



COUNCIL – 4TH JULY 2023

SUBJECT: CAERPHILLY COUNTY BOROUGH 2ND REPLACEMENT LOCAL DEVELOPMENT PLAN UP TO 31 MARCH 2035 – PRE-DEPOSIT PLAN – INITIAL CONSULTATION REPORT

REPORT BY: CORPORATE DIRECTOR ECONOMY AND ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 To outline to members the issues raised through representations received during the public consultation exercise undertaken in October and November 2022 in respect of the Caerphilly County Borough 2nd Replacement Local Development Plan up to 31 March 2035 (2RLDP) Pre-Deposit Plan (Preferred Strategy).
- 1.2 To seek Council approval for the officer recommendations made in respect of the issues raised set out in the Initial Consultation Report.
- 1.3 To advise members of the representations from Welsh Government and the implications of them.
- 1.4 To seek agreement for a temporary halt in the preparation of the 2nd Replacement Local Development Plan to allow the completion of a regional piece of work on growth and migration to be prepared as required by Welsh Government to inform LDP preparation across the region.

2. SUMMARY

- 2.1 At the full Council meeting held on 29 September 2022 the Council resolved to publish the Caerphilly County Borough 2nd Replacement Local Development Plan Up To 31 March 2035 – Pre-Deposit Plan (Preferred Strategy) for comment in accordance with Regulation 15 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended) (LDP Regulations).
- 2.2 The consultation on the Preferred Strategy took place between 19th October and 30th November 2022. The consultation was the subject of a major publicity exercise to publicise the consultation and invite comments on the Preferred Strategy that could be submitted directly through the Council's consultation portal and via e-mail and formal letter correspondence.
- 2.3 The Council published the Preferred Strategy and supporting documents as part of the consultation, and these were available for public inspection to inform the response to the plan.

- 2.4 As a result of the consultation 1,986 representations were received, although 4 of these have subsequently been withdrawn and 14 were rejected as they were not duly made, i.e. they were submitted after the end of the consultation period. There were 327 duly made representations on the Preferred Strategy and its supporting documents, 100 in support and 227 raising objections. In addition to this 1641 representations were received on the Candidate Sites Register, including 468 on the Strategic Site at Maesycwmmmer.
- 2.5 Regulation 16 of the LDP Regulations requires the Council to prepare an Initial Consultation Report that sets out how the consultation was publicised and who was involved, and to address the main issues raised through the representations submitted as part of the consultation process. The Caerphilly County Borough 2nd Replacement Local Development Plan Up To 31 March 2035 – Initial Consultation Report - Pre-Deposit Plan (Preferred Strategy) (ICR) has been prepared and is included as Appendix 1.
- 2.6 The ICR sets the issues raised through the representations and provides an officer response to them and a recommendation on what action is needed, if any, in respect of them.
- 2.7 Welsh Government (WG) submitted its comments on the Preferred Strategy on 23 November 2022. The comments were split into two areas, comments in respect of General Conformity and Core Matters that Need to be Addressed. The latter of these comments, the core matters, are general comments to the Preferred Strategy and are addressed in the ICR in Annex 2. The general conformity comments raise more fundamental issues, and these have a major bearing on how the Council moves forward from this point. The Conformity issues are addressed in Annex 1 of the ICR. There are 3 conformity comments made by WG:
- A Conformity objection to the Strategic Site allocation at Maesycwmmmer;
 - Further information required in respect of how the growth levels have been developed in a regional context;
 - Further information required on how the strategy has been based upon a nature-based approach.
- 2.8 The first of these comments, the conformity objection to the Strategic Site, raises significant issues for progressing the plan as it currently stands. Section 601(3) of the Planning and Compulsory Purchase Act 2004 requires that all Local Development Plans be in general conformity with Future Wales: The National Plan 2040 (Future Wales). One of the Tests of Soundness used to consider whether a development plan should be adopted considers whether it has regard to national policy and is in general conformity with Future Wales and a general conformity objection raises significant doubt over whether the plan could be found sound at examination.
- 2.9 The second conformity issue is also pertinent in considering how the Council progresses with the plan. WG has advised that the level of growth proposed by the plan needs to be developed within a regional context taking account of how this interacts with the strategies and growth aspirations of the other plans in the Cardiff Capital Region (CCR). The implication of this objection is that the level of growth in Caerphilly County Borough Council's plan (and all other plans in the region) should be borne out of a regional assessment of growth to ensure that all plans are contributing toward the overall regional goal. Future Wales quite clearly sets out that this is a function for a Strategic Development Plan (SDP), not individual LDPs.

- 2.10 **There is significant officer concern across the region that the local authorities do not have the powers to undertake this work and, even if this work is progressed, the weight which will be attached to it is uncertain, given that the process for its preparation will not have any status and therefore an Inspector could dismiss it.** Despite these major reservations, the South East Wales Planning Officer's Society and the South East Wales Strategic Planning Group have agreed to progress this work in consultation with WG Officials and representatives of the South East Wales Corporate Joint Committee (CJC).
- 2.11 If undertaken the regional work will set out the overall growth for the region and will need to identify how that is apportioned between local authorities, as well as identifying where the in-migration will be drawn from. This work will then inform all emerging local development plans in the region.
- 2.12 Consideration needs to be given to how the Council moves forward in respect of these objections. Four options have been considered; in summary these are:
1. Continue with the plan and challenge the WG objection at Examination;
 2. Temporarily halt work on the 2RLDP until the conclusion of the regional work on growth and migration as required by Welsh Government and then revisit the Pre-Deposit consultation making any amendments to the strategy that may be required.;
 3. Withdraw the 2RLDP and commence a third review of the plan following the completion of the regional work on growth and migration; or
 4. Withdraw the 2RLDP and seek Welsh Government revocation of the Adopted LDP.
- 2.13 **Following the conclusion of the regional work a further report will be presented to a subsequent meeting of Full Council to consider the options for moving forward with the 2RLDP.**

3. RECOMMENDATIONS

- 3.1 Members note the content of the ICR;
- 3.2 Members endorse the recommendations set out in the Annexes of the ICR;
- 3.3 Members agree a temporary halt on work on the 2RLDP until the conclusion of the regional work required by Welsh Government in respect of growth and migration are known, at which time the Council can consider the options for moving forward with plan preparation at a subsequent Council meeting.
- 3.4 Members agree that, given the emphasis by Welsh Government on collaborative working and the rapidly changing national and regional context for plan preparation, the Leader lobbies the WG and the CCR (CJC) regarding the urgency of progressing an agreed planned timeline for the preparation of the Strategic Development Plan for the CCR.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To accord with the requirements of Regulations 15 and 16 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended).

5. THE REPORT

- 5.1 At the full Council meeting held on 23 October 2019 the Council resolved to commence a full review of the Adopted Caerphilly County Borough Local Development Plan up to 2021 (Adopted LDP).
- 5.2 The first formal stage in the preparation of the 2RLDP was to prepare a Delivery Agreement that set out the timetable for the delivery of the plan (no more than 3½ years) and The Community Involvement Scheme that sets out who will be involved and when. Due to the Covid-19 pandemic restrictions the Delivery Agreement was not formally agreed by WG until 17 June 2021.
- 5.3 At the full Council meeting held on 29 September 2022 the Council resolved to publish the Caerphilly County Borough 2nd Replacement Local Development Plan Up To 31 March 2035 – Pre-Deposit Plan (Preferred Strategy) for comment in accordance with Regulation 15 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (LDP Regulations).

The Pre-Deposit Consultation

- 5.4 The Preferred Strategy was formally published for comment on 19 October 2022 representing the completion of a period of pre-deposit plan preparation and engagement, which clearly influenced the development of the Preferred Strategy. It was the subject of a statutory six-week consultation period that closed on 30 November 2022. In addition to the publication of the Preferred Strategy, the Integrated Sustainability Appraisal, the Candidate Sites Register and the Evidence Base documents were also published for the consultation. The full list of Council documents that were published as part of the consultation are set out in the ICR which is included as Appendix 1 to this report. These documents were available online via the consultation portal on the Council's website and the key consultation documents were also available for inspection at the main Council Office building, The Business and Technology Centre on Tredomen Business Park and at all libraries in the County Borough for the duration of the consultation.
- 5.5 In addition to the Council documents the promoters of the Maesycwmmmer Strategic Site also published a series of evidence base documents that set out the background evidence to the allocation and design of the Strategic Site. These documents were also available via the consultation portal on the Council's website.
- 5.6 The consultation was the subject of a major publicity exercise to engage with as wide an audience as possible. The Council used a wide variety of measure to publicise the consultation, and these included:
- Emails / Letters to all on the LDP Consultation Database;
 - A leaflet was distributed to every household within the county borough;
 - Posters were displayed in all libraries and within selected shops;
 - Interactive website displaying all consultation material, allowing direct, online comments to be made.
 - Caerphilly County Borough Council website & Social Media Promotion:
 - CCBC LDP web pages - 33,600 hits.
 - CCBC LDP Consultation page - 3,101 hits.
 - CCBC press release - 1,500 hits.

- Facebook post, October 2022 – 4,668 hits.
- Facebook post, November 2022 – 3,831 hits.
- Twitter, October 2022 – 882 hits
- Twitter, November 2022 – 426 hits.
- Gov Delivery email bulletin:
 - October 2022 - 31,000 subscribers;
 - November 2022 – 33,000 subscribers
- Caerphilly County Borough Council website Press release, October 2022, entitled 'Have your say on the 2nd Replacement Local Development Plan.'
- An article was published in the Caerphilly Observer on 19th October 2022, entitled 'Consultation begins on plan that will shape the county borough.'
- Mobile exhibitions held across the County Borough in the settlements of Caerphilly, Risca, Bargoed, Blackwood and Maesycwmmmer
- Static exhibition based at Tredomen Business & Technology Centre, Ystrad Mynach.
- Officers were available via the LDP Hotline and on an appointment basis throughout the consultation period.

Response to the Pre-Deposit Consultation

- 5.7 As a result of the consultation a total of 1,986 representations were received by the Council. The Representations addressed a variety of issues across the documentation and the numbers of representations can be attributed as follows:
- 327 submitted in respect of the Pre-Deposit Plan (Preferred Strategy) and supporting information; including 4 in respect of the Integrated Sustainability Appraisal;
 - 1641 submitted in respect of the Candidate Sites Register, including 468 submitted in respect of the Maesycwmmmer Strategic Site (Parc Gwernau); and
 - 22 representations proposed new Candidate Sites
- 5.8 In processing the representations 4 have been withdrawn, 3 having been made in error and 1 having been falsely made. In addition to these 14 representations were received outside of the consultation period and so are not-duly made and will not be considered in the ICR.
- 5.9 It should be noted that the Consultation documents for the Pre-Deposit Consultation were the Pre-Deposit Plan documents and the Evidence Base documents that are set out in the ICR.
- 5.10 The Candidate Sites Register and the Candidate Sites themselves were not the subject of the Pre-Deposit consultation, although the documents were published for information. Comments made on the Candidate Sites Register and the Candidate Sites themselves will be considered as part of the Candidate Site assessment process but will not be addressed though the ICR.
- The Initial Consultation Report
- 5.11 Prior to preparing the Deposit Plan, LDP Regulation 16A requires that the Council prepare an Initial Consultation Report to address the representations submitted as part of the Pre-Deposit Consultation. The Regulations require that the ICR sets out:

- Any deviation from the Community Involvement Scheme;
- Who the Council consulted;
- A summary of the main issues raised in, and responses received during the consultation;
- The total number of representations
- Prior to publishing the Deposit Plan state:
 - How those main issues have been addressed; and
 - The extent to which those responses have been addressed;

5.12 An ICR has been prepared for the Pre-Deposit Consultation and this is a background paper for this report. The ICR is set out as follows:

Chapter 1 – Introduction [sets out the requirements for preparing an ICR];

Chapter 2 – Compliance with the Delivery Agreement addressing any deviations from the CIS];

Chapter 3 – Pre-Deposit Consultation [sets out the details of the consultation];

Chapter 4 – Responses to the Consultation [sets out the broad level of response to the consultation];

Annex 1 – Welsh Government Comments on General Conformity with Future Wales [sets out the representations, the officer response and recommendation for action for these objections];

Annex 2 - Comments on the Pre-Deposit Plan [Preferred Strategy]; And Supporting Information [sets out the representations, the officer response and recommendation for action for these objections];

Annex 3: Comments on the Integrated Sustainability Appraisal (ISA) [sets out the representations, the officer response and recommendation for action for these objections];

Annex 4 - Comments on the Strategic Site (Parc Gwernau, Maesycwmmer) [sets out the representations and officer response only];

Annex 5A: Comments relating to Candidate Sites

Annex 5B: Candidate Sites Receiving No Representations

Annex 6: 2nd Call for Candidate Sites

5.13 The opening 4 Chapters of the ICR set out the broad details of the consultation and the level of response while the Annexes identify the issues raised and provide an officer response to the issues and where necessary, a recommended course of action for each issue. It should be noted that there are no recommendations included in Annex 4 - Comments on the Strategic Site (Parc Gwernau, Maesycwmmer) as the comments made in respect of Maesycwmmer are covered by the recommendations set out in Annex 1 - Welsh Government Comments on General Conformity with Future Wales.

Representations on the Pre-Deposit Plan

5.14 Of the 327 representations received on the Pre-Deposit Plan, a little under a third (100) were in support with the remaining two-thirds (227) raising objections. The level of support for the Pre-Deposit Plan is surprising, given that those people who agree with the plan are not as likely or motivated to make representations as those

who are raising objections. Given this it is fair to say that it shows a strong agreement with the general strategy for the plan.

- 5.15 The main area of objection was in respect of Pre-Deposit Plan Chapter 7 (The Preferred Strategy) that raised 72 issues, with 18 issues raised in respect of the Policies and 54 on the general text. The policies only generated small numbers of issues for each policy with only 1 policy (PS12) having more than 3 issues. The text generated higher numbers of issues, and these were broken down into 13 topic areas for consideration in the ICR. The topics that generated the most issues were Spatial Strategy and Level of Growth, Location of Development, Highways and Transport and Greenfield Development.

Representations On The Strategic Site (Parc Gwernau, Maesycwmmmer)

- 5.16 A total of 468 responses were received in respect of the Strategic Site, 8 were in support and 460 raised objection. The objections were raised in respect of the following 18 topic areas:

- General Issues
- Vision, Aims and Objectives
- Strategic Growth and Strategy Options
- Settlement Hierarchy
- National, Regional and Local Context
- Greenfield Development
- Stages/Timing of Development
- Design and Visual Impact
- Effect on character of village and other settlements
- Amenity
- Housing
- Traffic and Transport
- Climate, Energy and Environment
- Green Infrastructure
- Biodiversity, Ecosystem Resilience and Habitats
- Landscape
- Trees, woodland and hedgerows
- Public Footpaths/rights of way

Candidate Site Register and Candidate Sites

- 5.17 Unsurprisingly the publication of the Candidate Sites Register as part of the Pre-Deposit Plan Consultation generated 1641 representations the Candidate Sites. It is also not surprising that the Maesycwmmmer Strategic Site (Parc Gwernau) generated the most representations, 8 in support and 460 objecting. A number of other Candidate Sites also received a fair number of representations, including:

- Parc Gwernau, Maesycwmmmer (468 representations – 8 in support, 460 Objections);
- Land at Nantycalch Farm (Option A), Caerphilly (85 representations - 2 in support, 83 Objections);
- Land near Van Mansion, Caerphilly (61 representations - 2 in support, 59 Objections);
- Penyfan Farm, Risca Road, Risca (57 representations, all objections);
- Land west of Albertina Road, Treowen (54 representations - 5 in support, 49 Objections);

- Land south of Rudry Road, Caerphilly (53 representations - 2 in support, 51 Objections); and
- Land at Myrtle Grove, Hengoed (51 representations, all objections).

5.18 The Candidate Sites comments, with the exception of the Parc Gwernau comments, are not addressed in the ICR as the Candidates Sites were not part of the formal consultation. The comments in respect of the Parc Gwernau site are set out in Annex 4 of the ICR. In addition to the comments made in respect of the Candidate Sites, 22 new Candidate Sites were submitted, and these will be assessed in accordance with the Candidate Site Assessment Methodology.

Welsh Government Comments

5.19 Welsh Government's comments on the Pre-Deposit Plan were received on 25 November 2022. Welsh Government, as the body responsible for preparing and publishing the National Development Framework, have the role of assessing whether any plan is in general conformity with Future Wales. This is a key function as any emerging development plan will be the subject of an examination where the plan will be considered against three tests of soundness, the first of which is whether the emerging plan is consistent with other plans, including the National Development Framework. If an emerging plan is not found to be consistent with other plans the plan could be found unsound and cannot be adopted.

5.20 Welsh Government divided its comments into two groups:

- Comments on General Conformity with Future Wales; and
- Core Matters that Need to Be addressed

5.21 The comments identified under the latter grouping are addressed, with appropriate recommendations, in Annex 2 of the ICR. There are three comments included under the first grouping which are addressed in Annex 1 of the ICR. However, these comments raise significant issues for the continued preparation of the 2RLDP, which are considered below.

Welsh Government Comments on General Conformity with Future Wales

5.22 Welsh Government has made three comments that have been grouped under this heading. These objections are:

1 A Conformity Objection in respect of the Strategic Site at Maesycwmmmer;

5.23 Welsh Government has formally objected to the inclusion of the Strategic Site at Maesycwmmmer on the grounds that it is not in general conformity with Future Wales, which is primarily predicated on the Welsh Government opinion that the proposed development would not support modal shift, is car dominated and the site is not a sustainable location for development. In particular concerns are raised that the site is not in accordance with a number of Future Wales Policies, namely:

- Policy 1 – Where Wales Will Grow
- Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 6 – Town Centre First
- Policy 12 – Regional Connectivity / Policy 36 – South East Metro

2 An Objection requiring further evidence on how the Preferred Strategy has been developed within the wider regional context;

Welsh Government has objected to the Pre-Deposit Plan on the basis that the Preferred Strategy, and the proposed level of growth, has not been developed through a regional approach that considers impacts across the region and considers whether the overall regional approach to growth is appropriate and contributes towards delivering Future Wales and key regional investment decisions. The Objection states that “*Future Wales brings a new perspective that **all** LDPs have to embrace, that of how each LDP sits within the region as a whole and the relationship to other LDPs.....*”.

3 An Objection that the Preferred Strategy has not been based on a nature-based approach with the basis of maintaining and enhancing biodiversity.

Welsh Government has objected to the Pre-Deposit Plan on the basis that the Preferred Strategy has not been developed from a nature-based approach that takes its starting point as the need to take action to maintain and enhance biodiversity.

- 5.24 These comments raise significant issues in respect of progressing the 2RLDP through to examination and the subsequent Adoption of the plan. Consequently consideration needs to be given to what options there are for the Council to move forward with a development plan.

Implications of the Conformity-Based Objection in Respect of Regional Collaboration

- 5.25 This Welsh Government objection has raised concern over the lack of evidence that the Preferred Strategy has been prepared in a regional context in collaboration with all of the authorities in the CCR. The objection also confirms that this is an approach that **all** authorities in the region will need to adopt in preparing LDPs.
- 5.26 In meetings with officers from Welsh Government it was confirmed that this issue would require a regional piece of work to consider what the appropriate growth is for the region and where it is most appropriate for it to be delivered. It was also confirmed that Welsh Government would be making the same comments to **all** of the other authorities in the Region. In respect of the latter point, however, Monmouthshire County Council commenced its Pre-Deposit consultation shortly after the closure of Caerphilly consultation. Welsh Government commented on the Monmouthshire Pre-Deposit Plan but did not raise the same conformity-based objection on regional collaboration that has been raised to the Caerphilly Pre-Deposit Plan. This gives rise to significant concerns over the consistency of how this issue will be approached in respect of other plans.
- 5.27 Both the South East Wales Planning Officers Society (SEWPOS) and the South East Wales Strategic Planning Group (SEWSPG) have raised significant concerns over this issue, both in terms of whether such a regional piece of work is in the power of the local authorities to undertake and subsequently what weight this would have.
- 5.28 Officers across the region have grave concerns about undertaking such a regional piece of work for 3 fundamental reasons:
1. Part 5 of the Local Government and Elections (Wales) Act 2021 makes provision for the setting up of Corporate Joint Committees that have the responsibility for a collaborative approach to issues across the region. On 30 June 2022 the CJs came under the duty to prepare Strategic Development Plans and Regional Transport Plans. This means that local authorities no longer have the powers to address regional planning issues, as this is now the responsibility of the CJC. Welsh Government’s expectation that local

authorities should assume the powers and role of the CJC in advance of them being set up is contrary to the statutory position. This work should really be part of the preparation of the SDP and its early preparation would resolve this issue.

2. Even if the regional work is undertaken, the outcome of the work would need to be the subject of agreement by all 10 authorities in the region and by the Cardiff Capital Region as the CJC. If any of these bodies disagrees with the outcome of the work it would prevent agreement across the region and would be useless as evidence to support any emerging development plan.
3. There is significant concern over how much weight the work would have at examination, given that the constituent local authorities do not have the power to undertake the work and that the CJC could disagree with the findings of the work. The latter scenario could raise the prospect of a number of LDPs, which have been based upon the findings, being not in conformity with the emerging SDP, potentially making them unsound.

5.29 Despite the grave concerns regarding the regional study on growth and migration, the Welsh Government's objection to the Caerphilly County Borough Council Pre-Deposit Plan does present an impossible situation. As a result, the South East Wales Planning Officers Society has, very reluctantly, agreed to prepare a study to address the regional context for growth and migration for the 10 local authorities in the region on the basis that WG provide clarity on the scope of that work. An optimistic view of the likely timeframe for delivering this work would be by the end of 2023. All progress on the 2RLDP will need to be put on hold until this work is completed and the implications for the plan are known.

5.30 The most critical implication of doing this work is if the study identifies that any emerging plan includes a level of growth that is incompatible with the regional picture. Bearing in mind that there is no mechanism to ensure any authority complies with this piece of work, any plan that is found to be out of accord with this work would need to revise their strategy. As a result of this it is proposed that a subsequent report be presented to Council after the conclusion of the regional work, to consider the most appropriate way forward for the 2RLDP.

Implications of the Conformity Objection on the Strategic Site

5.31 As stated above, one of the Tests of Soundness used to assess whether a development plan can be adopted concerns whether the plan is consistent with other plans. Future Wales is the national tier of the development plan in Wales and the 2RLDP will need to ensure that it is consistent with it. Section 601(3) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that all LDPs be in general conformity with the National Development Framework (Future Wales) in Wales. The Welsh Government submission to the Pre-Deposit Plan is its statement of conformity and the objection to the Strategic Site means that Welsh Government **do not consider that the Pre-Deposit Plan is in conformity with Future Wales.**

5.32 Four options for moving forward with plan preparation have been identified and these are:

1 Continue with the 2RLDP, challenging the assumptions and view of Welsh Government in respect of the Strategic Site and other issues.

5.33 This option would mean the 2RLDP would continue through the preparation process without amending the Strategy in accordance with the Welsh Government objections. It would require the Council to provide compelling evidence for the justification for the

Strategic Site allocation at the plan's Examination. It should be noted that even if the Council is successful in convincing an Inspector of the validity of the Strategic Site allocation and the Inspector recommends the site remain as an allocation in the plan, Welsh Government has intervention powers that are likely to be used to issue a direction that would preclude the adoption of the plan.

2 Revise the strategy and redo the Preferred Strategy consultation in line with the conclusions of the regional assessment of growth;

- 5.34 This option would await the conclusion of the Regional study and would subsequently revise the strategy in accordance with the study findings. The Council would then need to undertake a second Pre-Deposit Consultation on the revised strategy and move forward from there.

3 Withdraw the 2RLDP and commence a third review of the LDP;

- 5.35 This option would entail stopping work on the 2RLDP completely and, following the conclusion of the regional study, start on the preparation of a 3rd Replacement LDP. This effectively pushes the Council back to the start of the LDP preparation process, meaning further delays to achieving an Adopted plan.

4 Withdraw the 2RLDP and the Adopted LDP

- 5.36 This option would entail the immediate withdrawal of the 2RLDP with the intention of waiting for the preparation and Adoption of the regional SDP before commencing the preparation of the 3rd Replacement Local Development Plan. This would mean that planning decisions would be based upon the current Adopted LDP. Unfortunately, due to the fact that the Adopted LDP is outside of its plan period, there are some major issues that would arise if the plan continued as the basis for decision-making. The settlement boundaries, protection policies and existing land use allocations would work against new development and severely impact on delivery of affordable and market housing, 21st Century Schools and the Council's regeneration proposals. As a result this option also seeks the revocation of the Adopted LDP, to remove the policy restrictions that it would cause for future development.
- 5.37 In meetings with Welsh Government officers, Welsh Government confirmed that the plan would have to be revoked by Welsh Government and officers could see no reason why they would revoke the Adopted LDP. This would make this option impossible to realise.

Implications of the Conformity Based Objection in Respect of a Nature-Based Approach

- 5.38 The ICR addresses this objection in Annex 1. Whilst the objection raises concern about the Preferred Strategy and how it has been developed from a nature-based approach, the 2RLDP is a plan based upon a positive approach to climate change and biodiversity enhancement from the outset of its preparation. The duties on the Council to deliver sustainable development, biodiversity enhancement, development that mitigates and takes account of climate change have shaped how the plan has been formed, from the definition of the Vision Aims and Objectives, right through to the policy framework and the assessment of Candidate Sites. As such it is considered that the plan complies with the nature-based approach, although it is conceded that this may not have been set out specifically in the evidence base or the plan itself.
- 5.39 The ICR recommends that an evidence base document be prepared to address this issue and it is considered that this paper will address the issues raised in respect of

this objection. This resolution is not a consideration in which option for progress should be chosen as it is required for both of the two viable options.

Conclusions on The Way Forward

- 5.40 The first stage in considering the way forward for the emerging plan is the regional study on growth and migration that will inform all development plans in the region. This work is being commissioned by SEWPOS and SEWSPG and is unlikely to be completed until the end of the year at the earliest. This work will directly inform the Council's emerging plan and may necessitate changes to the Preferred Strategy of the 2RLDP. Consideration of how to further progress with the 2RLDP is, therefore, dependent upon the outcome of this study and consideration of options for progressing the plan would be premature until that time.
- 5.41 Given the above, it is proposed that work on the 2RLDP be temporarily stopped until the conclusion of the regional study. A further report would then be presented to a subsequent Council meeting for Council's agreement on an appropriate way forward for progressing the plan.

6. ASSUMPTIONS

- 6.1 No assumptions have been made in respect of this report. There are a number of assumptions that have been used in the preparation of the Pre-Deposit Plan and these have all been set out in the Evidence Base to the plan.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 The 2RLDP is the subject of an Integrated Sustainability Appraisal (ISA) which assesses the impacts of the plan in terms of the 4 sustainability pillars and also includes the following assessments:
- Equalities impact assessment
 - Health impact assessment
 - Welsh Language Assessment
- 7.2 The ISA is a separate process from the preparation of the 2RLDP although it is integrated and iterative to it. An assessment of the Preferred Strategy document was published as part of the consultation documentation and its findings were incorporated into the Preferred Strategy Document.
- 7.3 An Integrated Impact Assessment has been prepared for the 2RLDP and the Initial Consultation Report and concludes that the 2RLDP will have minor positive impacts on protected characteristics as the plan will focus on placemaking principles that improve accessibility for all. It will also have benefits in respect of the socio-economic duty by setting the policy framework to deliver more jobs and affordable housing. There may be a potential negative impact on those in rural areas, as development will be targeted to principal towns and local centres but improved active travel links and public transport routes will help mitigate this. The 2RLDP will prepare in accordance with national planning policy in respect of the Welsh language and will adhere to the Welsh language standards.

[Link to Integrated Impact Assessment](#)

8. FINANCIAL IMPLICATIONS

- 8.1 The financial provisions for the delivery of the 2RLDP were agreed as part of the decision taken by Full Council on 23 October 2019. The preparation of the Preferred Strategy and statutory consultation is covered by these provisions. There are no additional financial implications.

9. PERSONNEL IMPLICATIONS

- 9.1 There are no personnel implications arising from this report.

10. CONSULTATIONS

- 10.1 All comments have been accommodated in the report.

11. STATUTORY POWER

- 11.1 Planning (Wales) Act 2015 and the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended).

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Councillor Shayne Cook, Cabinet Member for Housing
Councillor Elaine Forehead, Cabinet Member for Social Care
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Consultation

Appendices:

Appendix 1

Caerphilly County Borough 2nd Replacement Local Development Plan Up To 31 March
2035 – Pre-Deposit Plan – Initial Consultation Report