



COUNCIL – 1ST OCTOBER 2024

SUBJECT: CAERPHILLY COUNTY BOROUGH 2ND REPLACEMENT LOCAL DEVELOPMENT PLAN UP TO 31 MARCH 2035 – REVISED PREFERRED STRATEGY AND REVISED DELIVERY AGREEMENT

REPORT BY: CORPORATE DIRECTOR FOR ECONOMY AND ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 To seek Council approval of the Delivery Agreement and for it to be formally submitted to Welsh Government for their agreement;
- 1.2 To seek Council approval of the Revised Pre-Deposit Plan; and
- 1.3 To seek Council approval for Revised Pre-Deposit Plan to be published for consultation on 15th January 2025 for a statutory six-week period concluding on 26th February 2025.

2. SUMMARY

- 2.1 At the full Council meeting held on 29 September 2022 the Council resolved to publish the Pre-Deposit Plan (Preferred Strategy) for consultation for a statutory six-week period in October/November 2022. In response to the consultation Welsh Government raised conformity objections to the Plan in respect of the Strategic Site at Maesycwmmmer, regional collaboration on growth and the nature-based approach. These objections, along with all representations made in respect of the plan were reported to Council on 4 July 2023 in the Initial Consultation Report (ICR). As a result of these objections the Council resolved to pause work on the plan until a regional assessment of growth and migration had been undertaken. This was commenced in November 2023.
- 2.2 At the full Council meeting held on 24 July 2024 the Council resolved to recommence work on the Caerphilly County Borough 2nd Replacement Local Development Plan up to 31 March 2035 (2RLDP), to delete the Maesycwmmmer Strategic Site from the strategy and to undertake a further Pre-Deposit consultation on the revised Preferred Strategy as the appropriate way forward.

- 2.3 As a result of the pause in work on the 2RLDP The Delivery Agreement (DA) for the plan needed to be revised to set out the revised timetable for the delivery of the plan. A targeted 3-week consultation on the revised DA was undertaken in July/August 2024. The DA has been amended to take account of comments made during the consultation and factual and update changes have also been made. Welsh Government agreement for the revised DA is required prior to the Council being able to undertake any formal consultation on the revised Pre-Deposit Plan. Consequently, Council approval is sought to submit the revised DA to Welsh Government for their agreement.
- 2.4 Changes to the Pre-Deposit Plan have been made in accordance with the recommendations of the Council meeting on 24 July 2024 and the ICR, along with factual and necessary update changes. Council approval is sought to publish the Revised Pre-Deposit Plan for a statutory six-week consultation, commencing on 15 January 2025 to 26th February 2026, to meet the requirements of Regulation 14 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended).

3. RECOMMENDATIONS

- 3.1 Members agree the Report of Consultation from the consultation on the Revised Delivery Agreement and its recommendations;
- 3.2 Members approve the Revised Delivery Agreement and agree its immediate submission to Welsh Government for its approval;
- 3.3 Members agree the Revised Pre-Deposit plan and approve its publication for a statutory six-week consultation commencing 15 January 2025 and concluding 26 February 2025, subject to Welsh Government agreeing the Revised Delivery Agreement.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To accord with the requirements of Regulations 9 and 14 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended).

5. THE REPORT

- 5.1 At the full Council meeting held on 23 October 2019 the Council resolved to commence a full review of the Adopted Caerphilly County Borough Local Development Plan up to 2021 (Adopted LDP).
- 5.2 At the full Council meeting held on 29 September 2022 the Council resolved to publish the Caerphilly County Borough 2nd Replacement Local Development Plan Pre-Deposit Plan (Preferred Strategy) for a statutory six-

week consultation period that commenced on 19 October 2022.

- 5.3 At the full Council meeting held on 4 July 2023, the Council were advised that Welsh Government had raised conformity objections to the Preferred Strategy in respect of three issues:
- The Strategic Site at Maesycwmmmer
 - Regional collaboration on growth in the Cardiff Capital Region (CCR); and
 - The Nature Based approach.
- 5.4 At this meeting the Council resolved to pause work on the preparation of the 2RLDP until a regional study of growth and migration had been undertaken. This work commenced in November 2023 and was undertaken by a consortium of consultants procured through the South East Wales Planning Officers Society (SEWPOS) in conjunction with the South East Wales Strategic Planning Group (SEWSPG). The purpose of the study was to identify the potential for population and jobs growth throughout the region to establish a baseline against which the growth in each authority's LDP can be set. The baseline that was identified through the work was based on past trends and current information but did not take account of local policy interventions. In essence the work reflected a "policy off" position. This allows each authority to vary their growth when considered against the regional baseline where justified on the basis of policy interventions in their plan.
- 5.5 At the full Council meeting held on 24 July 2024 members were advised that the regional baseline from the study is broadly comparable with the growth set out in the Council's Preferred Strategy and supports this level of growth for the County Borough.
- 5.6 In addition to this, members were advised that Welsh Government's conformity objection in respect of the Strategic Site at Maesycwmmmer would raise significant risks to the adoption of the 2RLDP and as such it was recommended that the Strategic Site be deleted from the Preferred Strategy.
- 5.7 In respect of Welsh Government's conformity objection based on the nature-based approach, members were advised that a Green Infrastructure Assessment is being prepared for the plan and this will be available for the next consultation stage on the plan. This will, it is considered, address this issue.
- 5.8 With all of Welsh Government's conformity objections being addressed members were asked to consider how to move forward with the plan. In this respect the Council resolved to undertake a further Pre-Deposit consultation on a Revised Preferred Strategy that would be amended by:
- Deleting the Strategic Site at Maesycwmmmer from the Preferred Strategy;
 - Revising the Preferred Strategy and the evidence base to reflect the outcome of the regional study on growth and migration; and
 - Revising the Preferred Strategy in accordance with the

recommendations set out in the Initial Consultation on the Pre-Deposit Plan that was agreed by Council on 4 July 2023 (including any factual changes and updating).

- 5.9 Members were advised that the Revised Preferred Strategy would be reported to the meeting of full Council to be held on 1 October 2024 seeking approval for a statutory 6-week consultation commencing on 15th January 2025 and concluding on 26 February 2025. This consultation would be dependent upon Welsh Government agreeing the Revised DA.

Delivery Agreement

- 5.10 The first task in re-engaging the plan preparation process is to prepare a revised DA that would set out a revised timetable for the delivery of the plan. The Council agreed that the revised DA be prepared and be the subject of a targeted 3-week consultation with the Specific Consultation Bodies.
- 5.11 A Report of Consultation (RoC) on the DA consultation has been prepared and is included at Appendix 1 to this report. The RoC sets out the consultation that was undertaken and sets out all comments with an officer response and recommendation for each issue.
- 5.12 The DA has been revised, taking account of the response to the consultation as well as making factual changes and changes to update the DA to the current time. The Revised DA is included as Appendix 2 to this report.
- 5.13 Before the 2RLDP can be progressed, the Council will need to agree the Revised Delivery Agreement and formally submit it to Welsh Government for its approval. Welsh Government has 4 weeks to consider the Revised DA and issue a statement whether they agree the Revised DA. Work can only be commenced on the RLDP once Welsh Government has agreed a timetable for the preparation of the plan. Consequently, it is important that the Council submit the revised DA to Welsh Government as soon as is reasonably practical so that the Council can undertake a further consultation on the 2RLDP in the new year.

Revised Preferred Strategy

- 5.14 The Preferred Strategy has been revised, deleting the Strategic Site from the Preferred Strategy, including appropriate references to the regional work on growth and migration, including changes set out in the ICR and making factual and updating changes. The Revised Preferred Strategy is included as Appendix 3 to this report.
- 5.15 The delay to the preparation of the 2RLDP arising from the Welsh Government conformity objections has given rise to time pressures for the continuation of the preparation of the 2RLDP through to Adoption. Paragraph 7.4 of the Development Plans Manual states "When a plan is adopted, there should be at least 10 years left of the plan period remaining". The timetable set out in the Revised DA would see submission for examination in November

2026 and potential adoption in August 2027. The plan period for the 2RLDP runs up to 31 March 2035, meaning that there would be just under 8 years of the plan period left. During discussions with Welsh Government officers, it was their view that progressing the plan through to adoption having less than 10 years left of the plan period would be the best option, given:

- The need to have an up-to-date development plan to deliver necessary development, given that the Adopted LDP is currently 3 years past the end of its plan period and would be 6 years past the end of its plan period in August 2027 at the potential time for Adoption of the 2RLDP;
- The preparation of the Strategic Development Plan (SDP) will mean that the 2RLDP would need to be reviewed well within the remaining plan period; and
- The alternative of restarting the process would undoubtedly have significant issues in terms of timing with the emerging SDP and may need immediate review following the adoption of the plan.

- 5.16 Given the above it is proposed that the Council continues with the 2RLDP through to its Adoption, rather than stop work on the plan and start the process again.
- 5.17 Given the changes to the Preferred Strategy and to comply with the Council resolutions taken on 24 July 2024, it is proposed to undertake a further consultation on the Preferred Strategy (as revised) and continue progressing the plan through to Adoption. Given the need to condense the period for the adoption of the plan as much as possible, it is proposed that the Revised Preferred Strategy be published for a statutory 6-week consultation on 15 January 2025 with the consultation closing on 26 February 2025. Members should note that the decision to undertake the proposed consultation will be taken in advance of Welsh Government's consideration and approval of the Revised DA. As such the recommendation to undertake the consultation on the Revised Preferred strategy under the caveat of Welsh Government's agreement of the Revised DA.
- 5.18 The consultation on the Preferred Strategy will be undertaken in accordance with Regulation 14 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended). It is a statutory 6-week period, and the Council will publicise the consultation as widely as possible including via the following measures:
- Through the Council's normal social media channels;
 - Through the Council's website and consultation portal;
 - Direct notification to all interested parties on the Council's database;
 - Posters in libraries and key locations in our main centres;
 - Networking through appropriate Council networks and bodies;
 - Through Local Councillors and Community Councils.
- 5.19 In addition to this, consultants have been appointed to undertake independent

public engagement sessions on the Revised Preferred Strategy with the aim of explaining the purpose of the plan and its content and identifying issues arising from it. There will be 6 engagement sessions held during the first 4 weeks of the consultation period. The sessions will be independent of the Council and will afford those who attend the opportunity to input into the process. The consultants will prepare a report of the sessions and identify all issues that have been raised. Whilst this report is not a formal representation on the plan, the report will be addressed through the RoC on the Revised Preferred Strategy and all of the issues will be addressed in it.

- 5.20 In accordance with the Council's position of electronic first, the consultation will seek to use electronic methods as a matter of preference and all documentation will be available through the consultation portal, which also facilitates the electronic submission of comments.
- 5.21 As part of the consultation a permanent exhibition of the Revised Preferred Strategy will be available for inspection at the Business and Technology Centre, Tredomen Business Park, with officers available to answer any question. In addition, members of the public can contact the LDP team to request an appointment with an officer to discuss any particular issues they may have. These appointments will be available Tuesday to Thursday every week of the consultation. Copies of the consultation documentation will be available at Penallta House and at all libraries in the county borough.
- 5.22 In line with the Council's intention to reduce the amount of printing, paper copies of documents will not be sent out during the 2RLDP process as they will be made publicly available in the locations listed above, as well as being made available electronically. In exceptional circumstances, or when documents cannot be made available in the above locations, paper copies can be made available on request.

What Happens Next

- 5.23 Once the consultation on the Preferred Strategy has concluded, the comments raised as part of the consultation will be addressed through the Initial Consultation Report (ICR) on the Revised Preferred Strategy. The ICR will be reported to Council in late spring 2025.
- 5.24 The preparation of the Deposit 2RLDP, which includes all the allocations and the detailed policy framework for the 2RLDP, will be underway. As part of this process seminars with ward members will be held to discuss the allocations that are likely to come forward in the plan to get member input on them. As part of this process the LDP Focus Group will also sit to consider and make recommendations to Council on the content of the Deposit Plan.
- 5.25 It is anticipated that the Deposit 2RLDP will be reported to Council for approval for consultation in October/November 2025, with the consultation taking place in January/February 2026.

6. ASSUMPTIONS

- 6.1 Assumptions have been used in generating the population and household projections scenarios and these are outlined in detail in the Evidence Base Paper: Population and Housing Growth Options.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 The DA contains the timetable for preparation of the 2RLDP and the Community Involvement Scheme which sets out how the Council proposes to engage with and involve the local community and other stakeholders in the 2RLDP preparation process.
- 7.2 The CIS will have a positive impact on many protected characteristics as it outlines how the Council will actively engage with members of the public, including hard to reach groups. A number of organisations and bodies representing hard to reach groups have been contacted directly.
- 7.3 The DA itself does not support the Corporate Well-being objectives. However, the emerging 2RLDP will be prepared with regard to the well-being objectives where they relate to land use planning. The DA and the emerging 2RLDP will maximise contributions to the 7 well-being goals and 5 ways of working set out in the Well-being of Future Generations (Wales) Act 2015. The DA itself supports the Council in meeting its duty under the Act, particularly the involvement and collaboration principles.
- 7.4 The DA delivers against a number of other Council policies including:
- Caerphilly County Borough Local Development Plan up to 2021, Adopted 2010
 - Well-being Plan for Gwent 2023
 - Caerphilly Corporate Plan (including Local Well-being Objectives) 2023 - 2028
- 7.5 The DA allows opportunities for people to use the Welsh language and it aims to ensure that the Welsh language is treated no less favourably than the English language, and bilingual engagement is encouraged. All documentation was available in Welsh format and all publicity was produced bilingually.
- 7.6 The Revised Preferred Strategy has the potential to lead to significant long-term positive effects in relation to economy and employment, and population ISA topics, whilst long-term positive effects are predicted for the health and wellbeing and transport and movement ISA topics. Effects of significance are considered likely for the prior two ISA topics as the Revised Preferred Strategy delivers a level of growth which exceeds the identified housing and employment need. Growth is delivered across the entire County Borough, ensuring that residents in all areas of Caerphilly benefit from the positive contributions of growth. By located growth to the Principal and Local Settlements, which are also key transport nodes, self-containment is

increased, and sustainable modes of transport are available to those residents who still need to commute to access employment opportunities. In this respect, positive effects are also anticipated for transport and movement, as well as health and wellbeing due to facilitation of active travel. However, effects of significance are not anticipated for these two ISA topics as growth still has the potential to lead to increased congestion, as a result of an increased number of residents/ private cars, and in terms of health and wellbeing, further information concerning the precise location of development is required before a conclusion on significance can be reached.

- 7.7 Minor positive effects are concluded for the equalities, diversity and social inclusion ISA topic, as details on some key aspects to tackling inequality remain uncertain. Moreover, further information concerning the precise location of development is required before a conclusion can be made.
- 7.8 Uncertainty is noted for the biodiversity and geodiversity and climate change (mitigation) ISA topics. Regarding the first ISA topic, again, the proximity of sites to designated biodiversity sites and protected habitats/ species will be influential in determining the significance of effects. Similarly, the degree to which the Revised Preferred Strategy contributes to climate change mitigation is largely related to the size and location of development sites.
- 7.9 Whilst uncertainty is noted for climate change mitigation, neutral effects are predicted concerning climate change adaptation. This is because higher tier planning policy and guidance via Planning Policy Wales and Technical Advice Note 15 (TAN15) requires development to be directed away from the highest risk areas. In this respect, it is reasonable to conclude that the Revised Preferred Strategy will likely direct growth towards sites with a low flood risk.
- 7.10 Regarding the historic environment ISA topic, residual negative effects are considered likely as a result of growth through the Revised Preferred Strategy. This is partially because policies that seek to protect and where possible enhance the historic environment are limited within the Pre-Deposit Plan, but also because the precise location of development, and its proximity to heritage assets, is currently unknown, with the exception of the strategic site at Maesycwmmmer, which has the potential to impact several listed buildings near its boundary.
- 7.11 Long-term negative effects are predictive regarding the landscape ISA topic. Whilst it is considered likely that the Revised Preferred Strategy will result in the loss of a significant portion of greenfield land, the exact extent of this is currently unknown given only one site has been allocated. Moreover, there are numerous valued landscape features throughout the County Borough, and in this respect, development is likely to impact their setting to some degree.
- 7.12 Significant negative effects are considered likely for the natural resources ISA topic given the level of growth proposed through the Revised Preferred Strategy. Notably, this will result in the loss of a significant amount of greenfield land. However, a degree of uncertainty is noted given that the proximity of site allocations to coal 'Development High Risk Areas' and

mineral safeguarding areas will be influential, and only the strategic site's location is known at this stage.

[Link to Integrated Impact Assessment](#)

8. FINANCIAL IMPLICATIONS

- 8.1 The costs associated with the delivery of the 2RLDP are being met through a reserve previously approved by Council. The cost of the preparation of the Preferred Strategy and statutory consultation are covered by this reserve.

9. PERSONNEL IMPLICATIONS

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

10. CONSULTATIONS

- 10.1 All comments have been accommodated in the report.

11. STATUTORY POWER

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

Author: Dave Lucas
Team Leader Strategic Planning
lucasdj@caerphilly.gov.uk

Consultees: Dave Street, Deputy Chief Executive
Rob Tranter, Head of Legal Services and Monitoring Officer
Stephen Harris, Head of Financial Services and S151 Officer
Cllr Sean Morgan, Leader of the Council
Cllr Phillipa Leonard, Cabinet Member for Planning and Public Protection
Lynne Donovan, Head of People Services
Mark S Williams, Corporate Director Economy and Environment
Richard Edmunds, Corporate Director Education and Corporate Services
Ryan Thomas, Planning Services Manager
Marcus Lloyd, Head of Infrastructure
Robert Hartshorn, Head of Public Protection, Community and Leisure Services
Sue Richards, Head of Education, Planning and Strategy
Liz Lucas, Head of Customer and Digital Services

Nick Taylor-Williams, Head of Housing
Allan Dallimore, Regeneration Services Manager

Background Papers:

Report to Full Council 4 July 2023 - Caerphilly County Borough 2nd Replacement
Local Development Plan up to 2035 - Pre-Deposit Plan - Initial Consultation Report

Report to Full Council 24 July 2024 - Caerphilly County Borough 2nd Replacement
Local Development Plan up to 2035 - Re-Engaging the LDP Process

Appendices:

- Appendix 1 2nd Replacement Caerphilly County Borough Local Development Plan
up to 2035 - Delivery Agreement (1st Revision, July 2024) - Report Of
Consultation
- Appendix 2 Caerphilly County Borough Council 2nd Replacement Caerphilly
County Borough Local Development Plan Up To 2035 - Delivery
Agreement, 1st Revision, May 2024
- Appendix 3 Caerphilly County Borough Council 2nd Replacement Caerphilly
County Borough Local Development Plan Up To 2035 – Pre-Deposit
Plan (Revised Preferred Strategy)