

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0411/OUT 16.05.2017	PMG Ltd And Persimmon Homes East Wales Ltd Messrs Hobbs And Smith C/O Ms P Cole 14 Ty Gwyn Crescent Penylan Cardiff CF23 5JL	Erect residential development with strategic open space including play facilities and pedestrian and cycle networks Land At Gwern Y Domen (Grid Ref 317068 187536) Gwern-y-domen Farm Lane Caerphilly

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: This site, at Gwern y Domen, Caerphilly, lies to the south-east of Lansbury Park. It adjoins the Lansbury Park Distributor Road near St Helen's Primary School, and extends as far as Branch Cottages on Pentwyngwyn Road.

Site description: The site is greenfield, and is mainly pastureland with some woodland at its south-western end. Hedgerows separate the land into a number of fields. The land rises gently in a south-easterly direction. To the north and west are the residential areas of Lansbury Park and Mornington Meadows. To the east and south is largely agricultural land. To the south west is Van Mansion which is a grade II listed building. A former railway line forms the northern boundary of the site.

Vehicular access to the site is currently gained from Pentwyngwyn Road via Gwern-y-Domen Farm Lane and comprises in part a bridge over a disused railway line. The lane passes three properties comprising Gwern y Domen Farmhouse and two converted barns. These properties do not form part of the development site.

Development:

Outline planning consent is sought in respect of residential development with strategic open space including play facilities and pedestrian and cycle networks. All matters are reserved for future consideration.

Cont'd

Application No: 17/0411/OUT Cont'd

The proposed development includes the following:

- up to 618 new homes of various size and tenures, including 40% affordable housing
- a sports pavilion at the centre of the site;
- open space and formal and informal play areas linked by pedestrian and cycle routes;
- arboricultural and ecological mitigation;
- pedestrian, cycle and public transport circulation routes within the site.

The main vehicular access will be from the Lansbury Park Distributor Road. Emergency access is provided from Pentwynwyn Road via Gwern y Domen Lane. Additional pedestrian and cycle access points are proposed to the north and onto the Distributor Road to enable access to the Caerphilly Town Centre. Public Rights of Way are retained as part of the development and where necessary diverted.

An illustrative layout submitted with the application shows the western third of the site undeveloped, with a biodiversity area at the eastern end.

The application is supported by a Planning Statement, Design and Access Statement, and an Environmental Statement (ES) accompanied by a Non-Technical Summary. The key issues identified by the ES are as follows:

- Need
- Landscape & Visual Impact
- Archaeology and Cultural Heritage
- Traffic, Transport & Movement
- Noise & Vibration
- Ecology and Biodiversity
- Ground Conditions
- Hydrology
- Socio-Economic Impact
- Agricultural Land Use, and
- Air Quality
- Cumulative Impacts

Cont'd

Application No: 17/0411/OUT Cont'd

In summary, those reports come to the following conclusions on the following matters.

NEED - In the absence of any firm timescale for progressing an LDP Review, or a Strategic Development Plan, the development by a major house builder would ensure that a significant contribution to meeting the 5 year housing land supply shortfall which currently exists, would be provided, and that a large proportion of affordable units would also be delivered. It can therefore be concluded that a significant need exists for the development on the above basis and that the site in question would meet the Council's criteria, as stated in the latest 2018 AMR in considering proposals for new residential development on their relative planning merits on a site-by site basis, having due regard for the need to increase the housing land supply in line with national planning policy and guidance.

LANDSCAPE AND VISUAL IMPACT - The addition of further residential land to the periphery of the town would not introduce significantly detracting elements into the landscape, especially where a sympathetic layout is designed in relation to the existing built forms, together with a well considered and integrated landscape scheme for the site. It can be concluded that any landscape and visual effects identified are considered to be relatively limited and to be well contained around the site's immediate environs. As such they should be given limited weight in the planning balance to be undertaken by the Council and the benefits of the scheme should be given considerable weight. The positive benefits for the residential development are:

- Opportunities for new woodland, tree and hedgerow planting
- Trees and hedgerows brought into positive management.
- Extension and management of Maerdy Wood.
- Reinforcement of ecological corridors and management of the SINC area
- Treatment of Japanese Knotweed
- Enhanced pedestrian and cyclist circulation
- A residential layout set within the existing field pattern creating very individual residential areas; and,
- Provision of open space and biodiversity areas.

ARCHAEOLOGY AND CULTURAL HERITAGE - Whilst the proposed development would result in most of the known and potential features, deposits and remains of archaeological importance within its footprint being destroyed, this non-significant effect would be mitigated through the implementation of an appropriate and proportionate programme of archaeological investigation and recording, undertaken in accordance with a Written Scheme of Investigation agreed in advance and with the results to be disseminated following the work's completion. There would be no long-term residual effect if the proposed mitigation set out above is implemented at the site in full.

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TRAFFIC, TRANSPORT AND MOVEMENT - To mitigate adverse effects the proposed development would create new pedestrian routes and cycle routes that enable the development to connect with the surrounding area and provide the opportunity for the development to access the strategic traffic free routes of the Celtic Trail which in turn offers links to areas of Caerphilly and beyond. Improvements are also proposed at Bedwas Bridge Roundabout to increase road capacity. The introduction of crossing facilities on Lansbury Distributor Road, a signal controlled junction at one of the site access junctions along with extensions to existing bus routes improve connectivity and permeability between existing and proposed communities and will encourage walking and cycling as the preferred mode for many trips. The introduction of Travel Plans and a Construction Transport Management Plan will contribute towards mitigating the impact of the development. Following the implementation of the proposed mitigation the only adverse residual effects of the Proposed Development would be on junction delay / driver delay.

NOISE AND VIBRATION - With the mitigating effect of a partially open window most of the proposed development on the site will experience an internal noise level of less than 30dB LAeq,8hr, a negligible impact with a negligible significance. Development related traffic will increase the LA10,18hr noise environment at existing receptors. In the short-term the impact of this increase will be of moderate significance at residential receptors, and of major significance at St. Helen's Primary School and St. James Primary School playing fields. In the long-term the significance of the impact will decrease to minor at residential receptors, and will decrease to moderate significance at the two school playing fields. With the mitigating effect of a 2m high acoustic barrier located adjacent to the two playing fields; in the short-term and the long-term the impact will reduce to negligible significance at Hadland Court/St Helen's Primary School, and will remain moderate at St James Primary School. However, with the inclusion of the fence at St James Primary School in the short and the long-term the predicted LA10,18hr noise levels will fall when compared to the non mitigated scenarios. Further mitigation is therefore not considered necessary.

ECOLOGY AND BIODIVERSITY - Potential significant effects identified which could arise as a result of the operation of the proposed development in absence of mitigation include the following:

- Effects of light and noise/visual/human disturbance to designated sites, habitats and species;
- Increased risk of collision and predation to species; and
- Alteration to groundwater and surface water flows.

Application No: 17/0411/OUT Cont'd

The key mechanisms which will be implemented are:

- Detailed Design Measures. The outline planning application is being made with all matters reserved. The masterplan is therefore illustrative and allows flexibility for specific detailed design measures to be secured and included within the proposed development. Such design measures can, where necessary, be agreed with the Local Authority and secured through suitably worded planning conditions and addressed at future Reserved Matters stages.
- Ecological Construction Method Statement (ECMS) & European Protected Species Mitigation Strategies (including Derogation licences). The ECMS will be prepared at the Reserved Matters stages and implemented during the demolition and construction phase of the proposed development. Outline Mitigation strategies for bats, dormouse and great crested newts have been prepared in support of the outline planning application and set out the sensitive working methodologies to be implemented during pre-construction and construction phases. Such measures will be further expanded as part of the RM stages.
- Ecology Management Plan (EMP) & European Protected Species Mitigation Strategies (including Derogation licences). Outline Mitigation strategies for bats, dormouse and great crested newts have been prepared in support of the outline planning application and set out the recommended compensation, mitigation and enhancement measures to be implemented as part of the proposals required to ensure no significant negative effects will arise. Such measures will be further secured as part of the NRW development licensing process.

GROUND CONDITIONS - Mitigation measures would minimise the potential for construction operations to contaminate soils and controlled waters. These measures would be incorporated into a Pollution Prevention or Construction Management Plan, prepared by the appointed contractor and agreed with Natural Resources Wales and the Local Planning Authority prior to the commencement of construction.

HYDROLOGY - An assessment has concluded that the impact of the proposed development, with appropriate mitigation, will be insignificant during the completed/operational phase in terms of water quality, foul drainage and flooding. The development has a minor beneficial impact on surface water runoff.

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Application No: 17/0411/OUT Cont'd

SOCIO-ECONOMIC IMPACT - Potential impacts during the construction Stage:

- Increase in employment during the construction period is beneficial; and
- Potential disturbance to local neighbours.

Potential impacts during the operational stage:

- Land use will change from greenfield to residential use could adversely impact on ecology and landscape;
- Increased accessibility to the surrounding area via new footpaths is major beneficial;
- High quality scheme will beneficially impact on deprived ward;
- Public sector contributions via Council Tax and CIL;
- Boost of local spending power by population growth;
- Indirect creation of permanent employment opportunities;
- Increased pressure on social and support services could have a moderate adverse impact; and
- Increased patronage and potential membership to community facilities and groups will be moderate beneficial.

As the limited amount of adverse impacts demonstrate, the proposed development is unlikely to result in any significant adverse impacts to socio-economic and community interests. Mitigation measures are proposed include the following:

- CIL contributions;
- Provision of affordable housing within the development;
- Additional council tax monies directed to emergency service provision and refuse;
- Improvement to access to countryside via development;
- Potentially source materials locally;
- Direct employment opportunities throughout the construction will be generated;
- Use of local workforce and advertise new employment opportunities through construction phase locally;
- Continued public consultation;
- Retention and enhancement of ecological features;
- Adoption of a Construction Environmental Management Plan to manage construction phase;
- High quality housing layout including landscaping which takes account of existing neighbours.

Cont'd

Application No: 17/0411/OUT Cont'd

AGRICULTURAL LAND USE - The site comprises small areas of isolated grade 3a land which is considered the "best and most versatile agricultural land". The land is farmed on a short-term, non-secure arrangement and for a number of years has suffered from trespass, due to its urban fringe location, which has made it difficult to farm. The impacts on farm businesses are likely to at most only be of minor significance particularly when mitigation measures are put in place in the form of a strong planted buffer to the southern boundary.

AIR QUALITY - Vehicle movements associated with the 'Proposed Development' will generate emissions of pollutants and the potential air quality impacts associated with development traffic were quantified using an appropriate dispersion model. In terms of impacts outside the Air Quality Management Area, even if it is assumed that there will be no decrease in either background concentrations or vehicle exhaust emissions, then the impacts are described as 'negligible' to 'slight adverse'. Given the extremely pessimistic nature of this scenario, it is considered that effects outside of the AQMA can be classified as 'negligible' and not significant. In terms of impacts within the AQMA, if there were to be no decrease in vehicle emissions or background levels of NO₂, then impacts are classified as 'slight' to 'moderate' adverse for some locations within the AQMA. It is however considered reasonable to expect that a significant proportion of the expected reduction in background concentrations and vehicle emissions will be realised. Given this, and the generally 'small' contribution (change <5% of the AQO) that the development would make to NO₂ concentrations within the proximity of the AQMA; it is considered that overall effects on the AQMA can be classified as 'slight adverse' and not significant. On the basis of this assessment it is considered that the overall effects of the proposed development on air quality (in terms of construction dust and vehicle emissions) will be 'not significant'. The proposal is in accordance with the relevant national and local planning policies and Air Quality matters do not represent a constraint.

CUMULATIVE IMPACTS - There are no identified cumulative impacts both individually or in combination that would result in residual impacts over and above those identified in relation to the proposed development in each individual chapter.

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Application No: 17/0411/OUT Cont'd

SECTION 106 AGREEMENTS - The application is supported by two legal agreements. The first based on the viability of the development provides for 12% affordable housing, The second, a unilateral undertaking, offers a further 28% affordable housing. With regard to the latter the units would be offered in turn to (i) The Council, (ii) United Welsh, (iii) Other providers namely Linc Cymru, Pobl Group and Wales and West who are zoned to operate within the Council's administrative area under the Welsh Government's zoning arrangements. If they were not accepted, they would be sold on the open market. The units are not tenure specific. This would enable the units to be funded through Social Housing Grant, Shared Ownership and Rent to Own funds as well as funds available to councils to reintroduce Council housing construction. Some of these available funds have been underutilised and the zoned RSLs are confident that funding is in place to provide the opportunity to deliver an appropriately blended scheme.

Dimensions: The site has an area of 48.1 hectares and the net developable area is given as 13.1 hectares. The site is lozenge shape and is 1460m in length (north east to south west) and 460m in width (north to south at its widest point).

It is proposed that the development will feature residential dwellings of maximum three storeys in height, ranging in density from low (20 dwellings per hectare) through to upper medium (40 dwellings per hectare). The taller housing would be to the centre of the site.

PLANNING HISTORY 2005 TO PRESENT

13/0875/COU - Convert barn into dwelling. Granted 23.09.2014.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is outside of the settlement boundary, in a special landscape area (SLA) (NH1.5), which is described in the appendix to the adopted Caerphilly County Borough Local Development Plan an important buffer zone between Caerphilly and the M4 corridor to the south. It also forms the visual context and setting for the historic town of Caerphilly. Its mixture of upland and lowland character, plantations and rights of way networks provide an important recreational feature in the area.

Cont'd

Application No: 17/0411/OUT Cont'd

There is a site of importance for nature conservation (SINC) at the southern end of the application site known as Coed y Maerdy (NH 3.168), its main features being:

Primary

- Ancient woodland with an assemblage of semi-natural indicator species.
- Marshy grassland / flush with at least 12 indicator species.
- Semi-improved acid grassland with at least 7 indicator species.

Secondary

- Small streams.
- Bracken.
- Scrub.
- This woodland is also protected by a Tree Preservation Order (TPO).

Another SINC (NH3.170) follows the disused Caerphilly to Machen railway line, its qualifying features being;

Primary

- Continuous sections of disused railway line supporting semi-natural vegetation.
- Broadleaved woodland (with wet woodland and ancient woodland) with semi-natural indicators
- Species rich marshy grassland with at least 12 indicator species.

Secondary

- Scrub.
- Bracken.
- Ponds.
- Semi-improved neutral grassland.

The Nant Gwaunybara Mire SINC (NH3.166) is close to the southern boundary of the site.

A cycle route (TR1.14) follows the line of the former railway.

The site also lies within coal and sandstone safeguarding areas.

Cont'd

Application No: 17/0411/OUT Cont'd

Policies:

Strategic Policies

Policy SP3 Development Strategy in the Southern Connections Corridor
Policy SP4 Settlement Strategy
Policy SP5 Settlement Boundaries
Policy SP6 Place Making
Policy SP7 Planning Obligations
Policy SP8 Minerals Safeguarding
Policy SP10 Conservation of Natural Heritage
Policy SP14 Total Housing Requirements
Policy SP15 Affordable Housing Target
Policy SP19 Transport Infrastructure Improvements

Countywide Policies

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion
Policy CW2 Amenity
Policy CW3 Design considerations (Highways)
Policy CW4 Natural Heritage protection
Policy CW5 Protection of the Water Environment
Policy CW6 Trees, Woodland and Hedgerow Protection
Policy CW10 Leisure and Open Space provision
Policy CW11 Affordable Housing Planning Obligation
Policy CW15 General locational constraints
Policy CW22 Locational Constraints - Minerals

Adopted Supplementary Planning Guidance LDP 6: Building Better Places to Live

NATIONAL POLICY

Planning Policy Wales (Edition 10, December 2018);
Technical Advice Note 1: Joint Housing Land Availability Studies (2015);
Technical Advice Note 2: Planning & Affordable Housing (2006);
Technical Advice Note 5: Nature Conservation and Planning (2009);
Technical Advice Note 11: Noise (1997);
Technical Advice Note 12: Design (2016);
Technical Advice Note 16: Sport Recreation and Open Space (2009);
Technical Advice Note 18: Transport (2007).

Cont'd

Application No: 17/0411/OUT Cont'd

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Yes.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes. This matter is considered in the ES and is addressed further on this report.

CONSULTATION

Minerals Officer - The site is within the sandstone safeguarding area and the northern part is within a coal safeguarding area. Policy CW22 in the adopted LDP applies. The applicant should demonstrate that they have considered whether prior extraction of the coal and sandstone is feasible and they need to demonstrate an overriding need for the proposed development in this location.

New development in this location would sterilise finite mineral resources due to the need to provide a further buffer around the development. However, mineral working currently takes place at three sites in the county borough, none of which are close to the application site, and there has been no indication that this will change in the near future.

Van Community Council - Proposed development fails to meet the following current LDP aims and objectives:

- Accommodate sustainable levels of population growth;
- Ensure the County Borough is well served by accessible public open space and accessible natural green space;
- Ensure the effective and efficient use of natural and built resources while preventing the unnecessary sterilisation of finite resources through inappropriate development;
- Ensure that the environmental impact of all new development is minimised;
- Encourage the re-use and / or reclamation of appropriate brownfield and contaminated land and prevent the incidence of further contamination and dereliction;

Cont'd

Application No: 17/0411/OUT Cont'd

Concentrate new development in appropriate locations along existing and proposed infrastructure networks that are accessible to pedestrians, cyclists and to public transport in order to sustain and complement the role and function of individual settlements;

Identify, protect and where appropriate enhance, valuable landscapes and landscape features and protect them from unacceptable development;

Reduce congestion by minimising the need to travel, promoting more sustainable modes of transport and making the most efficient use of existing transport infrastructure.

A second communication from the community council makes, in summary, the following points.

Protection of the local climate: land that is used for walking, horse riding, bird watching and other recreational activities. Development in this area would lead to the "direct loss of very extensive areas of mature trees over pasture, hedgerows, scrub and ruderal herbs, which are considered to be potentially high value to nature conservation and biodiversity". Such a development could lead to a loss of habitat for some protected species. SINC's are very important and must be retained. Special Landscape Designation NH1.5 covers the application site. Concerned about the water run-off and the flood plain in this and the surrounding area. Information from NRW indicates that there are several underground springs and streams which feed into the local brooks and rivers that if disturbed could cause flooding issues. This housing development would be an ecological disaster and seriously compromise the biodiversity at this site.

Well-being of Future Generations (Wales) Act 2015: the proposed development is adjacent to a location that is one of the top areas under the WIMD index for deprivation in Wales and UK, and therefore the removal of this open space and amenity is going to have a detrimental impact on the health and well-being of residents

Greenfield Developments and the Welsh Government's Land Use Policy, which states that

- "The development plan should protect from development playing fields and open space that has significant amenity or recreational value to local communities. It should indicate the ways in which previously developed or disused land and water bodies will be considered for tourism, sport and recreation uses, particularly in relation to urban regeneration"

Policy SP3 of the Adopted LDP places an emphasis on brownfield sites. The destruction of precious greenfield sites must surely be avoided at all costs especially in light of the climate challenges that we face as a society.

Cont'd

Application No: 17/0411/OUT Cont'd

Reliance on the Five-Year Land Supply Argument: there have been a number of planning applications granted in recent months (350 homes at Virginia Park, 260 houses at Hendredenny and 300 homes at Pandy Road, Bedwas). Paragraph 6.2 of TAN 1 now disapplied.

Strain on Local Resources and Infrastructure: will lead to massive strain on already stretched services and infrastructure. The bus and train links that it is suggested will be accessible are a significant distance from the development. All schools locally are at capacity and are concerned that no additional provision is planned.

Local and Strategic Development Planning: Assembly Member, Dr Hefin David, has spoken in the Senedd regarding the need for a sensible, consensual strategic development plan across the whole area. He has also stated that more housing and building should be located further up the valley in Caerphilly Borough with appropriate infrastructure.

It is recommended that this application is refused.

The Woodland Trust - Provide a holding objection:

In light of the potential impacts to both Coed y Maerdy and the woodland at Grid Reference ST1786875 they believe that the following measures should be implemented. No additional pathways (especially hardstanding) should be created through Coed y Maerdy in order to reduce disturbance. Signage identifying Coed y Maerdy as Ancient Semi-Natural Woodland to educate local residents of the importance of ancient woodland and their irreplaceability. For both woodlands, a planted buffer of no less than 50m should be included in order to reduce the impacts both during and after the constructional phases of the development. The erection of protective fencing and coverings to reduce the impacts of dust and associated constructional disturbance for the duration of the development. In summary, the Woodland Trust holds a standing objection to the proposed development on the grounds of disturbance to sensitive ancient woodland surrounding the site. As such, the objection will hold until the aforementioned mitigation efforts are implemented.

Cont'd

Application No: 17/0411/OUT Cont'd

Gwern y Domen Conservation Group - Object on the grounds of lack of infrastructure to support further growth; use of greenfield land outside of the settlement boundary and within a special landscape area, adjacent to a Visually Important Local Landscape, which includes rare wildflower meadows and grasslands which support a wide range of scarce species of mammals, invertebrates and birds and is widely used by the local community for walking, riding and enjoying the natural environment; detrimental impact upon ecology and biodiversity. It will represent the spread of the urban area beyond the well-defined physical edge of the established built up settlement and into open countryside to the serious detriment of the distinctive rural character of the area. There is no local need for housing when there are 555 empty properties in the Caerphilly Basin (June 2017). It will have an adverse impact on the setting of the local historic monuments. The development will increase pollution as a result of more traffic. The proposed development is premature given that the local authority are currently looking at a strategic development plan in conjunction with other local authorities.

CADW - Having considered the information provided with this planning application, they consider there to be only a very slight to moderate impact. They therefore have no objections to the impact of the proposed development on Gwern-y-Domen Castle Mound and Caerphilly Castle. There will be no impact on the registered park and garden at The Van.

The Coal Authority - The Coal Authority has no objection to the proposed development subject to the imposition of a condition or conditions to secure site investigation works prior to the commencement of the development together with remedial works where necessary.

Senior Arboricultural Officer (Trees) - The applicant has completed and submitted an Arboricultural Impact Assessment, which appears detailed and thorough. It would appear to be compiled by a suitably qualified arboricultural consultant.

Several category "A" and "B" trees have been highlighted for removal within the development. In the vicinity of the proposed main site access from the Lansbury Park Link Road to which there are no objections. Similarly there are no objection to the proposed removal of hedgerow H38 but there is objection to the removal of the oaks T98 and T164. The indicative layout suggests that both of these trees would be more or less located where new units' garden spaces would be, but in any case, the development layout should be adjusted accordingly to reflect these trees' retention, and their appropriate protection for the duration of the development.

Cont'd

Application No: 17/0411/OUT Cont'd

Other proposed tree removals are broadly acceptable within the context of the proposed landscaping concept. Should the development be granted outline consent, then a fully detailed landscaping plan shall be required.

Regarding the proposed additional planting and the woodland management plan at Maerdy Woods (covered by TPO) to the southwest of the development. This is to be welcomed, but a detailed woodland management plan should be prepared by a suitably experienced woodland agent or silvicultural consultant, in coordination with Coed Cymru as proposed as one of the Masterplan and Landscape Strategy principles of the Environmental Statement.

Principal Valuer - No comments from property, who are aware of the proposals. Access will be via land owned by this Council and the correct notice in relation to the application has been received.

Outdoor Leisure Development Officer - Given the size of the residential proposal the site should be catering for the following:

One Local Equipped Area of Play, one Neighbourhood Equipped Area of Play, one Ball court (with low level panelling & tarmac surface) and one Local Area for Play/Public Open Space.

In addition the developer should be looking to maximise connections to local cycleways and bridlepaths.

The matter of a sports pitch/pavilion has previously been discussed with the developer and from the Authority's perspective the demand on sports pitch provision is already under considerable pressure and given the scale of the development it was deemed reasonable to request the provision of a sports pitch.

Maintenance has been discussed at a previous meeting with the developers. There are very serious concerns about the developers proposals not to transfer land/assets/highways etc. It is understood that their intention is to deploy a management committee consisting of residents to look after the infrastructure including the highway network. It is generally felt that this is an unsustainable solution and fraught with unwanted liabilities and ultimately could lead to the Authority taken on the liability for the built and green infrastructure on this proposed site.

The matter of maintenance should be conditioned in a Section 106 agreement i.e. paying the Authority a commuted sum to deliver highways and ground maintenance, cleansing etc. if this is possible.

Cont'd

Application No: 17/0411/OUT Cont'd

Head Of Public Services - The authority does provide kerbside collections for refuse, recycling and green waste, with the onus on the developer to provide suitable off road storage near the proposed public highway for one 240L refuse bin, one 240L recycling bin and one food caddy per property. Collection points near the Public Highway will have to be provided for the properties with private driveways/parking areas. If roads are not adopted then the developer will be required to provide roads to an adoptable standard before the Council will collect waste bins as described above.

Wales & West Utilities - Confirm the existence of their apparatus within the vicinity of the development site and provide advice to be conveyed to the developer.

Rhondda Cynon Taf Council - Has no observations to offer in respect of the development.

Public Health Wales - Have no grounds of objection based upon the public health considerations contained within the application. They provide comments in relation to public health risk assessment and in this respect advise that the planning authority should be satisfied that the proposed sustainable transport measures will mitigate the impact predicted in the air quality management area and should consider this application in light of current and future development within the vicinity to ensure that cumulatively the development will not lead to an unacceptable deterioration of air quality. The planning authority should be satisfied that noise mitigation measures are satisfactory. Also, they recommend that all HGV movements are mindful of the school day start and end times and a speed limit is introduced on the main access road to 20 mph.

Natural Resources Wales - Permission should only be granted if conditions and a S106 obligation addressing the following are applied: financial contributions to secure ongoing habitat management; details of management and monitoring of ecological areas, and mechanisms for implementation; green infrastructure; habitat management and monitoring; Great Crested Newt Strategy; Doormouse Strategy; Bat Mitigation Strategy; drainage for amphibians; lighting; and pollution prevention.

Transportation Engineering Manager - No objection subject to conditions and S.106 agreement.

Cont'd

Application No: 17/0411/OUT Cont'd

Conservation & Design Officer - There will be only a moderate adverse impact upon the scheduled monument known as Gwern y Domen Castle Mound which is located to the NE boundary of the proposed development and in close proximity to it, and would have a slight to moderate adverse impact on the setting of the Caerphilly Castle which is at a much further distance away to the west. Neither of these impacts is considered significant. Since the development is largely centred to the north of the site, and has a natural buffer of woodland and fields between that and The Van area, there is no impact on the settings of either the cluster of three listed buildings at The Van, (Van House, The Gatehouse and Dovecote, all Grade II listed buildings) nor on settings of The Van Registered Historic Park and Garden.

Senior Engineer (Land Drainage) - It is likely that the development will require SAB approval for drainage unless an application for reserved matters approval is made before 7 January 2020. However, in the event that an application is submitted before then, a condition should be imposed requiring a comprehensive scheme of land and surface water drainage; a drainage strategy to include consideration of the impact of phasing the development; details of the implementation, management and maintenance of any sustainable drainage system for the lifetime of the development.

Rights Of Way Officer - The lines of Footpaths 6, 7, 9, 10 and 11 in the Community of Van cross the site, and Footpath 8 in the Community of Van abuts the site. All Public Rights of Way must be protected and remain open to the public at all times. Alternatively, temporary stopping up orders must be in place prior to the closure of any footpath to allow development, or the necessary diversion / extinguishment orders are to be in place prior to works affecting the routes.

However, in accordance with Welsh Government's Guidance for Local Authorities on Public Rights of Way, 'Planning Consent and the Network') although the right to divert or stop up a Public Right of Way under the Town and Country Planning Act 1990 exists, the outcome is still subject to public approval, or alternatively the decision of the Planning Inspectorate. Stopping up or extinguishing a Public Right of Way is extremely difficult, and is therefore strongly discouraged. The applicant is encouraged to create alternatives and to incorporate Public Rights of Way into the development where possible. Diversion of Public Rights of Way onto adoptable highways/footways is also strongly discouraged (s.7.9.).

The use of Temporary Traffic Regulation Orders (TTROs) to allow development to proceed on any Public Right of Way will not be permitted. A public path order must be in place prior to the existing Public Right of Way being closed (subsequent use of a TTRO on a newly diverted Public Right of Way may be permitted - the test being that the Public Right of Way can be reinstated following the six month closure.

Cont'd

Application No: 17/0411/OUT Cont'd

Following the initial application for this development, this department has received five applications for adding paths under the Wildlife and Countryside Act 1981. The developer will need to factor these into their proposals or agree alternatives with the applicants. Failure to agree at this stage will lead to a decision by the Planning Inspectorate to either confirm orders to add the paths to the Definitive Map, or not to confirm the orders. Should a path claimed under the Act be confirmed to add a path to the Definitive Map, and development has already taken place on the line - legislation exists to remove any obstruction on a Public Right of Way.

CCBC Housing Enabling Officer - The nominated housing association (HA) for this development is United Welsh Housing Association. No objections are raised, but where the property is to be purchased by the RSL as social rented housing, neither the RSL nor the tenant will be liable for the proposed service charge structure.

CCBC - 21st Century Schools - It is currently intended for this development to be allocated to the catchment area of St James. There are currently insufficient places to accommodate the number of pupils this development will generate (estimated at 136 pupils) If the development progresses the Council will need to provide additional provision at St James school, with a 4 classroom extension. There will also be a requirement for additional facilities to accommodate the extra classrooms i.e. toilets, catering and flow areas.

Ecologist - The applicant has undertaken a range of ecological surveys between 2013 and 2018 to inform the application, together with desk studies including:

Extended phase 1 surveys in 2013, 2014 and 2016

Hedgerow surveys in 2014 and 2016

Great Crested Newt Surveys in 2014 and 2017

Dormouse Surveys 2014 and 2017

Bat surveys (Trees, buildings and Foraging and Commuting surveys between 2014 and 2018)

Badger surveys 2016 and 2017

Breeding Bird, Otter, Reptiles and Invertebrate surveys 2014

Wax-cap Fungi survey 2015

Protected Sites

There are no European Designated Sites within or adjacent to the application site, the closest Special Area of Conservation (SAC) being Cardiff Beechwoods SAC, located 3.3km from the site. The development is unlikely to affect this European site.

Cont'd

Application No: 17/0411/OUT Cont'd

There are 4 Sites of Scientific Interest (SSSI) within 4 km of the site Cefn Onn SSSI, (1.7km from the site, Gwaun Gledyr SSSI, 2.7km from the site Fforest Ganol SSSI, 3.5km from the site and Ruperra Castle and Woodland SSSI 3.7km from the site). With the exception of the latter SSSI, designated for its greater horseshoe bat colony, there are no impacts on the SSSI features of these sites. With regards to Ruperra Castle and Woodland SSSI, greater horseshoe bats have been recorded in the adjacent Gwern y Domen Barn and were occasionally recorded foraging/commuting across the site. These bats may be associated with the SSSI. However, the low numbers of records for this species across the site and availability of other more valuable foraging habitat closer to the SSSI means that this development is unlikely to affect the integrity of the SSSI designation.

Two Sites of Importance for Nature Conservation (SINC) lie within the application site. Coed y Maerdy SINC lies entirely within the application site, and Caerphilly/Machen Disused Railway line overlaps the northern boundary of the application site where the proposed access road enters the site. In addition Nant Gwaun y Bara Mire abuts the S-E boundary of the Site.

The submitted outline masterplan indicates that Coed y Maerdy SINC will not be directly impacted by the proposed development, while Caerphilly/Machen Disused Railway Line SINC will result in the loss of approximately 1269m² scrub and trees from within the SINC to create an access road onto the site. The access road will have a severance effect on any species moving up and down the disused railway line. There will also be indirect impacts due to increased levels of disturbance during the construction and operational phase of the development. The applicant is proposing to enhance and undertake long term management of Coed y Maerdy SINC and part of Nant Gwaun y Bara Mire SINC, provide funding towards the management of a pond within Caerphilly/Machen Disused Railway Line SINC and to plant trees and shrubs within the application site to mitigate the impacts of the development on the SINC's. This will be sufficient mitigation for the potential impacts on the SINC's although the severance effect will still remain. The details of the management of the SINC's and measures to reduce fragmentation can be controlled through conditions. The applicant is proposing to ensure that long term management of these sites is controlled by a private management company.

Cont'd

Habitats

The habitats within the application site include a mosaic of habitat associated with Coed y Maerdy SINC (including woodland, acid grassland bracken, scrub mire and rush pasture and water courses, which together have been evaluated as of county importance. The impact on these features has been dealt with in the paragraph above. The remaining habitats on site include semi-improved grassland, some of which are species rich, and a network of hedgerows that have been evaluated as being of local value, with the remaining habitats including individual trees, scrub, bracken, marshy and acid grassland that have been assessed as being of site value. Of the semi-improved grassland there will be a loss of 12.8ha while approximately 268m of hedgerow will be lost (including one whole hedgerow length and fragmentation of 7 others to accommodate the interior road network). In order to mitigate for the loss of these habitats, it is proposed to introduce sympathetic management to the habitats within Coed y Maerdy SINC, and to the remaining grassland habitats in the east of the application site. In addition an area of 7.9ha of land outside the application boundary will also be subject to sympathetic management. It is also proposed to create 220m of new hedgerow around the perimeter of the development on the eastern edge of the application site, and thicken the hedgerows across the remaining parts of the site. The details of the management have yet to be provided and this would need to be controlled through conditions to ensure that the mitigation and enhancement will be achieved. Short term impacts are proposed to be controlled via the implementation of an Ecological Construction Method Statement which has yet to be produced. This will also need to be conditioned.

Species

There are several European Protected Species present on and adjacent to the planning application site. When planning applications are being considered that have an impact on European Protected Species, the local planning authority requires sufficient information on the impact of the development on each European Protected Species present to enable it to apply the three European tests to the proposal.

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Other Species

Surveys were undertaken for badgers, breeding birds, otters, reptiles invertebrates and wax cap fungi between 2014 and 2017. Corn Spurrey a declining arable weed was also recorded on site. Breeding birds were confirmed on site with 18 species confirmed breeding, 13 species probable breeding and 10 species possible breeding reflecting the extensive network of hedgerow trees and woodland within the application site. There were no Schedule 1 or red list species recorded on site, and retention of habitats will ensure that birds can continue to breed on site Mitigation measures to avoid clearance during the nesting period have been proposed reducing the impact on breeding birds. With regards to reptiles slow work and common lizard were recorded around the farm and the old tip and in Coed y Maerdy SINC. Mitigation measures proposed for great crested newts will minimise the impact on these species. The wax cap survey identified three species of wax cap within the development site, the low number of species confirmed that the site was not significant for this group of fungi. Surveys undertaken for the remaining species referred to above confirmed that they were not a constraint to development on this site. However it is proposed to undertake pre commencement surveys for badgers, and translocation of corn spurrey to areas unaffected by the development to minimise impact on these species.

To summarise, conditions should be imposed in respect of green infrastructure; long term habitat management; protected species; construction environmental management plan; bat and bird provision; railway line hedge; and drainage mitigation for Great Crested Newts.

Conclusion

The applicant has undertaken significant steps to minimise the impact of the development on the wildlife associated with the site, and has demonstrated that it is possible to mitigate the impacts on the majority of the habitats and species , provided that the Council enters into a Section 106 agreement to secure the enhanced management of Halt Pond for Great Crested Newts, and to provide certainty over the appropriate long term management of the retained and created habitats within the application site and within the off-site mitigation areas for the lifetime of the development.

Cont'd

Application No: 17/0411/OUT Cont'd

Landscape Architect - Although the Landscape and Visual Impact Assessment (LVIA) provides an acceptable assessment of the predicted Landscape and Visual effects, along with mitigation and the retention of the large percentage of existing hedgerows and trees unless there is an overwhelming need for residential development in this part of the borough, the outline application should be refused. This is due to the significant incursion this large scale urban development will make into the South Caerphilly Special Landscape Area (SLA) and its undeveloped green space rising from the valley floor upwards towards Caerphilly Common. However, if planning approval is granted conditions should be attached to any consent requiring a detailed Environmental Master Plan (developed into a Construction Environmental Master Plan) to ensure proposed and existing vegetation is not compromised; further landscaping details; details on architectural materials and colours, boundary treatments both hard and soft, palette of street furniture including lighting and hard landscaping materials; a scheme for the management and future maintenance of landscaped areas; advance perimeter planting to be carried out in the first planting season, on possession of the site, where possible, as this will enable planting to establish before the site is occupied; and finally further details will be required relating to proposed predicted night-time light levels which ensure prevention of light pollution and overspill into the adjacent darker SLA. He comments that an extension of the existing Green Wedge S11.22 (Bedwas and Caerphilly) should be seriously considered to add a layer of protection to that part of the SLA to the north of the Old Railway Line if the development is approved.

The Coal Authority recommends that the LPA impose a planning condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat any of the recorded mine entries or areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

Dwr Cymru - No objection subject to recommended conditions and advisory notes. They confirm that the site is crossed by a water main and that the developer must consult DCWW before any development commences. They confirm that the only potable water connection for the development site shall be allowed to connect to the public potable water network at the 9" diameter water main in Caerphilly Road unless another point of connection from the public water supply network is identified by a hydraulic modelling assessment to be submitted and approved by the local planning authority. This may be addressed by attaching an appropriate condition to any consent together with a condition relating to the disposal of foul, surface and land water drainage.

Cont'd

Application No: 17/0411/OUT Cont'd

Glam/Gwent Archaeological Trust - The proposal will require archaeological mitigation and as such appropriate conditions are requested to be attached to any consent to identify and record features of archaeological interest discovered during the works in order to mitigate the impact of the works on the archaeological resource. They also provide advice to be conveyed to the developer in respect of the same.

Head Of Public Protection - No objections subject to conditions concerning contamination and the control of noise and dust during construction. Further conditions are recommended to require air quality mitigation if the traffic levels are higher than shown in the submitted traffic assessment, and requiring the provision of at least 50% of the units to have electric car charging points.

Strategic & Development Plans - Section 38(6) of the 2004 Planning & Compulsory Purchase Act requires a decision on this proposal to be made in accordance with the development plan unless material considerations indicate otherwise. The Adopted Caerphilly County Borough Local Development Plan up to 2021 is the development plan for purpose of Section 38(6). The proposal is clearly contrary to the adopted development plan.

It remains the position that the eastward expansion that would result from the development of this site would breach a long standing defensible boundary and would be a total reversal of the Adopted LDP Strategy restricting development to previously developed land. In this context the site would represent a significant departure from the Adopted Plan, as the proposed development is for residential development on a very large greenfield site outside of settlement boundaries.

Furthermore, the proposed development would also be contrary to policies CW5 and CW15 that seek to prevent inappropriate development in the countryside, and the proposed development will have adverse impacts on the Special Landscape Area within which the site is located, and adverse impacts on the SINCs that are present on the site.

However, the proposal would constitute sustainable development being located in close proximity to the residential areas of Lansbury Park, Mornington Meadows and to the Principal Town Centre of Caerphilly with its associated range of services, facilities and excellent public transport. It would also contribute a minimum of 12% affordable housing (and potentially additional units over and above this) in an area of high affordable housing need.

Cont'd

Application No: 17/0411/OUT Cont'd

Notwithstanding the above, there remains a considerable shortfall in the housing land supply, with only 2.0 years land supply available. The housing requirement will not be met by the end of the plan period and there is no Review of the LDP that is likely to address this in the short term. Significant weight should be applied to the lack of a 5 year land supply and, on balance, it is considered that the contribution of housing, including affordable housing, in a sustainable location would outweigh the other policy concerns. On this basis, there is no policy objection to this proposal.

The District Valuer has suggested that a condition be attached to the consent to identify a timescale for delivery, which if not met would trigger a viability review.

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Extent of advertisement: The application has been advertised in the press, in various locations around the periphery of the site and 548 neighbour consultation letters have been sent out. A similar consultation exercise was undertaken following the receipt of further information in July 2018, with further consultation carried out in June and July 2019.

Response: At the time of report preparation approximately 2600 objections had been received in total over those three consultation periods.

Settlement Boundary

- Not in accordance with Local Development Plan vision.
- Site lies outside of the defined settlement boundary. Only infilling or minor amendments are suitable by PPW. This application does not meet these requirements.
- Development in an SLA adjacent to a Visually Important Local Landscape. Caerphilly's character is defined by the surrounding landscape.
- Inspector in 2009 stated that 'the development of Gwern y Domen would represent the spread of the urban area beyond the well drafted physical edge of the established built up settlement and into countryside to the serious detriment of the character and appearance of these rural surroundings.'
- Council rejected the site in 2009 because of its detrimental impacts on the countryside including ecology and landscape.
- Site scored lowest when assessed as a candidate site as part of the withdrawn Local Development Plan review.
- Not a logical extension - other side of a bypass of residential and commercial units.
- It represents a linear extension to an existing settlement which is not acceptable in planning terms nor in accordance with Planning Policy Wales
- Devastation of rural community of Rudry.
- Contrary to LDP policy SP20.

Cont'd

Housing

- No local need for development in the Caerphilly Basin. It is estimated that there are between 2843 and 2934 empty properties in the borough, 486 to 800 of which are in Caerphilly Basin.
- There are sufficient sites already with the benefit of planning permission to enable the Caerphilly basin area to meet its predicted housing needs well beyond 2031. The need in the borough to that date is 6000 dwellings, or some 300 units per year from 2011.
- Public Policy Institute Paper 'Future Need and Demand for Housing in Wales' (2015) concludes that only 5700 houses needed in CCBC from 2011 to 2031.
- Allocations in the borough are sufficient until 2038
- Housing at Pandy Road, Hendredenny and Virginia Park will improve the Council's five-year housing land supply.
- Paragraph 6.2 of Welsh Government Technical Advice Note 1 has been disapplied, and so reference to the five year land supply should not carry any weight with this application.
- The reason for that disapplication was to alleviate the immediate pressures on LPAs when dealing with speculative planning applications for housing and to allow them the capacity to focus on plan preparation and review, the very circumstances currently being experienced by Caerphilly County Borough Council. The Local Planning Authority must be in a strong position to challenge the methodology in TAN 1.
- PPW 10 emphasises the importance of the plan-led system and the priority given to previously developed land and land within settlements. Sites in the open countryside should only be considered in exceptional circumstances.
- A speculative development of 618 houses would be a major housing development on a greenfield site should only properly be released through the development plan process.
- Caerphilly becoming a suburb of Cardiff. No need to accommodate other boroughs' housing needs now Cardiff is developing 40,000 homes.
- House building should happen further away from the centre in better, less green spaces. People need to understand that not everyone can live so close to the town centre.
- Housing figures in replacement LDP were over exaggerated and seriously flawed.
- Houses not wanted or needed to meet organic growth of the area.
- Affordable housing is needed - however limited affordable housing proposed
- Area already seen high volume of house building in the SCC. Development should take place elsewhere.
- The proposals fall way short of the Council's 40 per cent affordable housing target.
- 618 houses adds 35% to the local community.

Cont'd

Application No: 17/0411/OUT Cont'd

Brownfield Sites

- Enough brownfield land for another 2,000 houses which represents a 10 year supply for the Caerphilly basin area based on above average build rates.
- PPW states that all other options should be considered before developing greenfield land.
- Develop brownfield sites before greenfield. There are enough Brownfield sites with planning permission that need developing and housing need can be accommodated there.

Greenfield sites

- These should be preserved for future generations.
- Strongly believe green belts should be protected.
- Against LDP policy to build on greenfield site.

Natural Heritage

- Loss of important biodiversity in the area including an ancient woodland. It is home to rare wildflower meadows, bubbling brooks, ponds, rolling hills, woodland and lots of wildlife like buzzards and newts which would lose their home. Site is an SSSI.
- No amount of landscaping could replace the natural importance found on Gwern y Domen.
- The application site is an incursion into a long established Special Landscape Area and the overall form and massing of the proposals does not reflect the rural character of the area nor that of any existing patterns of development.
- Area of outstanding beauty.
- Site should be designated SSSI.
- Site includes and is adjacent to SINC's.
- More trees should be planted, not removed.
- Site did not score well on sustainability appraisal.
- Very old ash and oak trees on site (600 years old).
- Ancient boundary hedges and trees would be affected.
- There would be a 46% loss of habitat.

Highways and Transportation

- Development will result in unacceptable levels of additional traffic (potentially 100 cars) on the strategic highway network of the Caerphilly Basin which operates at capacity during peak periods, thereby aggravating existing congestion problems.
- 2011 census shows that 37.8% of the households in the St James's ward had one car, 21.5% had two, and 7.6% three or more.
- Only one entrance onto site. Link road will become more congested.

Cont'd

Application No: 17/0411/OUT Cont'd

- Insufficient infrastructure to cope with additional dwellings (road and rail).
- Investment needed on highway infrastructure.
- It doesn't help to promote sustainable modes of transport, and compact settlement patterns that are intended to help avoid sprawl and support a more sustainable, resource efficient and less polluting built environment going forward.
- The site is 20 minutes walk from a surgery and 30 minutes from the station.
- Parking is limited.
- Bedwas Roundabout unable to cope with current demands.
- Transport links and sustainable travel are important. It's considered the development will be served by public transport, but this assertion is highly disputable. The majority of houses will not be within walking distance of the suggested bus stops and Caerphilly, Aber and Energlyn railway stations cannot be accessed easily without a car. Therefore it is difficult to argue this application promotes any kind of sustainable transport.
- Proposal does not include any new public transport infrastructure.
- Roundabout at Van Road already difficult to cross - situation will become worse.
- This development will be used as support for the Caerphilly South-Eastern By-Pass, which is a very divisive issue in the locality.
- Lanes unable to cope with additional traffic.
- Mountain road unable to deal with additional traffic.
- Development will lead to a 40% increase in traffic in the area.
- Busier roads would be less attractive to cyclists, horse riders and cyclists, and more road noise and particulate emissions would impact on the health and wellbeing of pedestrians, particularly in the town centre.
- The Transport Assessment Report notes that 76% of the St James Ward and 80% of the nearby Morgan Jones ward residents use a vehicle to get back and forth to work and only 2% use a bicycle. Therefore any further increase would bring the road network to a standstill and increase air pollution.
- Recently approved housing developments at Virginia Park and Hendredenny will put pressure on already stretched public services, making congestion and air pollution even worse.

Social infrastructure

- Insufficient social infrastructure to deal with development.
- No cinemas in Caerphilly.
- Lack of space in schools in Caerphilly and Rudry 100 extra children (low estimate).
- Educational attainment will decline as a result of the development.
- There is not the capacity at the doctor/dentist surgeries to take on potentially 1500 extra patients.

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Application No: 17/0411/OUT Cont'd

Open Spaces and Leisure

- Site close to town centre and is used recreationally for walking, horse riding and countryside enjoyment, especially for those who cannot afford it.
- General wellbeing will deteriorate (both mentally and physically). This would be contrary to Wellbeing and Future generations act.
- Loss of the site would lead to horse riders having to use unsafe roads. No provision for horse riders.
- Would lead to a loss of basic human right of people to use bridle paths.
- Caerphilly has lost most of its open spaces. Soon there will be none left.
- Not enough greenspaces left within close proximity of the centre.
- Site allocated as a golf course.
- Site adjoins Lansbury Park - fields act as natural playground.
- Claims have been made for five public rights of way across the site.

Pollution

- Development will increase pollution in the Caerphilly area at the detriment of health.
- Parts of Caerphilly Town centre are already subject to Air Quality Action Plans. By approving this development the Council would be acting contrary to its aim of improving air quality in the borough - the proposed development lacks access to public transport and the available evidence in the developers own documentation demonstrates that the distance from the development to transport hubs is likely to result in a significant increase in traffic in the local area. There is no substantive evidence that the developers' cycle routes / walking routes will mitigate the impact.
- Open land helps maintain the air quality in the area.
- Caerphilly basin is asthma capital of Wales.
- Noise pollution will rise.
- Light pollution will rise.
- Dust pollution will increase.
- Caerphilly County Borough Council have supported the Climate Emergency and committed to reach net zero carbon by 2030, some 20 years ahead of the UK Government's recently announced target.

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Application No: 17/0411/OUT Cont'd

Historic Environment

- Negative impact on the setting of local historic monuments including Gwern y Domen Castle Mound, Van Mansion and Caerphilly Castle.
- Sections 66 and 72 of the Listed Building Act 1990 should be addressed. They respectively state:
 - "In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." And
 - "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions [in the Planning Acts] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
- Case law indicates that where development would cause harm to heritage assets, there should be a rigorous assessment of potential alternatives.
- The Council aims to promote Caerphilly town and the castle as a premier tourist attraction. Knowingly increasing traffic congestion, noise and emissions is directly contrary to these aims.

Drainage

- Green areas promote natural drainage. More flooding will occur if developed.
- Land contours already present issues with drainage. Currently land cannot always allow for absorption of water resulting in flooding to adjacent fields and properties
- SA/SEA
- Site has the most detrimental environmental and ecological impact in terms of the CCBC's SA.

General

- Proposal is premature pending the adoption of a Strategic Development Plan.
- Over-development in Caerphilly will be at the cost of the northern part of the borough.
- Impact on human rights.
- Land is marshy and unsuitable for development.
- Application lacks honesty and integrity and does not support the existing community of St James' ward and Caerphilly Basin.

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Application No: 17/0411/OUT Cont'd

- Title of application does not indicate the number of houses.
- Development of this site does not meet several LDP key objectives and policies.
- Development of this site does not meet several PPW policies and objectives.
- People love Caerphilly due to its green spaces.
- Site should be developed as a tourist attraction.
- There is enough land further up the valleys for development.
- Development will not bring benefit to community.
- Growth such as this not good for the area.
- Materially change the character of Caerphilly.
- Land can and should be used for farming.
- Caerphilly will not benefit from this development.
- Stop building industrial units and retail units that are unoccupied. Housing developments should go there.
- House prices will reduce disadvantaging homeowners that are not in a position to take a financial loss.
- Crime has increased and loss of community feeling.
- The LDP did not go through regarding the bypass on Caerphilly Mountain clearly indicating the view of the residents in Caerphilly to keep more greenery within Caerphilly. This proposed building seems to override the concerns of the people who live in this town, and this was the part of the proposed plan that was declined.
- Caerphilly overcrowded.
- The poor condition of housing association housing land: rubbish left for six months, fires burning all night long. Landlords leaving garages to go to rack and ruin on Mornington Meadows, and another sink estate is proposed next door. Why not build small plots of 10 or 12 throughout the whole valley.
- Concerns regarding trespass on property.
- Concerns about protection of the bridge and stream that runs behind property (Branch Cottage).
- LDP needs to be sorted before planning permission is given to 600+ houses.
- We should be encouraging rural businesses to prosper, rather than selling off land as the only easy profitable way, unnecessarily increasing urban areas.
- Scheme does not contribute to tackling climate change.
- 18000 more adults in the borough than jobs as a result of the rapid extension in the 80's and 90's.

Caerphilly Town Centre

- Regeneration of Caerphilly Town centre needed.
- Demise of Caerphilly Town centre down to planners.
- Caerphilly Town centre not fit to accommodate needs of additional dwellings.

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Application No: 17/0411/OUT Cont'd

Well-being of Future Generations (Wales) Act 2015

- One of the goals of the Act is 'A Healthier Wales'. This is defined as, 'A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.'
- This Act states that: 'Each public body must carry out sustainable development. The action a public body takes in carrying out sustainable development must include: setting and publishing objectives ("well-being objectives") that are designed to maximise its contribution to achieving each of the well-being goals, and taking all reasonable steps (in exercising its functions) to meet those objectives.'
- Not aware that any well-being objectives have been made public nor has consideration been given to the well-being objectives. Furthermore the development will do nothing to enhance the physical and mental well-being of future generations. The beauty of the natural landscape needs to be protected for future generations to enjoy.
- Sceptical that this development will create jobs and better access to housing (Prosperous Wales).
- The development won't result in a Healthier Wales.

Caerphilly Basin Masterplan objectives

- Support the development of housing, including affordable housing, together with the necessary infrastructure on previously developed land and in sustainable locations within settlements - identify key residential opportunities that can be unlocked on brownfield sites and other sites that accord with planning policy, including as part of mixed use developments.
- Gwern y Domen is not a brownfield site nor is it sustainable. I would also be interested to read the planning policy and how this accords with it.
- Support and protect the natural environment and heritage of the area protecting and enhancing important landscapes, which provide the setting for the Caerphilly Basin, and the rich and varied heritage of the area, and making the most of the opportunities that they provide. The council's emerging Green Infrastructure Strategy will provide the basis such proposals.
- The proposals totally destroy a beautiful part of the natural landscape which is a haven for many protected species (see below). The proposed development totally ignores the protection and enhancement of the landscape.
- Ensure all of Caerphilly's communities are able to engage and benefit from the Masterplan - ensure that the proposals identified in the Masterplan have positive outputs for those that are living in the most deprived communities in Caerphilly Basin, particularly Lansbury Park, and that these residents can engage in the process.

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Application No: 17/0411/OUT Cont'd

- There has been no engagement with the local community on this particular development. Residents are left feeling confused and angry that they are being ignored and left out of the loop. There is no positive output for those living in Lansbury Park and the proposal only serves to degrade their quality of life further. They will lose the valuable countryside on their doorstep, leaving them with less opportunity to easily get out into the fresh air and exercise. Enjoying the countryside is considered important for maintaining mental health and general well-being.
- The Masterplan acknowledges that there is development pressure on a number of greenfield sites in the Caerphilly Basin. The suitability of each site will need to be considered on its merits, having regard to all material planning considerations, including the sustainability of the location and the need to increase the housing land supply.
- It would be interesting to know the processes behind the consideration that this is a suitable site. Could the report be made public that states this site is appropriate for development and the rationale behind this?

Impacts on Gwern y Domen

- A site visit is requested.
- Loss of amenity as the existing house will be surrounded by development which will generate traffic, lighting, noise and disturbance which would fundamentally and detrimentally change and disrupt the quiet enjoyment of their property by the occupants.
- Case law indicates that the personal circumstances of the occupants are a material planning consideration, and that Article 8 of the European Convention on Human Rights which entitles a person to have the right to respect for their private life and family life and their home is a material planning consideration.
- Health impacts of increased air pollution. PPW 10 advises that the planning system is preventative and should maximise its contribution to achieving a healthier Wales by aiming to reduce average population exposure to air (and noise) pollution. It adds that the planning system must consider the long term effects of current and predicted levels of air pollution on individuals, society and the environment.
- The Environmental Assessment does not adequately cover this issue. This is also an Article 8 matter.
- The occupants have suffered considerable distress because of apparent alterations to the water levels on the application site which appear to be the result of bore hole drilling leading to flooding and structural damage to their property. The ES does not address this issue.

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Application No: 17/0411/OUT Cont'd

The local Assembly Member has objected to the scheme, on in summary the following grounds:

- The application does not assist the LPA in meeting Welsh Government policy to see greenfield development 'avoided wherever possible'. - Brownfield sites have been permitted without opposition e.g. the Catnic site
- Playing fields and open space should be protected from development.
- Appeal decisions at Hendredenny and Pandy Road have allowed 560 dwellings on greenfield sites.
- The additional 350 houses at Virginia Park will contribute to the five-year land supply.
- The dis-application of paragraph 6.2 of TAN1.
- An ecological survey report for the Gwern y Domen Conservation Group in March 2015 found that the proposals are likely to result in a direct loss of very extensive areas of mature trees over pasture, hedgerows, scrub and ruderal herbs, which are considered to be potentially high value to nature conservation and biodiversity. This may result in significant losses of habitat for a number of protected and / or priority species, and diverse assemblages of species.
- 40% affordable housing is proposed, but that will be watered down at construction phase.
- Transport links and sustainable travel are important. The majority of houses will not be within walking distance of the suggested bus stops and Caerphilly, Aber and Energlyn railway stations cannot be accessed easily without a car. Therefore it is difficult to argue this application promotes any kind of sustainable transport.
- This development will add traffic at peak commute times.
- This application is premature, given the ongoing discussion with regard to joint planning and the preparation of an SDP.
- The Welsh Government is taking steps to develop regional economic strategies for areas of the northern valleys and if this application were approved, it would significantly undermine that approach.

The local MP has objected, in summary, on the following grounds:

- pressure on infrastructure.
- loss of rural character.
- increased traffic on local roads, aggravated by other housing developments in the locality.
- loss of biodiversity.
- number of dwellings proposed is unclear, and would impact on the amount of affordable housing.
- concern about the offer of affordable housing to a number of RSLs and CCBC.
- housing congestion in Caerphilly Basin should be resisted.

Cont'd

Application No: 17/0411/OUT Cont'd

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? Authority to do all it reasonably can to prevent crime and disorder in its area? This is a residential development, and it is not considered that this issue should be given significant weight in the determination of this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes

There are several European Protected Species present on and adjacent to the planning application site. When planning applications are being considered that have an impact on European Protected Species, the local planning authority requires sufficient information on the impact of the development on each European Protected Species present to enable it to apply the three European tests to the proposal, which are as follows:

Test i). The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Test ii). There is no satisfactory alternative, and

Test iii). The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

In the case of this application this relates to great crested newt and dormouse and the following bat species - common pipistrelle, soprano pipistrelle, brown long-eared, greater horseshoe, noctule, serotine/Leisler's, and myotis bats, which have all been recorded on or adjacent to the site. These will be dealt with under the following 3 main headings.

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Great Crested Newts

Great crested newts have been recorded during surveys undertaken in 2014 and 2017. Three of 4 ponds on the eastern edge of the proposed application site were confirmed as supporting great crested newts, which they are likely to use for breeding. One pond has historically been confirmed as a breeding pond and a second pond was confirmed as a breeding pond by the applicant's surveyors. There are no ponds within the application site that support this species, however, terrestrial habitat suitable for this species is present on the application site. Great crested newts will spend much of their life foraging in terrestrial habitat. Core terrestrial habitat is defined as suitable habitat within 50m of a breeding pond, while intermediate habitat occurs between 50 and 250m from a site, the area between 250 and 500m from a pond will also be used by lower numbers of newts. The outline Great Crested Newt Mitigation Strategy has identified that no terrestrial habitat will be permanently lost within 50m of the breeding ponds, but 4.4 ha of habitat between 50m and 250m of the ponds will be permanently lost and 7.4 ha of habitat between 250m and 500m of the ponds will also be permanently lost. Impacts on this species are likely to arise via killing, injuring and disturbance during clearance of the site together with possible impacts on water quality on one breeding pond, direct losses of terrestrial habitat and fragmentation of habitat. Killing, damage and disturbance is also likely to occur during the operational phase of the development due to lighting, noise, vehicular movement insensitive drainage features, and predation by cats.

Mitigation for the impacts on this species includes the retention and management of remaining suitable habitat within the application site including species rich grasslands in the east of the application site and hedgerow networks throughout the site. The creation of new terrestrial habitat in the attenuation basins, supplementary seeding and grassland translocation where appropriate, creation of hibernacula and refugia, and creation and enhancement of hedgerows within the 250m and 500m radius of the breeding ponds. It is also proposed to create a new pond suitable for breeding great crested newts in an off-site ecological mitigation area within 500m of the existing ponds, and long term management of on site and off site retained habitat. An offer of funding towards management of the adjacent breeding pond (Pond 1) has also been offered. Whilst this creation of new breeding habitat and offer of management of the existing Pond 1 is to be welcomed, the mitigation proposed will still result in a net loss of 3.1ha of terrestrial habitat. Whilst enhanced management of the remaining habitat may compensate for the loss of this habitat, this will only be sufficient if the retained habitats have been enhanced and are in suitable condition, prior to the commencement of habitat removal from the development site.

Cont'd

Application No: 17/0411/OUT Cont'd

Natural Resources Wales expressed concern in their response dated 15th August 2018 that only part of the terrestrial habitat for great crested newts was proposed to be enhanced (the north eastern part of Field 13) prior to removal of newt terrestrial habitat, and it was not clear if this would have achieved suitable condition prior to vegetation clearance of the development area. The submitted Ecological Consultation Response Note has confirmed that in addition to Field F13, compensatory habitat measures are proposed in fields F1, F2 and F4 and along the reinforced southern boundary prior to commencement of development works. Achievement of suitable condition requires both creation of refugia for great crested newts as well as creating a more diverse structure and diversity of species within the retained grassland areas and establishment of hedgerows and tree lines to create better foraging conditions. The current proposals are reliant on longer term post development management to achieve suitable enhanced condition to mitigate the loss of terrestrial habitat from beneath the development footprint. Based on this scenario, there would be a short term detrimental impact on the conservation of the species. If the details of this enhancement work outside of the development area is submitted together with a timetable for implementation for agreement with the local authority and management works commenced over sufficient time prior to site clearance to achieve suitable enhanced condition for great crested newts, it may be possible to ensure the conservation status of the species is not affected. Natural Resources for Wales have also stated in their response dated 1 February 2019 that a suitably worded condition could address the final detail and requirement for the habitat to be retained, enhanced, created and managed ahead of development. And that longer term post development management and monitoring should be secured via a Section 106 planning obligation.

Subject to the above measures being in place it may be possible carry out the three European Tests with respect to Great Crested Newts.

Test i). The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment. - For this test it will need to be considered whether the provision of 618 houses is of overriding public interest. This matter will effectively be considered in the conclusion to this report.

Test ii). There is no satisfactory alternative, - For this test it will be necessary to consider if there are any alternative sites that could provide this housing provision. There are sites that would accommodate housing, but they are not becoming available in a manner that would fulfil the need to have a five-year housing land supply.

Cont'd

Application No: 17/0411/OUT Cont'd

Test iii). The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. - There are no ponds within the application site that support Great Crested Newt, however, the presence of breeding ponds nearby and terrestrial habitat suitable for this species present on the application site means that without mitigation the development will be detrimental to the favourable conservation status of the species. Proposed mitigation includes the retention, management and enhancement of remaining suitable habitat within the application site including species rich grasslands and hedgerow networks, and off site mitigation including enhanced management of an existing breeding pond, creation of a new pond and long term management of on site and off site terrestrial habitat. On site and off site habitats will be in place in suitable condition prior to commencement of development, and the details of their initial management, phasing, long term management and financial obligations will be controlled through appropriately worded conditions and a Section 106 agreement. These measures will ensure that the favourable conservation status of great crested newts will not be affected by the proposals.

Dormouse

The site was surveyed for dormouse during surveys undertaken in 2014 and 2017. A total of 7 dormouse nests were identified in 2014 and 5 dormice were recorded in 2017 in hedgerows across the application site. The habitats of value for dormice on the application site are connected areas of woodland, trees and scrub. The assessment of the value of the dormouse population on the application site was considered to be of county importance. The proposed development will result in 6% of the woodland/tree/scrub habitats on site a potential for disturbance, injury and killing during pre-construction and construction phases, and increased disturbance, injury and killing during the operational phase of the development. A dormouse mitigation strategy has been submitted that proposes to retain the hedgerows where dormouse have been recorded, to enhance retained hedgerows by widening existing hedgerows internally creating new hedgerows and enhancing hedgerows on the southern boundary of the site. The loss gain ration is 1:3. In August 2018, Natural Resources Wales were of the opinion that more robust vegetated corridors for dormice were needed particularly on the northern and southern boundaries of the site, the proximity of curtilages to dormouse habitats was also a concern, in conjunction with increased pressures on habitats adjacent to residential development. The applicant has submitted additional details on the widths of the vegetated corridors in their Ecological consultation response submitted on the 7th January 2019, and NRW are satisfied in their letter dated 1st February 2019 that these are acceptable subject to infill planting on areas of grassland on the northern boundary, the establishment of green infrastructure to be in place prior to commencement of development, and securing the implementation of mitigation and compensation through conditions and a Section 106 agreement.

Cont'd

Application No: 17/0411/OUT Cont'd

Subject to the above measures being in place it may be possible carry out the three European Tests with respect to Dormice.

Test i). The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment. - For this test it will be necessary to consider whether the provision of 618 houses is of overriding public interest. This matter will be effectively considered in the conclusion to this report.

Test ii). There is no satisfactory alternative, - For this test it will be necessary to consider if there are any alternative sites that could provide this housing provision. There are sites that could accommodate housing but they are not becoming available in a manner that would fulfil the need to have a five-year land supply.

Test iii). The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. - Dormouse have been confirmed to be present within hedgerows across the application site, The proposed development will result in a 6% loss of the woodland/tree/scrub habitats on site, a potential for disturbance, injury and killing during pre-construction and construction phases, and increased disturbance, injury and killing during the operational phase of the development. In the absence of mitigation there will be a detrimental impact on the conservation status of the dormice in the area. An outline Dormouse Mitigation Strategy has been submitted dated June 2018 including, establishment of new and enhancement of retained hedgerows, clearance methods to minimise disturbance to dormice and, long term management of retained and new habitats and monitoring of species and habitats. These proposals together with the application of conditions and a Section 106 agreement to secure the implementation of mitigation and compensation, will ensure that there is no detriment to the favourable conservation status of the species.

Bats

A series of bat surveys have been undertaken on trees within the application site, buildings around Gwern y Domen Farm and foraging and commuting surveys across the application site between 2014 and 2018. The Tree survey in 2014 identified 4 trees to have high potential for bats and 9 of moderate potential. This was revised by the 2018 survey which identified 1 tree to be of high potential for bats and 6 to be of moderate potential. The high potential tree T137 will be lost as a result of the development and although no bats were observed leaving or entering the tree it will require a European derogation licence to remove it. Mitigation for the loss of these trees includes the provision of new roost features on remaining trees within the application site.

Cont'd

Application No: 17/0411/OUT Cont'd

Although not part of the site, due to the proximity of potentially suitable buildings around Gwern y Domen Farm, emergence surveys were undertaken and the buildings were confirmed to support 1 brown long-eared bat maternity roost, and a day roost for common pipistrelle bats and a night perch for brown long-eared bats and greater horse shoe bats. Although these roosts will not be lost as part of the development, the foraging habitat will be affected, and there will be indirect impacts relating to lighting. Mitigation proposed includes the thickening of hedgerows particularly around the farm house and along key corridors leading to and away from the buildings and control of lighting along these and other key routes. The outline bat mitigation strategy together with appropriately worded conditions to secure the implementation of the bat mitigation strategy, green infrastructure, landscape proposals and the submission of detailed lighting proposals will ensure that sufficient details have/will be provided to satisfy the third European Test for these protected species. The first and second tests are addressed in the same manner as set out for the other protected species.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? The application is for residential development and as such if granted it would be liable to pay the Community Infrastructure Levy. Caerphilly lies within the High Viability Area and as such general market housing is liable to pay £40 per square metre (index linked). This matter will be worked out at the reserved matters stage if outline consent is granted, when the size of the dwellings is known.

ANALYSIS

Policies: The application site is a greenfield site located in the Southern Connections Corridor (SCC) located on the eastern edge of Caerphilly.

Policy SP3 (Development Strategy (SCC)) requires development proposals within the SCC to promote sustainable development. Specifically proposals in this area should: be targeted to previously developed land within settlement limits in the first instance; reduce car borne trips by promoting more sustainable modes of travel; make the most efficient use of existing infrastructure; have regard to the social and economic function of the area; and protect the natural heritage from inappropriate forms of development.

The proposal is contrary to the brownfield strategy for the SCC. However, the proposal would constitute sustainable development being located in close proximity to the residential areas of Lansbury Park, Mornington Meadows and to the Principal Town Centre of Caerphilly with its associated range of services, facilities and public transport. The proposal also includes a number of sustainable travel measures.

Cont'd

Application No: 17/0411/OUT Cont'd

In terms of the role and function of the area, the Strategy defines Caerphilly as a Principal Town within the SCC, based on its role as a provider of retail and other services and as an area that provides significant employment opportunities. The Principal Towns are also the areas that are targeted for new residential development given their position in the settlement hierarchy as defined by Policy SP4 (Settlement Strategy).

Policy SP3 also requires development in the SCC to protect the natural heritage from inappropriate forms of development. Housing at this location would be considered to be inappropriate development in the countryside (Policy CW15 refers). Clearly, there is likely to be a significant impact on natural heritage features as a consequence of any development at this location and satisfactory mitigation would be needed to make any development at this location acceptable in terms of Policy SP3.

Policy SP5 (Settlement Boundaries) is the key policy mechanism for achieving resource efficient settlements within the LDP. The delineation of the settlement boundary defines the area within which development would normally be allowed, taking into account material planning considerations. In the SCC it also promotes the full and effective use of urban land and concentrates development on previously used land within existing settlements. The site is greenfield and falls outside but immediately to the east of the settlement boundary of Caerphilly. Therefore the application is contrary to Policy SP5 of the Adopted LDP. Policy CW15 General Locational Constraints specifies the type of development that will be permitted outside of the settlement boundary. The proposal is for housing and this type of development cannot meet the provisions of that policy.

In line with national planning policy, SP6 (Place Making) requires development proposals to contribute to the creation of sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features. In particular, there are a number of designated heritage assets within the zone of influence of the site, notably Caerphilly Castle, the Van Registered Park and Garden and Gwern y Domen scheduled ancient monument. The development is sufficiently remote from those heritage assets not to harm their setting or character. The other placemaking aspects of policy SP6 could be secured at the reserved matter stage if outline planning permission were granted. It requires new development to incorporate resource efficiency and passive solar gain through layout, materials, construction techniques, water conservation and the where appropriate through the use of Sustainable Urban Drainage. The latter will now be achieved largely through the need for SAB approval.

Cont'd

Application No: 17/0411/OUT Cont'd

Given the location of this site on the edge of settlement, it is suggested that the introduction of a comprehensive landscaping scheme which protects existing trees and natural features and which introduces new natural features into the scheme would serve to enhance and integrate the development into the wider landscape in the long term.

Policy SP7 (Planning Obligations) recognises that new development has the potential to increase pressure on existing community facilities and as such requires the developer to enter into Planning Obligations to mitigate the effect of that development. In the context of this proposal, the Council should seek to secure the provision of appropriate on site formal and informal open and leisure space, infrastructure improvements to facilitate walking and cycling, the provision of 40% affordable housing, and nature conservation matters.

The site is within a mineral safeguarding area (Policy SP8 (Minerals Safeguarding)), and Policy CW22 (Locational Constraints Minerals) requires proposals for permanent development that impact on minerals safeguarding areas to meet specified tests as laid out in the policy. The whole of the site is within a safeguarded sandstone area, whilst parts of the site are within an identified safeguarded coal area. However, it is highly unlikely that planning permission would be granted for any form of quarry in this location bearing in mind its proximity to the residential properties, listed building, SINC's and the SLA.

Policy SP10 (Conservation of Natural Heritage) recognises the natural heritage as a positive asset that enriches people's quality of life, and that the Council will protect, conserve, enhance and manage this asset in the consideration of all development proposals. Clearly, there is likely to be an impact on natural heritage features as a consequence of any development at this location and satisfactory mitigation would be needed to make any development at this location acceptable. After discussion between the developers, the Council's ecologist, and NRW, the scheme has been amended in a manner that now makes it acceptable in this respect.

The application site lies within a Special Landscape Area referred to as NH1.5 South Caerphilly. Policy NH1 of the LDP states SLAs will be protected, the supporting text explains SLAs are local non-statutory designations which seek to protect areas exhibiting distinctive features and characteristics which will be protected from development which harms these features and characteristics (Policy CW4). The development of the application site would inevitably erode part of the Special Landscape Area, and in that respect the Council's Landscape Architect has objected in the terms set out above.

Cont'd

Application No: 17/0411/OUT Cont'd

The site comprises two Sites of Importance for Nature Conservation, namely NH3.168 Coed y Maerdy and NH3.170 Caerphilly / Machen Disused Railway. Development will normally be allowed where it would not cause unacceptable harm to the particular features of the SINC (Policy CW4). Where harm is unavoidable it should be minimised by effective mitigation measures to ensure that there is no reduction in the overall nature conservation value of the area or feature/s. The proposal has had due regard to the presence of the two SINC's on site. Nature conservation issues have been adequately addressed.

Policy SP14 (Total Housing Requirements) makes provision for 10,269 dwellings for the 15-year period 2006 to 2021. This represents 1,644 (19%) residential units more than the 8,625 units required to meet the dwelling housing requirement identified for the plan period. The 19% over-allocation allows for flexibility and choice in recognition of the fact that not all sites will be developed. TAN 1 seeks to ensure that there is a genuine 5-year land supply available, and thus categorises sites to indicate those that can be included within the 5 year land supply. Using this method of calculation the 2018 Joint Housing Land Assessment Study (JHLAS) indicated that there was only 2.3 years supply available. This is expected to reduce to 2.0 years in the 2019 JHLAS.

The TAN would have given this matter considerable weight, but in July 2018 the Welsh Government Minister advised that, "As a result of the current housing land supply position across Wales some Local Planning Authorities are receiving speculative applications for housing on sites not allocated for development in LDPs. This is generating uncertainty for communities and is to the detriment of the plan-led system. Therefore, in support of the review and to alleviate some of the immediate pressure on LPAs, I have decided to dis-apply paragraph 6.2 of Technical Advice Note (TAN1), Joint Housing Land Availability Studies, following the consultation on this matter. This removes the paragraph which refers to attaching considerable weight to the lack of a 5 year housing land supply as a material consideration in determining planning applications for housing.

"As a result of the dis-application of paragraph 6.2 of TAN1, it will be a matter for decision makers to determine the weight to be attributed to the need to increase housing land supply where an LPA has a shortfall in its housing land."

Cont'd

Application No: 17/0411/OUT Cont'd

Policy SP15 (Affordable Housing Target) seeks to deliver through the planning system at least 964 affordable dwellings over the plan period in order to contribute to balanced and sustainable communities. The application proposes 618 dwellings in an area of acute housing pressure and in an area with considerable housing need. Within the SCC the target subject to viability is 40% of a housing development to be affordable housing to meet the identified needs in the area (policy CW11). Consequently there is the potential for the proposal to deliver in the region of 247 affordable homes. To that end, the applicants are willing to enter into a section 106 agreement to deliver 12.1% affordable housing on the basis of the viability of the site.

The applicants submitted a viability assessment which has been reviewed by the District Valuation Office who confirms the scheme is viable at 12.1%, and advises that if the Council are minded to grant permission on the basis of the reduced contribution, suggests that a time scale for delivery is agreed, which if not met triggers a viability review.

However, the applicants are also willing to enter into a further agreement that will offer in phases a further 27.9% of the development as affordable housing to the Council in the first instance, and then to a Registered Social Landlord. If neither of those is in a position to accept the housing, it will be sold on the open market. That arrangement is acceptable to the Council's Housing officers, and the local RSL. The difference between the two agreements is that the housing would be transferred in respect of the first agreement at the values set out in the LPA's Affordable Housing Supplementary Planning Guidance, whereas under the second obligation they would be transferred at a higher value of 96% of the Acceptable Cost Guidance defined by Welsh Government.

Policy SP19 (Transport Infrastructure Improvements) seeks to implement improvements to the existing transport infrastructure, in particular that: address social exclusion; improve transport links in the Northern Connections Corridor and Southern Connections Corridor; reduce the level of traffic movements and/or congestion, within any identified air quality management area; and promote the most efficient use of the transport network. The application proposes 618 dwellings in an area with high levels of congestion, close to the Caerphilly Air Quality Management Area. The development is supported by improvements at the Bedwas Bridge Roundabout, and air quality information. Neither the Transportation Engineering Manager nor the Head of Public Protection raise any objections to the current scheme.

Cont'd

Application No: 17/0411/OUT Cont'd

Policy CW1 (Sustainable Transport, Accessibility and Social Inclusion) requires development proposals that have the potential to generate a significant number of trips (either as an origin or a destination) to be designed to ensure that car borne trips are kept to a minimum. The proposal includes new pedestrian routes and cycle routes, the introduction of crossing facilities on Lansbury Park Distributor Road, a signal controlled junction at one of the site access junctions along with extensions to existing bus routes to improve connectivity and permeability between existing and proposed communities and to encourage walking and cycling as the preferred mode for many trips. These can be secured by a Section 106 obligation. The introduction of Travel Plans and a Construction Transport Management Plan will contribute towards mitigating the impact of the development.

In the longer term there is the prospect of public transport utilising the former railway line to provide links from Caerphilly to Bedwas, Machen and beyond. The line will not be developed as part of this scheme apart from where it will be crossed by the access into the site. The prioritisation of public transport using the line can be addressed when it is introduced.

Policy CW2 (Amenity) requires new development to be compatible with surrounding land-uses. The proposal is for residential development immediately to the east of Caerphilly opposite an existing residential area. It is not envisaged that the proposal would adversely affect the amenity of residents living in the neighbouring area.

The Noise Assessment submitted with the application provides for noise mitigation measures in the form of a 2m high acoustic fence opposite Branch Cottages where the construction threshold value noise limits are exceeded. Also a 2m high acoustic barrier is to be located adjacent to the two playing fields to address both short term and long term noise mitigation in relation to development related traffic.

Policy CW3 (Design Considerations Highways) requires development proposals to have regard for the safe, effective and efficient use of the transportation network. It is noted that a Traffic Assessment has been submitted with the planning application and a travel plan which includes £5,000 per annum for 3 years to fund a residential Travel Plan coordinator, £5,000 Travel Plan Reserve or fighting fund to improve the residential Travel Plan if required, and £50,000 for School Travel Planning for the local primary and secondary schools. In this respect the Transportation Engineering Manager has no objections.

Cont'd

Application No: 17/0411/OUT Cont'd

Trees and Hedgerows make a positive contribution to both the natural and built environment. They enhance the character and diversity of the landscape and offer substantial environmental benefits. Policy CW6 (Trees, Woodland and Hedgerow Protection) therefore requires proposals to ensure that effective measures are taken to ensure the protection of existing trees and hedgerows on development sites. LDP 4: Trees and Development supplements this policy. A tree survey has been undertaken for the site, which indicates those trees that should be retained and those that would be adversely impacted by the development of the site. The Council's Arboricultural Officer has raised no objections.

All new housing sites capable of accommodating 10 or more dwellings are required to make adequate provision for well designed open space and appropriate provision for children's play facilities as an integral part of the development under the provisions of Policy CW10 (Leisure and Open Space Provision). There is adequate room on site to accommodate those facilities.

Comments from Consultees:

- The views of the statutory consultees can be accommodated by condition or section 106 obligation.
- Public footpaths that cross the site including claimed ones can be accommodated at the reserved matters stage, and their closure or diversion is controlled by other legislation.
- The requirements of the Council's Education Officer is now covered by CIL.
- Objections raised by Van Community Council and others are considered in the analysis above and below.
- An objection to the scheme has also come from the Council's Landscape Officer, and his concerns will be taken into account in coming to a recommendation below.
- The Outdoor Leisure Development Officer has expressed concern about the private management of facilities, but that is not something that can be addressed through the planning process.

Cont'd

Application No: 17/0411/OUT Cont'd

Comments from public: Settlement Boundary:

- the site is outside the settlement boundary, within an SLA and the weight to be given to that is considered elsewhere in this report.
- an Inspector considered the site unsuitable for development in 2009, but the current proposals has to be considered against the current development plan and other material planning considerations. It could be considered a logical extension of Caerphilly, bearing in mind its proximity to a major road around the eastern part of the town, and the existence of other housing areas beyond the remainder of the by-pass to the north. There would be approximately 400m between the development and Rudry itself.

Housing:

- the concerns about housing have to be considered in the terms set out in TAN 1 which is addressed elsewhere in this report, but in summary, whilst the disapplication of paragraph 6.2 of that TAN removed the need to give the five-year housing land supply considerable weight, it is still a material consideration. Empty properties are not a factor in that respect. The LDP review which was commenced in 2013, and withdrawn in 2016 is not a material consideration either, and plays no part in the current five-year land supply calculation. The scheme is intended to deliver 40% affordable housing.

Brownfield Sites:

- the proposal is within an area where there is a brownfield development strategy in the adopted LDP, but that has failed to ensure that the housing targets set out in that plan are met, and that there is a five-year housing land supply. Brownfield sites may be identifiable in the area, but unless their development is viable, and there is a likelihood of them coming forward in accordance with the criteria set out in TAN 1, they will not count towards the land supply.

Greenfield Sites:

- it is recognised that this is a greenfield site, although it is not Green Belt in planning terms. The weight to be given to this is considered elsewhere in this report.

Natural Heritage:

- the Council's Ecologist, Tree Officer, and NRW do not raise any objections to this scheme, which is supported by the appropriate surveys and mitigation measures. There are SINCS at the site, which is an LDP designation, but there are no SSSIs. The impact on the SLA is considered elsewhere in the report. The Council's Landscape Architect considers that unless there is an overwhelming need for the development it should be refused, but provides constructive comments about the development if approved.

Cont'd

Application No: 17/0411/OUT Cont'd

Highways and Transportation:

- the Transportation Engineering Manager does not raise any objections. The scheme provides improvements at the Bedwas Bridge Roundabout, but also includes walking and cycling linkages to the town. A Travel Plan is proposed. In sustainability terms, it should be borne in mind that planning permission was recently granted on appeal for housing at Hendredenny, with the Inspector expressing the view that the site is in reasonable walking time of Energlyn Railway Station, and well related to schools, shops and other amenities. The same could be said of the current application site.
- the line of Caerphilly South-Eastern By-Pass is protected in the LDP, but this development is not dependent upon it.
- air quality has been considered, and the Head of Public Protection raises no objections to the proposal.

Social infrastructure:

- the Council's Education Officer has drawn attention to the need for additional classrooms, but that is a matter that is now addressed by CIL. The Public Health Authority have not raised any objections.

Open Spaces and Leisure: A green area crossed by footpaths will be lost if this development goes ahead. The planning balance in that respect is considered elsewhere in this report. The development is in outline, with all matters reserved, so there will be an opportunity to ensure that existing and claimed footpaths are kept or adapted, maintaining links to the countryside beyond the site. It should also be borne in mind that only 27% of the application site is to be developed.

Pollution: the Council's Head of Public Protection has considered the air quality assessment submitted and has no objections to the scheme. Public Health Wales have not raised any objections.

Historic Environment:

- neither Cadw, nor the Council's Conservation Officer have raised any objections to this scheme. The closest listed building is Van Mansion which is some 500m to the south-west of the proposed developed area. It is recognised that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Van Mansion's setting and Caerphilly Castle's setting will be preserved.
- Glamorgan Gwent Archaeological Trust has raised no objections, but requires an archaeological watching brief to be implemented by condition.
- There is no evidence that the development would harm the tourism potential of the town centre and the Castle.

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Application No: 17/0411/OUT Cont'd

Drainage:

- the development would have to be drained sustainably either through the need for SAB approval, or through a scheme secured by condition which would have to comply with the requirements of PPW 10 which also encourages the use of SUDS.

General Comments (The comment is repeated, and then addressed.)

- 'Proposal is premature pending the adoption of a Strategic Development Plan.' Work has not commenced on an SDP, which is unlikely to be adopted until around 2025. Therefore prematurity cannot be a consideration at present.
- 'Over-development in Caerphilly will be at the cost of the northern part of the borough.' The adopted LDP sought to encourage development in the northern part of the borough, but this has failed to deliver the target number of houses, including affordable homes, or to ensure a five-year land supply.
- 'Impact on human rights.' Human rights are a material planning consideration. The planning system allows the effect of development on people to be considered before development is granted permission or it is refused.
- 'Land is marshy and unsuitable for development.' This is a matter for the developers to ensure that the site is properly drained, and the development complies with the Building Regulations. There is no evidence that site conditions would prevent development, and the Coal Authority has not raised any objections in respect of the ground's stability.
- 'Application lacks honesty and integrity and does not support the existing community of St James' ward and Caerphilly Basin.' Development can help to sustain communities.
- 'Title of application does not indicate the number of houses.' This is not necessary for an outline planning application.
- 'Development of this site does not meet several LDP key objectives and policies.' This is considered elsewhere in this report.
- 'Development of this site does not meet several PPW policies and objectives.' This is considered elsewhere in this report.
- 'People love Caerphilly due to its green spaces.' The loss of this green space will be considered elsewhere in this report.
- 'Site should be developed as a tourist attraction.' This matter is not before the LPA for consideration.
- 'There is enough land further up the valleys for development.' Those sites are not coming forward for development. The LPA must consider those sites where planning applications are received.
- 'Development will not bring benefit to community or Caerphilly.' This is a matter of opinion and should not be given significant weight in the consideration of this application.

Cont'd

Application No: 17/0411/OUT Cont'd

- 'Growth such as this not good for the area.' This is a matter of opinion and should not be given significant weight in the consideration of this application.
- 'Materially change the character of Caerphilly.' It will change the character of this area, but it is arguable that it will change the character of Caerphilly in view of the size of the town.
- 'Land can and should be used for farming.' There is some good agricultural land on this site, but not enough to justify its protection.
- 'Stop building industrial units and retail units that are unoccupied. Housing developments should go there.' The LPA has to consider the applications that are submitted for planning permission, but it cannot guarantee that the development will be occupied. That is a matter for the market.
- 'House prices will reduce disadvantaging homeowners that are not in a position to take a financial loss.' This is not a material planning consideration.
- 'Crime has increased and loss of community feeling.' Crime and disorder are material planning considerations, but they would not amount to reasons to refuse planning permission for housing in this case.
- 'The LDP did not go through regarding the bypass on Caerphilly Mountain clearly indicating the view of the residents in Caerphilly to keep more greenery within Caerphilly. This proposed building seems to overrides the concerns of the people who live in this town, and this was the part of the proposed plan that was declined.' The line South-Eastern By-pass is protected in the adopted LDP, but it is not part of this proposed development.
- 'Caerphilly overcrowded.' There is no evidence that Caerphilly is more densely developed than any other town.
- 'The poor condition of housing association housing land: rubbish left for six months, fires burning all night long. Landlords leaving garages to go to rack and ruin on Mornington Meadows, and another sink estate is proposed next door. Why not build small plots of 10 or 12 throughout the whole valley.' The condition of existing development is not a material consideration in the determination of an application for new housing.
- 'Concerns regarding trespass on property.' This is a private matter.
- 'Concerns about protection of the bridge and stream that runs behind property (Branch Cottage).' The drainage of the site should not adversely affect existing streams, and any bridges should be appropriately treated.
- 'LDP needs to be sorted before planning permission is given to 600+ houses.' The Council has to consider the submitted application.
- 'We should be encouraging rural businesses to prosper, rather than selling off land as the only easy profitable way, unnecessarily increasing urban areas.' The Council has to consider applications for planning permission that are placed before it on the basis set out in this report.
- 'Scheme does not contribute to tackling climate change.' The impacts on climate change do not preclude planning permission being granted for housing.

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Application No: 17/0411/OUT Cont'd

- '18000 more adults in the borough than jobs.' This does not carry significant weight in the determination of this application.

Caerphilly Town Centre

- 'Regeneration of Caerphilly Town centre needed.' This is noted.
- 'Demise of Caerphilly Town centre down to planners.' This is noted
- 'Caerphilly Town centre not fit to accommodate needs of additional dwellings. This would not be given significant weight in respect of the current application.' It would be difficult to argue that a town centre of Caerphilly's size could not accommodate the needs of the proposed development. And, the development, if approved would play some part in sustaining the viability of the town centre.

Well-being of Future Generations (Wales) Act 2015

- 'One of the goals of the Act is 'A Healthier Wales'. This is defined as, 'A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.' 'There have been no objections from the Head of Public Protection or Public Health Wales.
- 'This Act states that: "Each public body must carry out sustainable development. The action a public body takes in carrying out sustainable development must include: setting and publishing objectives ("well-being objectives") that are designed to maximise its contribution to achieving each of the well-being goals, and taking all reasonable steps (in exercising its functions) to meet those objectives.'" This is covered by The Caerphilly We Want 2018-2023 Well-being Plan.
- 'Not aware that any well-being objectives have been made public nor has consideration been given to the well-being objectives. Furthermore the development will do nothing to enhance the physical and mental well-being of future generations. The beauty of the natural landscape needs to be protected for future generations to enjoy.' The LPA must make a decision in accordance with the development plan unless material considerations indicate otherwise. That often means giving greater weight to one consideration compared to another, based on the circumstances of each case.
- 'Sceptical that this development will create jobs and better access to housing (Prosperous Wales)'. There is no evidence that private market housing at this site will not sell. The Council's Housing officers consider there is a need for affordable housing, and that accords with Welsh Government's commitment to deliver 20,000 affordable homes across Wales.
- 'The development won't result in a Healthier Wales.' The provision of dwellings and in particular affordable housing must play some part in an individual's health. That benefit will have to be balanced against the loss of green space.

Cont'd

Application No: 17/0411/OUT Cont'd

Caerphilly Basin Masterplan objectives:

- this plan has to be in conformity with the adopted LDP, and it therefore reflects the development strategy within the development plan. The weight to be given to that strategy and the related land allocation is considered elsewhere in this report.

Impacts on Gwern y Domen

- 'A site visit is requested.' A Planning Committee site visit will take place before the application is determined.
- 'Loss of amenity as the existing house will be surrounded by development which will generate traffic, lighting, noise and disturbance which would fundamentally and detrimentally change and disrupt the quiet enjoyment of their property by the occupants.' Gwern y Domen Farm is currently isolated. The proposed development would surround it, although public open space is currently shown to the east and south. To the west however the illustrative plans show a private drive to residential properties. It is not unusual for isolated dwellings to become surrounded by housing estates when this type of development is proposed, and there is no sound planning reason for preventing that taking place in principle. The current application is in outline with all matters reserved for subsequent approval. If outline permission were granted, there would be an opportunity at the reserved matters stage to ensure that the relationship between old and new was satisfactory.
- 'Case law indicates that the personal circumstances of the occupants are a material planning consideration, and that Article 8 of the European Convention on Human Rights which entitles a person to have the right to respect for their private life and family life and their home is a material planning consideration.' Human Rights are a material planning consideration, and the impact of this development on the private life and family life and their home has been considered in relation to the previous point, i.e. it is not unusual for isolated dwellings, to become part of larger estates, and the reserved matters process will ensure that the relationship between old and new is in accordance with the adopted policies and supplementary planning guidance.
- 'Health impacts of increased air pollution. PPW 10 advises that the planning system is preventative and should maximise its contribution to achieving a healthier Wales by aiming to reduce average population exposure to air (and noise) pollution. It adds that the planning system must consider the long terms effects of current and predicted levels of air pollution on individuals, society and the environment. The Environmental Assessment does not adequately cover this issue. This is also an Article 8 matter.' The Head of Public Protection and Public Health Wales do not raise any objections to the proposal, and therefore there would be no sound planning reason to object to this scheme on the basis of health impacts and air pollution.

Cont'd

Application No: 17/0411/OUT Cont'd

- 'The occupants have suffered considerable distress because of apparent alterations to the water levels on the application site which appear to be the result of bore hole drilling leading to flooding and structural damage to their property. The ES does not address this issue.' This is a private matter between the two landowners.

CONCLUSION

Planning Policy Wales 10 (December 2018) states that

"new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled."

Furthermore, it states that:

"A plan-led approach is the most effective way to secure sustainable development through the planning system and, "The plan-led system underpins the delivery of sustainable places to ensure all development plans and decisions taken by the planning system work together to deliver sustainable places."

The site is outside the settlement, and within an SLA, where residential development would not normally be allowed. However, the LPA has a five year land supply of 2.3 years as of 2018, and it will be 2.0 years when the figure is published for 2019. This has a bearing on whether the principle of development is acceptable on this site.

In dis-applying paragraph 6.2 of TAN 1, the Minister indicated that it will be a matter for decision makers to determine the weight to be attached to the need to increase housing land supply where the local planning authority has a shortfall in its housing land. The weight to be attached is dependent on the magnitude of the shortfall, how long the shortfall will persist, what the local planning authority is doing to reduce it, and how much will the development contribute to meeting the shortfall.

The magnitude of the shortfall is significant, i.e. an additional three years' supply is needed. Also, this year's JHLAS will indicate that only 122 dwellings were completed in the year 2018-19. This is the lowest rate of completions since records began when Caerphilly was formed in 1996. This is around only a fifth of all houses that were required each year in the LDP (575 units per annum). The Local Housing Market Assessment (2018) identifies that there is a total need for 282 affordable units to be delivered per annum.

Cont'd

Application No: 17/0411/OUT Cont'd

This shortfall will persist until the Council adopts a new LDP, which will take approximately four to five years. The only way to address it at present is to grant planning permissions. The most significant schemes have been allowed on appeal. The currently proposed development will make a significant contribution to meeting the shortfall, 40% of which will be affordable housing. Taking these matters together it is reasonable to attach significant weight to the need to increase housing land supply as a material planning consideration which would outweigh the normal policy objections to residential development on this site. The concerns of statutory consultees can be addressed by planning condition and legal agreement, and those of the landscape officer can be addressed through the consideration of the reserved matters application. The site is on the lower, gentler slopes of Mynydd Rudry. The development will involve an incursion into the SLA to the east of Caerphilly, but that impact is outweighed by the need to provide land for housing in this case.

TAN 1 makes it clear that, 'The requirement to maintain a five-year supply of readily developable housing land in each Local Planning Authority across Wales remains a key policy requirement of the Welsh Government.'

Consideration has to be given to whether the proposed section 106 passes the following tests, i.e.

- it is necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The areas covered by obligation will be considered in turn. The affordable housing is necessary to make the scheme acceptable in terms of policy CW11 of the LDP, it will be part of the proposed development, and the District Valuer has agreed on what would be a reasonable amount to be required based on viability. The remainder of the affordable housing will be provided by a separate unilateral undertaking.

The Bedwas Bridge Roundabout Improvements are also necessary to make the scheme acceptable from the point of view of policy CW3 (Design Considerations - Highways). They are required to mitigate the impacts of the traffic arising from the development, and in that respect are fairly and reasonable related to the scheme.

Cont'd

Application No: 17/0411/OUT Cont'd

The proposed travel plan includes:

- Provision of a Travel Plan Co-ordinator;
- Travel Information Pack to each household for all new residents;
- Significant walking and cycling infrastructure improvements, management and funding;
- Pump priming improved bus services which will improve further with increasing demand;
- Walking buses, cycle trains and scoot to school initiatives;
- Promote and encourage Car Sharing;
- A travel plan reserve fund for implementation of travel plan initiatives should appropriate targets not be met.
- Cycleways and footpaths are also proposed.

These measures are necessary to make the scheme acceptable in terms of policy CW1 (Sustainable Transport, Accessibility and Social Inclusion). They are directly related to the development and in that respect are fairly and reasonably related to the proposed development.

Funding is necessary to enhance a pond to mitigate the impact of the scheme on Great Crested Newt, which is a protected species. Also it is required to ensure the long term maintenance of the protected species mitigation measures. This is necessary to make the scheme acceptable in respect of policy CW4 of the LDP, is directly related to the development, and is fairly and reasonably related to the proposed development. For the same reasons the agreement would need to cover the delivery of long-term habitat and species management and monitoring.

The recommendation therefore is that planning permission should be granted subject to conditions, provided the applicant first enters into the section 106 obligation. In coming to that conclusion about the significant effects of the proposed development on the environment, the environmental information has been examined. If members are minded to support the recommendation, in accordance with The Town and Country Planning (Notification) (Wales) Direction 2012, this application has to be referred to Welsh Government because it is over 150 dwellings, and is not in accordance with one or more provisions of the development plan in force.

Cont'd

Application No: 17/0411/OUT Cont'd

Other material considerations:

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

RECOMMENDATION: That (a) if members are minded to grant planning permission that the application is first referred to the Welsh Minister; in the event that no objections raised by the Minister, that the application is DEFERRED to allow the applicants to enter into a Section 106 obligation as set out above; and on completion of satisfactory obligations that planning permission is GRANTED subject to the following conditions:

This permission is subject to the following condition(s)

- 01) Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

Cont'd

Application No: 17/0411/OUT Cont'd

- 05) This permission is for no more than 618 dwellings.
REASON: To allow any change in the number of total units to be reviewed in respect of the delivery of affordable housing in accordance with policy CW11 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Prior to the commencement of the development hereby approved a notice shall be given to the Local Planning Authority.
(a) stating the date on which the development is to begin;
(b) giving details of the planning permission and of such other matters as is required by Schedule 5A to The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").
Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it. That decision notice shall be in the form specified by, and must be displayed in accordance with, Schedule 5B of the Order.
REASON: To comply with the requirements of Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.
- 07) Prior to the commencement of the development a Working Method Statement to control the environmental effects of the demolition and construction work shall be submitted to and agreed in writing by the Local Planning Authority.
The scheme shall include:
(i) control of noise,
(ii) control of dust, smell and other effluvia,
(iii) control of surface water run off,
(iv) site security arrangements including hoardings,
(v) proposed method of piling for foundations,
(vi) construction and demolition working hours,
(vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.
The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.
REASON: In the interests of the amenity of the area.

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- 08) The plans and particulars submitted in accordance with Condition 1) shall include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres. In addition any tree on neighbouring or nearby ground to the site that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area (para. 5.2.2 of BS5837, 2005, Trees in relation to construction - Recommendations) or general landscape factors) must be shown.
 - b) the details of each tree as required at para. 4.2.6 of BS5837 in a separate schedule.
 - c) a schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruning and other remedial or preventative work.
 - d) the details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring ground.
 - e) the details of all the appropriate tree protection measures for every retained tree before and for the entire duration of the course of the development.
 - f) a statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.
 - g) No tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998. In this condition a "retained tree" means an existing tree that is to be retained in accordance with the plan referred to at paragraph (a) above.
- REASON: To safeguard the vegetation that is considered to be worthy of retention in the interests of visual amenity of the area in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Application No: 17/0411/OUT Cont'd

- 09) Prior to the commencement of works on site details of the following shall be submitted to and agreed with the local planning authority: a scheme of intrusive site investigations for the mine entries within the site; a scheme of intrusive site investigations for the shallow coal workings; a report of the findings arising from both of the intrusive site investigations, including the results of any gas monitoring undertaken; a layout plan which identifies appropriate zones of influences for the recorded mine entries on the site, with the definition of suitable 'no-build' zones; a scheme of treatment for the recorded mine entries, if identified; and a scheme of remedial works for the shallow coal workings. The development shall thereafter be carried out in accordance with the approved details.
REASON: To take account of the legacy mining issues at the site.
- 10) If the details of the reserved matters submitted in accordance with condition 1 are received by the local planning authority before 7 January 2020, prior to the commencement of works on site a scheme of land and surface water drainage within the site shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which it relates is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 11) Prior to the commencement of work on site, details of the measures to protect, enhance and manage the Sites of Importance for Nature Conservation (SINCS) within and abutting the application site defined by adopted Caerphilly County Borough Local Development Plan up to 2021 shall be submitted to and agreed in writing with the local planning authority. The development shall thereafter be carried out in accordance with those details, and the SINCS enhanced and managed as agreed.
REASON: To ensure the long-term sustainability of the SINCS in accordance with policy CW4 of the adopted Caerphilly Count Borough Local Development Plan up to 2021.
- 12) No development or site clearance shall commence until a Construction Environmental Management Plan and associated Method Statements have been prepared and submitted to the Local Planning Authority. The development shall be carried out in accordance with the agreed plan
REASON to ensure adequate protection to protected species and habitats and to protect the water environment.

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- 13) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. Those details shall include:
- (a) Proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and
 - (b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.); and
 - (c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- The development shall be carried out in accordance with the agreed scheme and all planting, seeding, turfing/hard landscaping works comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 14) A Landscape Management Plan, including
- (a) long term design objectives,
 - (b) management responsibilities, and
 - (c) maintenance schedules for all landscape areas, other than domestic gardens,
- shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use.
- The Landscape Management Plan shall be carried out as agreed.
- REASON: To ensure that the landscaping is maintained in the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Application No: 17/0411/OUT Cont'd

- 15) No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.
REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
- 16) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.
- 17) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: To prevent contamination of the application site in the interests of public health.
- 18) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health.

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- 19) Prior to commencement of any phases of the development, details of the green infrastructure (as set out in the indicative landscape Strategy drawing no CA29b, the Green Infrastructure Strategy Plan drawing no edp3055_d014 and the Habitats Offsets Proposed Plans (1-4) drawing no edp3055_d036b), together with additional infill planting of the northern boundary, shall be submitted to the Local Planning Authority for approval. Details shall include protection, enhancement, creation, methods of establishment, management, monitoring of green infrastructure together with a phasing plan to include timing of habitat enhancement, creation and loss. The approved details shall be implemented and overseen by a suitably qualified ecological clerk of works to ensure that green infrastructure is in a condition suitable to support great crested newts, dormice and bat species, before clearance works commence.
REASON: To ensure the conservation status of protected species.
- 20) No development or site clearance shall commence until a Long term Habitat Management Plan and Monitoring Plan has been prepared for on-site and off-site habitats as set out in drawing numbers CA29b, edp 3055_d014 and edp3055_d036b, and submitted to and approved by the Local Planning Authority. The plan shall include:
- a) A description of habitats to be managed, a map showing their location and extend on site and a detailed description of their desired condition
 - b) The nature of management operations required to deliver and maintain the desired condition of habitats.
 - c) Appropriate scheduling and timing of activities
 - d) Proposals for the monitoring of and reporting on the habitat condition of the site.
 - e) Proposals for remedial action to be undertaken where problems are identified by the habitat monitoring
 - f) Proposals for review of management and updating the Habitat and Monitoring plan
- REASON: To ensure the conservation status of protected species
- 21) Prior to commencement of works on site details of a monitoring scheme for great crested newts, dormice and bat species present on or adjacent to the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed monitoring scheme shall be implemented.
REASON: To ensure the conservation status of protected species.

Application No: 17/0411/OUT Cont'd

- 22) The development shall be carried out in accordance with the Outline Great Crested Newt Mitigation Strategy edp3055_r006a, the Outline Dormouse Mitigation Strategy edp3055_r004c, the Outline Bat Mitigation Strategy edp3055_r007a and clarifications set out in the Ecological Consultation Response Note edp3055_r009_091118.
REASON: To ensure the conservation status of protected species
- 23) Prior to commencement of development, details of the lighting for the whole development, or alternatively if the development is to be phased, details of lighting for each phase of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.
REASON: To ensure the conservation status of protected species.
- 24) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in 20% of the new buildings at Land at Gwern y Domen, Caerphilly, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new buildings in each development phase hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2018) and Tan 5 Nature Conservation and Planning (2009).
- 25) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, Swift, Starling or House martin) in the new buildings at Land at Gwern y Domen Caerphilly, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new buildings in each development phase hereby approved is first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2018) and Tan 5 Nature Conservation and Planning (2009).

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Application No: 17/0411/OUT Cont'd

- 26) Prior to the commencement of work on site, details of: the proposed public open space, and the associated pavilion as shown on CWA drawing Illustrative Masterplan (Rev. C) a local equipped area of play, a neighbourhood equipped area of play, and a ball court with low level panelling and tarmac surface and the timing of their provision, shall be submitted to and agreed in writing with the local planning authority. The development shall be carried out in accordance with the agreed details.
REASON: To ensure the adequate provision of public open space.
- 27) Prior to the commencement of any works on site details of hedgerow enhancement planting and management to thicken up the existing hedgerow as a substantial buffer and wildlife corridor, including a species list detailing the name and origin of native broadleaved trees and shrubs to be used to plant up existing hedgerows, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and the hedgerow planting shall be carried out within 12 months of the completion of the development.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 28) Prior to the commencement of any works on site details of amphibian friendly underpasses, offset gully pots, wildlife kerbs and amphibian gully pot ladders shall be submitted to the Local Planning Authority for approval. The approved details shall be strictly complied with and all amphibian gully pot ladders will need to be replaced every ten years for the lifetime of the development.
REASON: To ensure adequate protection to European Protected Species.
- 29) Unless an endorsed Agreement under Section 38 of the Highways Act 1980 has been completed a detailed programme for the provision of the proposed highways and highway alterations including all stages in the statutory process for approval thereof together with a similarly detailed programme for the construction, completion and future maintenance of the proposed highways shall be submitted to and approved in writing by the Local Planning Authority before any works of construction are commenced on site.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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Application No: 17/0411/OUT Cont'd

Advisory Note(s)

Notification of initiation of development and display of notice:

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

Notice of initiation of development:

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

Display of Notice:

- The person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.
- The person carrying out the development must ensure the notice is:
 - (a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
 - (b) legible and easily visible to the public without having to enter the site; and
 - (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

The applicant is advised of the comments of Wales and West Utilities, Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage), Glamorgan Gwent Archaeological Society, The Coal Authority, Principal Valuer.

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Application No: 17/0411/OUT Cont'd

Warning: A European protected species (EPS) Licence is required for this development.

- This planning permission does not provide consent to undertake works that require a EPS licence.
- It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.
- To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

