



COUNCIL – 5TH OCTOBER 2021

SUBJECT: CAERPHILLY COUNTY BOROUGH LOCAL DEVELOPMENT PLAN UP TO 2021 – ANNUAL MONITORING REPORT 2021 (INCLUDING THE ANNUAL COMMUNITY INFRASTRUCTURE LEVY REPORT)

REPORT BY: CORPORATE DIRECTOR FOR ECONOMY AND ENVIRONMENT

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1. PURPOSE OF REPORT

- 1.1 For members to consider the findings and recommendations of the Caerphilly County Borough Local Development Plan 2021 Annual Monitoring Report and to recommend that the 2021 Annual Monitoring Report be approved by Council.
- 1.2 To recommend that the 2021 Annual Monitoring Report be submitted to the Welsh Government by 31 October 2021, in order to satisfy the Council's statutory requirements.

2. SUMMARY

- 2.1 It is a statutory requirement that the Council submits an Annual Monitoring Report (AMR) to the Welsh Government (WG) that monitors whether or not the Caerphilly County Borough Local Development Plan up to 2021 (LDP) is being implemented successfully. The overall purpose of the AMR is to identify whether the LDP strategy, or any of the strategic policies, are not being implemented and if they are not, identify steps to rectify this.
- 2.2 The requirement to publish an AMR for 2020 was waived as a result of the Covid-19 pandemic. This, the ninth AMR, therefore covers a two-year period (1 April 2019 – 31 March 2021) and must be submitted to Welsh Government by the end of October 2021.
- 2.3 An overview of the LDP monitoring data for the 2021 AMR provides an interesting insight into the implementation of the LDP over the monitoring period. Of particular note are the following:
 - The annual house building rate rose from a low of 122 units in 2018/19 to 336 in 2019/20 and 417 in 2020/21;
 - Whilst there is no longer a housing land supply figure, the 417 units delivered in 2020/21 is still beneath the annual requirement of 575, as set out in the housing trajectory. In terms of cumulative completions, there is a deficit of over 3,000 units compared to the cumulative requirement.

- The average house price in the County Borough has risen to £154,433. For the first time since the adoption of the LDP, this is now more than five times average earnings.
 - Unemployment fell to 4.5% (from 5.2%), and the number of people in employment rose to 84,600 (from 81,900).
 - 11 ha. worth of planning permission was granted on employment land since 2019, though development of allocated sites (EM1) has stagnated.
 - Commercial vacancy rates in four of the five principal town centres have increased, though not markedly, and fallen in Ystrad Mynach. The rates for Caerphilly and Ystrad Mynach are below 10% (Caerphilly and Risca in 2019) with the remainder above that mark. Bargoed remains the only town centre whose vacancy rate is over 20%.
 - Not unexpectedly, footfall in Caerphilly, Blackwood and Bargoed has dropped sharply since 2020, as a result of the Covid-19 pandemic.
- 2.4 The 2021 AMR also includes the monitoring statement for the Council's implementation of its community infrastructure levy (CIL). Just over £935k was collected in revenue during 2020/21, whilst £109k has been passed to town and community councils during this time. £2.76 million CIL remains available to assist with the delivery of appropriate infrastructure as of 1 April 2021.
- 2.5 The 2013 AMR and subsequent AMRs clearly identified the need for the LDP to be reviewed. Work commenced on a review of the LDP in 2013, but in July 2016 the Council resolved to withdraw the 1st Replacement LDP and seek support for the early preparation of a Strategic Development Plan (SDP) for the Cardiff Capital Region (CCR).
- 2.6 In 2019, Council resolved to agree to commence work on the SDP, alongside other CCR member authorities, thereby meeting the 2016 resolution. Regulations to oversee the preparation of SDPs and allow for the creation of corporate joint committees (CJCs) – the bodies responsible for their preparation – have been laid before the Senedd and come into effect between March 2021 and February 2022. Assuming that SDP preparation commences next year, this is likely to mean the absence of an adopted SDP until late 2025/early 2026.
- 2.7 The most recent (2019) AMR also concluded that a review of the LDP was required. To this end, Council resolved in October 2019 to commence a review. Subsequently, a draft Review Report was prepared, which concluded that a revision of the LDP was necessary. The Review Report and accompanying draft Delivery Agreement were made subject to public consultation between January and March 2021, and approved by Council, and subsequently Welsh Government, in June 2021, thereby committing the Council to the plan preparation timetable contained therein.
- 2.8 In September 2020, the (then) Minister for Housing and Local Government issued clarification in respect of LDP expiry dates, stating that LDPs adopted prior to 4 January 2016 “will remain the LDP for determining planning applications until replaced by a further LDP.” This eliminates the possibility of a policy vacuum until such time as the 2nd Replacement LDP is adopted.
- 2.9 The LDP review was influenced by several legislative and policy considerations as stated in the previous AMR, and which remain pertinent:
- There is a statutory requirement to move to review after four years;

- There has been a substantial passage of time since the 2013 AMR identified the need to prepare a new plan;
- There is an urgent need to increase the housing land supply to deliver market and affordable housing;
- There is an urgent need to identify additional employment land to encourage economic growth in the County Borough;
- Further unplanned development may be allowed on appeal in the short-term.

2.10 The 2021 AMR concludes and recommends that:

R1 Substantial progress has been made in implementing the Caerphilly County Borough Local Development Plan, adopted 2010

R2 In light of the conclusions of the most recent Review Report, preparation of the 2nd Replacement Local Development Plan should continue, consistent with the processes and timetable set out within the approved Delivery Agreement

R3 In the period up to the adoption of a new Replacement LDP, the Council will continue to address the shortfall in the housing land supply through proactive action, including:

- **Considering proposals for new residential development on their relative planning merits on a site-by-site basis and have due regard for the need to increase the housing land supply in line with national planning policy and guidance;**
- **Lobbying Welsh Government to establish funding mechanisms to incentivise sites in low viability areas and promote remediation of suitable brownfield sites for development;**
- **Utilising innovative funding models 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;**
- **Prioritise affordable and new build Council housing on brownfield sites to help preserve our natural environment;**
- **Work to ensure new housing and other Council led development schemes complies with high environmental standards to help address the climate emergency.**

3. RECOMMENDATIONS

3.1 That Council considers and notes the findings of, and approves, the 2021 Annual Monitoring Report.

3.2 That the 2021 Annual Monitoring Report (including the Annual Community Infrastructure Levy Report) be submitted to the Welsh Government before the deadline of 31 October 2021.

4. REASONS FOR THE RECOMMENDATIONS

4.1 To comply with the requirements of the Planning and Compulsory Purchase Act 2004, the LDP (Wales) Regulations 2005, the SEA Directive and the Community Infrastructure Levy Regulations 2010.

- 4.2 To comply with the recommendations set out in the 2021 Annual Monitoring Report.

5. THE REPORT

Background

- 5.1 The Council formally adopted the Caerphilly County Borough Local Development Plan (LDP) on 23 November 2010. Following the adoption of its LDP, the Council has a statutory obligation under section 61 of the Planning and Compulsory Purchase Act 2004 to keep all matters under review that are expected to affect the development of its area. Further, section 76 of the Act requires the Council to produce information on these matters in the form of an Annual Monitoring Report for submission to Welsh Government (WG). Due to the requirement to produce an AMR having been waived in 2020 as a result of the Covid-19 pandemic, the 2021 AMR monitors a two-year period (1 April 2019 to 31st March 2021). It is required to be submitted to WG by 31 October 2019.
- 5.2 The 2021 AMR once again considers whether the development strategy that underpins the adopted LDP remains valid; and whether or not the strategy policies contained therein are being effective in delivering the development strategy and meeting the objectives of the plan.

Annual Monitoring Requirements

- 5.3 Section 76 of the Planning and Compulsory Purchase Act 2004, and Regulation 37 of the LDP (Wales) Regulations 2005 (as amended), require the preparation and publication of an AMR. Whilst the LDP Manual Edition 3 provides guidance in terms of structure and content, the structure of the 2021 AMR remains the same as in previous years:
- An executive summary;
 - A review of changes to national and regional policy and guidance and their implications for the LDP;
 - The strategic environmental assessment/sustainability appraisal (SEA/SA) monitoring based on the SEA/SA monitoring framework (LDP Appendix 18);
 - The LDP monitoring based on the LDP monitoring framework (LDP Appendix 19).
 - The required statutory indicators;
 - The recommendations on the course of action in respect of policies and the LDP as a whole.

Report of Findings

National Policy Context

Future Wales

- 5.4 In February 2021, Welsh Government published the national development framework *Future Wales*, which sits alongside Planning Policy Wales but also forms part of the development plan alongside LDPs at the local level (and, in time, SDPs at the regional level). In the period up to 2040, it will:

- set out where nationally important growth and infrastructure is needed and how the planning system - nationally, regionally and locally - can deliver it;
- provide direction for strategic and local development plans and support the determination of developments of national significance;
- support national economic, transport, environmental, housing, energy and cultural strategies and ensure they can be delivered through the planning system; and
- be reviewed every five years.

5.5 Future Wales places Caerphilly County Borough into the South East Wales region, alongside the other nine Cardiff Capital Region authorities, and identifies it as forming part of a national growth area (Cardiff, Newport and the Valleys), in which sustainable growth in employment and housing opportunities, as well as infrastructural investment, is supported.

Planning Policy Wales, Edition 11

5.6 Planning Policy Wales (PPW) sets out the national land-use planning policies of the Welsh Government and provides the policy basis to inform policies and land-use allocations in Local Development Plans (LDPs). Edition 11 of PPW was published in February 2021 to align with Future Wales, and changes were also made to the 'Housing Delivery' section, removing the five-year housing land supply policy and replacing it with an explicit statement that the housing trajectory, to be prepared in relation to future LDPs, will be the basis for monitoring the delivery of housing.

Technical Advice Note 1: Joint Housing Land Availability Studies

5.7 As stated in the 2019 AMR, paragraph 6.2 of TAN 1, which regarded the five-year housing land supply as a material consideration in the determination of planning applications, was disapplied in 2018, instead putting the onus on "decision makers (i.e. local authorities) to determine the weight to be attributed to the need to increase housing land supply where a LPA has a shortfall".

5.8 In March 2020, following a review of housing delivery, Welsh Government revoked TAN 1 in its entirety and replaced it with a requirement to prepare a housing trajectory, which will be set out in each adopted LDP and will form the basis for monitoring the delivery of housing.

Development Plans Manual, Edition 3

5.9 Edition 3 of the Development Plans Manual was published in March 2020, and forms the primary guidance document for LDP preparation. Of key importance is the new requirement for each local authority to prepare a housing trajectory which will be a summary of site specific phasing information for all sites within an LDP, articulated on an annual basis. It will serve as the key mechanism to demonstrate how all sites will be delivered in the identified timescales. While the Council's adopted LDP predates this requirement, it is also a requirement for each AMR to set out a trajectory going forward.

Regional Policy Context

Corporate Joint Committees and Strategic Development Plans Regulations

5.10 Regulations concerning the establishment of corporate joint committee (CJCs) and the preparation of SDPs have been laid before the Senedd – specifically, the South East

Wales Corporate Joint Committee Regulations 2021 in respect of this region. The South East Wales CJC will comprise elected representatives of the ten local authorities (plus, for SDP purposes, the Brecon Beacons National Park) and will assume the role of preparing the region's SDP (previously the responsibility of the Strategic Planning Panel).

Strategic Environmental Assessment/Sustainability Appraisal Monitoring

- 5.11 In preparing the LDP, the Council undertook a sustainability appraisal (SA) process which also incorporated strategic environmental assessment (SEA), thereby fulfilling the requirements of the LDP Regulations and SEA Directive. It produced and published its SEA/SA Report in conjunction with the LDP.
- 5.12 The SEA Directive also requires that the Council monitors the state of the environment through monitoring the sustainability objectives set out in the SEA/SA Report. This forms an integral part of the AMR and is contained in Section 4.
- 5.13 The results of the SEA monitoring for 2021 are balanced between positive and negative though somewhat mixed, with a slight shift towards positive records between this monitoring period (2020-2021) and the last (2019), although the opposite is the case when compared to the longer term position. This points to an overall conclusion of long-term variability and fluctuation, from which it is difficult to identify clear trends. This is due to the site-specific nature of certain indicators, external circumstances and the fact that many indicators are considered relative to national averages.

LDP Policy Monitoring

- 5.14 The LDP monitoring process considers each of the 22 strategy policies against the LDP monitoring framework to identify whether the policies are being effective and to identify any policies that are not being implemented.
- 5.15 An overview of the LDP monitoring data for the 2021 AMR provides an interesting insight into the implementation of the LDP over the monitoring period. Of particular note are the following:
- The annual house building rate rose from a low of 122 units in 2018/19 to 336 in 2019/20 and 417 in 2020/21.
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 - 11 ha worth of planning permission was granted on employment land since 2019, though development of allocated sites (EM1) has stagnated.
 - Commercial vacancy rates in four of the five principal town centres have increased, though not markedly, and fallen in Ystrad Mynach. The rates for Caerphilly and Ystrad Mynach are below 10% (Caerphilly and Risca in 2019) with the remainder above that mark. Bargoed remains the only town centre whose vacancy rate is over 20%.

- Not unexpectedly, footfall in Caerphilly, Blackwood and Bargoed has dropped sharply since 2020, as a result of the Covid-19 pandemic.
- 5.16 Prior to the 2019 AMR, a number of permissions for housing on greenfield sites were granted on appeal. The implementation of these permissions has caused the rate of housing delivery to increase. However, while there is no longer a housing land supply figure, the rate at which new housing is being delivered remains insufficient, when assessed against the annual and cumulative rates set out in the housing trajectory.
- 5.17 Despite the revocation of TAN 1 and the need to maintain a five-year housing land supply, research undertaken in respect of appeal decisions elsewhere in Wales by the planning consultancy Lichfields highlights that, since 2020, housing delivery remains an important consideration. In each of the cases looked at, the inspector has not rejected the housing need case, despite the requirement to demonstrate a five-year housing land supply having been revoked.
- 5.18 The Planning Inspectorate in Wales continues to take the view that, despite these policy changes, the under-delivery of housing remains a material consideration. Matters to be considered in determining the weight to be attributed to under-delivery include:
- The extent of the shortfall;
 - The length of time there has been a shortfall;
 - How soon the Council will be able to demonstrate through an adopted LDP that it will meet the area's housing need.
- 5.19 In September 2020, the (then) Minister for Housing and Local Government issued clarification in respect of LDP expiry dates, stating that LDPs adopted prior to 4 January 2016 "will remain the LDP for determining planning applications until replaced by a further LDP." Whilst this eliminates the possibility of a local policy vacuum until such time as the 2nd Replacement LDP is adopted, it does not change the position regarding housing delivery highlighted in 2019 and reiterated here. Pressure will remain on the Council to grant permission for development in locations that may be contrary to the adopted LDP as a result of continued under-delivery, and is an issue that will be seriously considered by the Planning Inspectorate in respect of appeals of this nature.
- 5.20 Whilst the preparation of an up-to-date LDP is the appropriate means of addressing the housing shortfall in the medium to long term, it will not be adopted until 2024. Therefore, as in 2019, there remains a need to increase the housing land supply in the short term. Those proactive measures identified in the 2019 AMR therefore remain valid.
- 5.21 As in 2019, objective 17, which addresses Caerphilly's role as a commercial and employment centre, and objective 18, which concerns the provision and protection of employment land, have also been identified as not delivering, on the grounds of minimal take-up and the low level of permissions granted during the monitoring period. The LDP has been relatively successful in respect of the development of employment sites and it is therefore not surprising that only a few sites remain. However, it is important that opportunities are explored through the development plan process to ensure that there will be a diverse portfolio of sites available in the future to support Caerphilly's strategic position in respect of employment and commercial development, especially in light of the County Borough's position within the Cardiff, Newport and the Valleys 'national growth area'.

- 5.22 Overall, and as in 2019, the AMR finds that the plan, generally speaking, is being implemented successfully. However, the rate at which new housing is being delivered, and new economic and commercial development is taking place, remains low and requires intervention.

Mandatory Indicators

- 5.23 The LDP Regulations and Development Plans Manual, Edition 3 set out those key indicators that should be included in monitoring frameworks (aside from local, contextual and SEA indicators). However, it was decided for consistency and comparison reasons that the 2016 AMR and subsequent AMRs will continue to include the 10 of the original 12 mandatory indicators still monitored.
- 5.24 Included in these 10 are the two statutory indicators required by Regulation 37 in respect of the housing land supply and the number of net additional and general market dwellings. Following the revocation of TAN 1, the first of the aforementioned indicators (relating to the housing land availability study) is no longer monitored. The Development Plans Manual now requires that the following indicators are monitored, which relate to the housing trajectory:
- The annual level of housing completions monitored against the anticipated annual build rate (AABR);
 - Total cumulative completions monitored against the anticipated cumulative completions rate.
- 5.25 However, the Manual is clear that for authorities who adopted their LDP prior to the publication of Edition 3, the average annual requirement (AAR) method should be used in preference to the AABR. Therefore, for the remainder of the lifetime of the adopted LDP, the AMR will monitor the two indicators above against the annual and cumulative requirements as specified in the trajectory.

Community Infrastructure Levy

- 5.26 The Community Infrastructure Levy (CIL) was introduced in Caerphilly County Borough on 1 July 2014. It is a mandatory charge that is levied against all new qualifying development. Regulation 62 of the Community Infrastructure Levy Regulations 2010 (as amended) requires a collecting authority to publish an annual report in respect of CIL for every year when CIL receipts have been collected.
- 5.27 Given that the reporting period for CIL is the same as that used for the Annual Monitoring Report for the LDP (1 April to 31 March) it makes sense that the Annual CIL Report be incorporated into the Annual Monitoring Report for that year. The 2021 AMR therefore covers the period 31 March 2020 – 1 April 2021 for CIL purposes (since no AMR was published in 2020, the CIL Report for that year was published independently).
- 5.28 During this period a total of £935,827.78 in CIL receipts were received by the Council. A total of £109,037.97 was paid to six local councils in accordance with the CIL Regulations. In addition to this a further £30,961.22 is being retained for use within those areas of the County Borough that are not covered by local councils.
- 5.29 In accordance with the CIL Regulations, the Council has taken £46,791.38 of the CIL receipts in admin fees to assist in covering the cost of implementing and operating the CIL. The admin fees amount to 5% of the total CIL receipts for the year.

- 5.30 It can be confirmed that no infrastructure payments have been received in lieu of CIL and no CIL receipts have been passed to third parties to provide infrastructure. Given the above, the remaining amount of CIL receipts available for expenditure on infrastructure items is £2,756,857.88.
- 5.31 The Regulations also require all local councils in receipt of CIL revenue to prepare annual reports on their CIL income and expenditure, for inclusion in the Annual CIL Report. The annual local council CIL reports are set out in Appendix 5 of the AMR Report.

Conclusion and Recommendations

- 5.32 The 2021 AMR has identified that one policy – SP15 (Affordable Housing Target) – is not being delivered and requires intervention, as well as objective 9, which seeks to ‘Ensure an adequate and appropriate range of housing sites are available in the most suitable locations’. This is despite the fact that SP14 (Total Housing Requirements) is now being met, which was not the case in 2019, due to the higher number of completions. However, when assessed against the annual requirement set out in the housing trajectory, the number of completions realised in 2021 remains deficient. SP3 (Development in the Southern Connections Corridor) is also failing due to the small number of sites for which planning permission has been granted on greenfield sites outside settlement limits.
- 5.33 It will not be possible for the adopted LDP to achieve its target of 8,625 dwellings, and at least 964 affordable dwellings, by the end of this calendar year. The number of completions over the course of the plan period (5,588) represents a shortfall of circa 3,000 compared to the cumulative average annual requirement (AAR) as set out in the housing trajectory.
- 5.35 Whilst the preparation of an up-to-date LDP is the appropriate means of addressing the housing shortfall in the medium to long term, it will not be adopted until 2024. Therefore, as in 2019, there remains a need to increase the housing land supply in the short term, utilising a number of direct interventions.
- 5.36 While the adopted LDP will not now expire at the end of 2021 as previously feared, this does not change the position regarding housing delivery highlighted in 2019 and reiterated here. Pressure will remain on the Council to grant permission for development in locations that may be contrary to the adopted LDP. The under-delivery of housing will remain a material consideration in the determination of planning applications, and inspectors will continue to take it seriously, despite the revocation of TAN 1. Therefore, the previous recommendation that proposals for residential development should be considered on their relative merits on a site-by-site basis, having regard to the need to increase the housing land supply, remains valid. One key introduction is that of Future Wales, and the implications for the County Borough of being part of a ‘national growth area’.
- 5.37 As in 2019, objective 17, which addresses Caerphilly’s role as a commercial and employment centre, and objective 18, which concerns the provision and protection of employment land, have also been identified as not delivering, on the grounds of minimal take-up and the low level of permissions granted during the monitoring period. The LDP has been relatively successful in respect of the development of employment sites and it is therefore not surprising that only a few sites remain. However, it is important that opportunities are explored through the development plan process to ensure that there will continue to be a diverse portfolio of sites available in the future to support Caerphilly’s strategic position in respect of employment and commercial

development, especially in light of the County Borough's position within the Cardiff, Newport and the Valleys 'national growth area'.

5.38 Whilst the new South East Wales Corporate Joint Committee has been established in law, SDP preparation is yet to commence and it will not be adopted until the 2nd Replacement LDP is in place. It is therefore incumbent upon the Council to continue to progress the 2nd Replacement LDP as per the Delivery Agreement, including for those matters which will ultimately be dealt with at the regional level by the SDP.

5.39 The 2021 AMR therefore concludes and recommends that:

R1 Substantial progress has been made in implementing the Caerphilly County Borough Local Development Plan, adopted 2010

R2 In light of the conclusions of the most recent Review Report, preparation of the 2nd Replacement Local Development Plan should continue, consistent with the processes and timetable set out within the approved Delivery Agreement

R3 In the period up to the adoption of a new Replacement LDP, the Council will continue to address the shortfall in the housing land supply through proactive action, including:

- Considering proposals for new residential development on their relative planning merits on a site-by-site basis and have due regard for the need to increase the housing land supply in line with national planning policy and guidance;
- Lobbying Welsh Government to establish funding mechanisms to incentivise sites in low viability areas and promote remediation of suitable brownfield sites for development;
- Utilising innovative funding models 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;
- Prioritise affordable and new build Council housing on brownfield sites to help preserve our natural environment;
- Work to ensure new housing and other Council led development schemes complies with high environmental standards to help address the climate emergency.

6. ASSUMPTIONS

6.1 It is assumed that the 2nd Replacement LDP will be adopted in late 2024 as per the timetable set out in the Delivery Agreement, which has been approved by Council and Welsh Government, and that this will predate the adoption of the SDP, for which preparation has yet to commence.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

7.1 The IIA indicates a largely neutral impact on protected characteristics and socio-economic concerns. Preparation of the 2nd Replacement LDP was the recommendation of a previous AMR and has already been agreed. Potential impacts will be assessed and mitigated through the integrated sustainability appraisal (ISA) process.

[Link to the Full IIA](#)

8. FINANCIAL IMPLICATIONS

- 8.1 The decision to undertake preparation of the 2nd Replacement LDP, and incur those costs associated with that process, is the subject of a previous Council resolution. There are no financial implications as a result of the 2021 AMR.

9. PERSONNEL IMPLICATIONS

- 9.1 There are no personnel implications.

10. CONSULTATIONS

- 10.1 All responses have been incorporated into this report.

11. STATUTORY POWER

- 11.1 Planning and Compulsory Purchase Act 2004;
Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended);
Local Government Act 2000

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Appendices:

Appendix 1 - Caerphilly County Borough Local Development Plan Annual Monitoring Report
2021