered in conjunction with the up-to-date evidence base.</p> <p>The purpose of the Review Report is to consider the progress that has been made in implementing the LDP and the issues that inform the decision on whether the LDP needs to be revised. It would be inappropriate for the Review Report to set out detailed policy in advance of the LDP preparation process.</p> <p>The contention that building on greenfield land is unsustainable is not correct.</p> <p>The provision of jobs and houses for people to live in are also a major part of sustainability and well-being and their provision is enshrined in the Well-being Act. To provide the jobs and housing that are central to a</p>	<p>No change be made in respect of this issue.</p>

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		<p>person's well-being will require an element of greenfield development, because there is insufficient brownfield land to accommodate the whole requirement and all of the supporting services and infrastructure that accompanies them.</p> <p>The premise that greenfield land should not be developed but brownfield land should, is a flawed position. Notwithstanding that the need to deliver jobs, housing and many services that support these (such as doctor surgeries) will require an element of greenfield land development, this issue revolves around the sustainability of the land, rather than whether it has been built on previously. All local planning authorities are required to deliver sustainable development. It is often perceived that sustainable development is development that is most ecologically friendly. This is an incorrect position also. Sustainable Development is defined by the interaction of 4 equally weighted factors, namely ecological, economic, social and cultural. To judge the sustainability of development solely against ecological considerations is contrary to sustainable development, not in accordance with it. It is the interaction of the four factors that provide the overall improvement in sustainability and well-being.</p> <p>From an ecological point of view the principle of protecting greenfield land and developing brownfield land is also flawed. Some</p>	

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		<p>brownfield sites within the county borough contain some of the best and most diverse habitats the county borough has to offer. The premise that greenfield land should not be developed would require that these brownfield sites would need to be developed, which could severely compromise the ecological value of these sites. By contrast some greenfield land, such as improved grassland (which is often associated with agriculture) has little if any ecological value. To protect such land over valuable ecological habitat that brownfield sites provide, would not only be unsustainable, but would also be unacceptable from an ecological perspective.</p>	
<p>36 Hope that the 2nd Replacement LDP will be similar to the Adopted LDP and not advocate medium or high growth.</p>	<ul style="list-style-type: none"> As the AMR identifies that substantial progress has been made in delivering the LDP the replacement plan should be similar. The new Caerphilly LDP should be very careful not to target high growth in, for instance, non-affordable high-price housing, in a mistaken (in our view) policy of economic 'growth', which usually ignores the many disbenefits this brings (for instance – traffic congestion, public transport, utilities provision, health facilities, social service provision, schools & FE, and more). 	<p>This is a policy issue that is appropriately considered through the LDP preparation process, where it can be considered in conjunction with the up-to-date evidence base.</p> <p>The purpose of the Review Report is to consider the progress that has been made in implementing the LDP and the issues that inform the decision on whether the LDP needs to be revised. It would be inappropriate for the Review Report to set out detailed policy in advance of the LDP preparation process.</p>	<p>No change be made in respect of this issue.</p>
<p>37 The Second LDP must have considerable built-in flexibility, with minimal allocated development</p>	<ul style="list-style-type: none"> There is as yet no SDP, and no implemented NDF and the Planning Act requires LAs to review adopted plans when NDF and SDPs are 	<p>The welsh planning system is a development plan-based system and as such up-to-date development plans are the cornerstone of the system.</p>	<p>No change be made in respect of this issue.</p>

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identified	<p>finalised.</p> <ul style="list-style-type: none"> • So that residents, developers and others will not be misled into assuming, for instance, that areas zoned for development will not be changed if regional policies demand it. 	<p>Since 2013 every AMR has concluded that the Adopted LDP should be reviewed.</p> <p>It would be a pointless exercise to review the LDP on the principle of not allocating land to meet the needs of the county borough just to wait for an SDP to be prepared and adopted, which could take 6 years to complete. The LDP is required to plan for the future needs of the county borough and not allocating sufficient housing or employment land would undoubtedly lead to the plan being found unsound.</p>	
38 The NDF and its policies should not be included in the replacement LDP.	<ul style="list-style-type: none"> • In respect of 2.8, CPRW is very critical of the draft NDF's flawed energy proposals. We would remind Caerphilly that there is no revised NDF, the current proposals are still draft. 	<p>It is a statutory requirement that any LDP be in general conformity with any adopted SDP and the NDF, as stated in paragraph 2.25. As such every LDP must take account of the policies and provisions of both the NDF and SDP.</p>	No change be made in respect of this issue.
39 Support better standards in new housing	<ul style="list-style-type: none"> • Housing developments by national house builders should supply radically better floor area, layout, insulation, solar panels and other renewable energy provision or district heating, fibre broadband, adequate parking space, gardens, etc. 	<p>This is a policy issue that is appropriately considered through the LDP preparation process, where it can be considered in conjunction with the up-to-date evidence base.</p> <p>The purpose of the Review Report is to consider the progress that has been made in implementing the LDP and the issues that inform the decision on whether the LDP needs to be revised. It would be inappropriate for the Review Report to set out detailed policy in advance of the LDP preparation process.</p>	No change be made in respect of this issue.

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40 The 2 nd Replacement LDP cannot be expansionist	<ul style="list-style-type: none"> 2.49 et sec – the uncertainty over population numbers in Caerphilly must be particularly concerning to LDP planners. 	<p>This is a policy issue that is appropriately considered through the LDP preparation process, where it can be considered in conjunction with the up-to-date evidence base.</p> <p>The purpose of the Review Report is to consider the progress that has been made in implementing the LDP and the issues that inform the decision on whether the LDP needs to be revised. It would be inappropriate for the Review Report to set out detailed policy in advance of the LDP preparation process.</p>	No change be made in respect of this issue.
41 The 2 nd Caerphilly Replacement LDP should State up front that the new LDP will be changed if required by changed national requirements.	<ul style="list-style-type: none"> None given. 	<p>It is a requirement that all LDPs are in general conformity with the NDF, as stated in paragraph 2.25. It should be noted that the final draft of the NDF has been placed before the Senydd and it is likely that the NDF will be adopted and published before the LDP has been adopted. As such the LDP will need to take account of the NDF during its preparation.</p> <p>Even if this is not the case, legislation sets out that LDPs will need to be reviewed once the NDF s adopted to ensure their conformity and revised if changes are required, although this will be via a short form process.</p>	No change be made in respect of this issue.
42 The 2 nd Caerphilly Replacement LDP should resist demands from developers for more greenfield sites; insist brownfield sites	<ul style="list-style-type: none"> None given. 	<p>This is a policy issue that is appropriately considered through the LDP preparation process, where it can be considered in conjunction with the up-to-date evidence base.</p>	No change be made in respect of this issue.

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are utilised.		The purpose of the Review Report is to consider the progress that has been made in implementing the LDP and the issues that inform the decision on whether the LDP needs to be revised. It would be inappropriate for the Review Report to set out detailed policy in advance of the LDP preparation process.	
43 The 2 nd Caerphilly Replacement LDP should find a way to build housing units that Caerphilly residents and communities need, not houses to attract immigrants and profits for developers	<ul style="list-style-type: none"> • None given. 	<p>This is a policy issue that is appropriately considered through the LDP preparation process, where it can be considered in conjunction with the up-to-date evidence base.</p> <p>The purpose of the Review Report is to consider the progress that has been made in implementing the LDP and the issues that inform the decision on whether the LDP needs to be revised. It would be inappropriate for the Review Report to set out detailed policy in advance of the LDP preparation process.</p>	No change be made in respect of this issue.
44 LDP Reviews that are implemented do not include anywhere near enough of the consequences on communities.	<ul style="list-style-type: none"> • Traffic congestion, pollution, flooding, public transport, utilities provision, health facilities, social service provision, schools & FE, biodiversity, tourism, probably other effects, should be regularly assessed, as well as the usual housing, jobs, etc. 	<p>This is a policy issue that is appropriately considered through the LDP preparation process, where it can be considered in conjunction with the up-to-date evidence base.</p> <p>The purpose of the Review Report is to consider the progress that has been made in implementing the LDP and the issues that inform the decision on whether the LDP needs to be revised. It would be inappropriate for the Review Report to set out detailed policy in advance of the LDP preparation</p>	No change be made in respect of this issue.

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<p>45 There are nine national grid assets in the county borough that will need to be considered during plan preparation.</p>	<ul style="list-style-type: none"> There is a general requirement for easements for grid assets, 15 metres either side of an electricity asset and 12 m either side of a gas asset. 	<p>process.</p> <p>It is accepted that there are national grid assets that will need to be considered during the preparation of the revised LDP.</p> <p>This would be a detailed part of the content of the LDP and as such would be inappropriate to include in the Review Report as it is not the purpose of the Review Report to consider the detailed content of the LDP, which will be based on a rigorous and robust evidence base.</p>	<p>No change be made in respect of this issue.</p>
<p>46 The completion of the missing section of the mid valleys link road at Maesycwmmmer is an integral component of improved cross valley transport infrastructure improvements.</p>	<ul style="list-style-type: none"> None given. 	<p>It is accepted that the Maesycwmmmer pinch point has been identified as an issue of strategic transport importance since the 1990s.</p> <p>However, this is a detailed policy issue that is more appropriately considered through the revision of the LDP, rather than in the Review Report.</p>	<p>No change be made in respect of this issue.</p>
<p>47 In accordance with the National Development Framework Spatial Strategy, growth in the South East Region should primarily be focussed in Cardiff, Newport and the Valleys. The Valleys includes Caerphilly County Borough.</p>	<ul style="list-style-type: none"> None given. 	<p>It is accepted that the revised LDP will need to be in general conformity with the SDP as set out on Paragraph 2.25. This is a statutory requirement so does not require to be set out in the Review Report.</p>	<p>No change be made in respect of this issue.</p>
<p>48 The next LDP should reflect provisions made for future generations</p>	<ul style="list-style-type: none"> None given. 	<p>The purpose of the Review Report is to set out the principal considerations for the preparation of a revised LDP. The Review</p>	<p>No change be made in respect of this issue.</p>

Issue Raised	Grounds for Comment	Officer Response	Action
and the environment set out in recent legislation.		Report addresses the Well-being and Environment acts and as such has covered this issue appropriately.	
49 The replacement LDP should reflect changes to Planning Policy Wales (PPW) made since 2010, most of which were done so as to align with new legislation and lock in sustainable development as the over-arching principle of planning policy.	<ul style="list-style-type: none"> • None given. 	The purpose of the Review Report is to set out the principal considerations for the preparation of a revised LDP. The Review Report addresses the principal changes to PPW (paragraph 2.30 refers) and as such has covered this issue appropriately.	No change be made in respect of this issue.
50 National Guidance was not fully considered in preparing the Adopted LDP.	<ul style="list-style-type: none"> • There are a number of issues that should be considered in an LDP such as whether or not a local list of historic assets should be compiled. The lack of a condition would also prevent the adoption of a local SPG on heritage • The plan says there is no need for a policy on the Historic Environment because of National Policy, however, there is a policy for the Natural Environment which also has substantial National Policy. • This position poses a risk that the principles behind PPW will not be met by the LDP as you will not be able to demonstrate that you have formulated development plan strategies and policies to look to the long term protection and enhancement of the 	<p>The comments relate to the fact that the Adopted LDP does not include policies that related to the historic environment. The issue of historic environment policy was considered as part of the preparation of the Adopted LDP. These considerations are set out in Chapter 5 of Background paper 3 – Historic Environment (Oct 2008), a background paper submitted to the examination of the Adopted LDP. In essence this document identifies the extent of historic environment policy set out in national policy and guidance and concluded that there were no locally distinctive policy matters that would require a policy to be included into the Adopted LDP.</p> <p>It should be noted that, at the time of preparing the Adopted LDP the situation for the natural environment was significantly different to that for the historic environment</p>	No change be made to the review Report in respect of this issue.

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	<p>special characteristics and intrinsic qualities of places.</p>	<p>as there was locally distinctive policies that were required to be included, e.g. policies CW4 and NH3 which identify and provide policy protection for SINC's, which can only be established through an LDP.</p> <p>Since the Adoption of the LDP the legislative and guidance framework in Wales has changed significantly and it will be necessary to revisit the Adopted LDP position and consider what historic environment policies should be included in the 2nd Replacement LDP. This will take account of recent guidance and legislation changes, particularly in respect of The Historic Environment (Wales) Act 2016, which is referenced in paragraph 2.17 in the Review Report.</p>	

5. Draft Review Report – Amendments

Paragraph	Summary of Change
1.11	Update position in respect of the SDP
1.13	Update position in respect of the SDP
1.14	Update position in respect of drop-dead dates for adopted LDPs
1.17	New paragraph in respect of the suspension of the need to submit an AMR for 2020
1.19	Update to reflect that the Adopted LDP is in the last year of its plan period
2.8	Updated to reflect the publication of Future Wales 2040 and PPW11
2.17	Amendments as a result of comments from NRW
2.25 & 2.26	Original paragraphs deleted and replaced with two paragraphs addressing the publication of Future Wales 2040
2.30	Amendments to reflect the publication of PPW11 and new bullet point to set out that PPW11 incorporates changes as a result of Future Wales 2040 and the revocation of TAN1
2.31	New paragraph relating to the Socio-Economic Duty in Wales
2.39 – 2.41	Three paragraphs deleted and two new paragraphs inserted to address the revocation of TAN1
2.55	3 new paragraphs added after 2.55 to address the impact of the 2021 census
2.71 – 2.74	Four paragraphs deleted and 2 new paragraphs inserted to address the Local Government and Elections Act and the setting up of Corporate Joint Committees
3.3	Amendments to paragraph and addition of a new paragraph to address the removal of the requirement to submit an AMR for 2020
4.96	Paragraph added after para 4.96 to address implications arising from Covid 19 and Brexit
4.98	New bullet point added as a result of comments from NRW
5.9	New paragraph added to address the issue of Local Government and Elections Act and CJs
5.12	Paragraph amended to reflect the changes in respect of drop-dead dates for development plans.
5.17	Part of paragraph deleted to reflect the changes in timetable that have occurred.
5.19	The paragraph is amended to reflect the opposition regarding drop-dead dates for development plans
5.23 & 5.24	Changes reflecting the changing position in respect of where authorities are in plan preparation.
Table 2	Changes to update position on plan preparation positions in other authorities
5.25	Deleted and replaced with 2 paragraphs to update position on potential to prepare

	joint plans with other local authorities
5.27	Amended to update position in respect of collaborative working
6.1 and 6.1	Deleted and replaced with a single paragraph outlining the next steps from this point.
Appendix 1	A note added to advise that the table reflected the results of the 2019 AMR as the requirement to prepare a AMR for 2020 had been waived.
Appendix 2	A note added to advise that the table reflected the results of the 2019 AMR as the requirement to prepare a AMR for 2020 had been waived.
Appendix 3	A note added to advise that the table reflected the results of the 2019 AMR as the requirement to prepare a AMR for 2020 had been waived.