

Head of Regeneration and Planning  
Caerphilly County Borough Council  
Tredomen House, Tredomen Park  
Ystrad Mynach  
CF82 7WF

Your Ref: 17/0411/OUT

1<sup>st</sup> August 2019

Dear Sir

**Town & Country Planning Act 1990**  
**Proposed Development at Gwern y Domen by PMG Ltd and Persimmon Homes Ltd**

I write as the Clerk and Proper Officer to the Draethen Waterloo and Rudry Community Council (DWRCC) to submit the objection of DWRCC to the above noted proposed development. The community of Draethen Waterloo and Rudry is the neighbouring community on the East side of Van Community Council and while the proposed development is outside our boundary it will impact on our community.

This objection has been unanimously agreed by its members following a resolution at the general meeting held on 25<sup>th</sup> July 2019.

DWRCC's objection to application 17/0411/OUT is made on the following grounds:

1. The proposed development in contrary to Strategic Policies SP3, SP4, SP5, SP10, SP11, SP18 and SP19 and is not required to meet the objectives of Strategic Policy SP14.
2. The proposed development is contrary to Policies CW1, CW2, CW3, CW4, CW5, CW6, CW8, CW15 and CW22.
3. The proposed development is contrary to Policy LDP4.
4. The proposed development is contrary to Policies NH1 and NH3.
5. The proposed development is contrary to Policy TR6.
6. The proposed development is contrary to the Well-being of Future Generations (Wales) Act 2015.
7. The proposed development is contrary to Planning Policy Wales (PPW).
8. The proposed development is contrary to the Environment (Wales) Act 2016.

9. The proposed development is premature in respect of (and will undermine) the Cardiff Capital Region's Strategic Development Plan.
10. The proposed development is contrary to the strategic objectives of the Caerphilly Basin Masterplan.
11. The proposed development will have an adverse impact on the objectives of the Lansbury Park Deep Place Plan [2017].
12. The proposed development will have an adverse impact on the objectives of the Caerphilly Landscape Partnership.
13. The proposed development also fails to meet the requirements of the Wildlife and Countryside Act 1981 and the Natural Environment and Rural Communities Act 2006.

## Introduction

The Caerphilly Basin has seen unprecedented growth of its population over recent years and does not have the necessary infrastructure to support further growth on the scale proposed by PMG/Persimmon. CCBC's [withdrawn] replacement Deposit LDP, which the application refers to in meeting the PPW requirement for a Plan led system because the Gwern y Domen site was 'positively assessed' is a disingenuous reference.

In a letter to CCBC Planning Department dated 22<sup>nd</sup> April 2016, Mark Newey, Head of the Welsh Government's Plans Branch stated, *inter alia*, "The authority should explain the rationale for allocating the following sites, H1.62 Gwern y Domen, H164 Land south of Rudry Road and E1.11 Land at Rudry Road in light of the requirements of national policy and the key issues the plan is seeking to address".

Mr Newey also raised the Heritage issues against Policy SP10 stating it was "*unclear how the impact in respect of the physical remains and/or setting of scheduled monuments, registered historic parks and gardens has been considered and address through the policy framework with regards to.....H1.62 Gwern y Domen, etc.*"

Mr Newey also raised the issue of housing need in stating, "*The LDP makes provision for 13,640 dwellings in order to deliver 12,400 units over the plan period 2011-2031. This is a deviation of approximately 6,750 dwellings above the WG principal projection*".

Clearly, CCBC's assessment of the [Gwern y Domen] site was seriously flawed and cannot be cited as a 'positive assessment' to evidence PPW compliance. The fact is that of 41 candidate sites put forward in the Deposit LDP, Gwern y Domen was the ranked 39<sup>th</sup> in terms of sustainable development.

CCBC's assessment of Gwern y Domen as a candidate site had double negative assessments on Air Quality, Transport Emissions, Habitat Enhancement, Habitat Fragmentation and Woodland, Hedgerow and Tree Protection.

Furthermore, it is clear that key information on housing supply was not properly highlighted to Councilor's representing the Borough's population in advance of voting in favour of the Deposit LDP suggesting the outcome arrived at was not satisfactorily informed.

At the time Councillor Nigel Dix (Labour) publically called for the Plan to be retracted stating, "*Had Councillors been informed that the amount of new housing put forward was 50% more than the Welsh Government estimates, many of the controversial green field sites put forward would not have been included in the draft LDP. In light of the new information and concerns raised by Welsh Government concerning the 6,750 extra houses the process must be stopped.*"

## Overview of Gwern y Domen

The proposed development site is ancient Greenfield land 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. The land has not been subjected to chemicals for decades, if at all, and its value as a local amenity used by those most in need of healthy active lives and for its natural biodiversity cannot be overstated. It is an essential green lung in an area with the highest deprivation figures in Wales. This proposed development will sterilise this amenity for those residents.

Currently the land is a mix of pastoral farmland and lowland wildflower meadows on the lower and gentle slopes with woodland dominating the higher areas. Scattered rural buildings and farms are the primary settlement pattern.

The area comprises a sandstone ridge with scarp slope across a dissected plain of Old Devonian Red Sandstone and carboniferous limestone ridge. The landscape is complex and multi-period containing evidence of prehistoric, Roman, medieval and post-medieval occupation that has remained relatively unchanged, with little evidence of intrusion by 19<sup>th</sup> /20<sup>th</sup> century industrial or residential development with protected archaeological sites within or adjacent to the proposed development area.

In Nant Arian's freshwater brook on the Gwern y Domen site there is a living fossil, the brook Lamprey, which has not altered its present form for millions of years. The marshy grassland habitats, hedgerow trees and woodlands provide valuable stepping stones, foraging and wildlife corridors for a number of UK protected species including reptiles, breeding birds, invertebrates, dormice, great crested newts, bats and Wax Cap fungi all having been recorded on the site.

Gwern y Domen's traditional Welsh hay meadow is species rich in biodiversity, the most environmentally beneficial of Wales' agricultural land. Wildflower meadows are in steep decline and now extremely rare tragically having lost over 90% in the last 30 years; we cannot afford any further loss or erosion.

Gwern y Domen has considerable historical importance. Within the land at Gwern y Domen, is a nationally important asset in the form of a scheduled ancient monument known as 'Gwern-y-Domen Castle Mound, Van, Caerphilly' (Cadw reference 5/2182/Gm218) (CCBC ref: AM32); also known as the Motte and Bailey.

There is also evidence from the Glamorgan-Gwent Archeological Trust Study of Gwern y Domen Farm [1990] of a prehistoric burnt mound and the site is crossed from east to west by a track which is suspected as being part Roman Road (RRX65) from Caerphilly to Caerleon via Machen.

No field evaluation has yet been undertaken to determine more precisely their character, significance and antiquity prior to securing appropriate measures for the future protection of the Roman Road, the prehistoric burnt mound, the settlements and industrial workings in the vicinity of Coed y Maerdy Wood and the unidentified crop mark at ST175 8680.

Gwern y Domen is outside the settlement boundary and within a Special Landscape Area (SLA) and adjacent to a Visually Important Local Landscape (VILL).

The proposed development would be a significant and inappropriate linear protrusion into open countryside. 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 visual character, quality and sense of our rural surroundings visible from many major routes, the gateway into Caerphilly.

Gwern y Domen is not just a parcel of farmland; it is a much loved area of wildflower meadows, woodland and hedgerows with historic features. It is a haven for endangered wildlife and a valuable health and recreational resource for local residents. The developers may be the legal owners of the land but they are also the moral custodians of the local built and natural heritage.

### **Strategic Policy SP3**

The proposed development is a Greenfield site outside the settlement boundary. It will increase car borne trips and cannot be supported by the existing [or any proposed improvement to] the existing infrastructure. It does not have regard to the social and economic function of the area and is an inappropriate development that will not protect the natural heritage (see 'Traffic', 'Natural Heritage' and 'Local Opinion').

### **Strategic Policy SP4**

The proposed development will not 'support' the role of Caerphilly as a principle town; it will overwhelm it (see 'Population', 'Local Housing Requirements' and 'Traffic').

### **Strategic Policy SP5**

The proposed development is outside the settlement boundary and does not promote the full and effective need of urban land to concentrate development within settlements (see 'Local Housing Requirements').

### **Strategic Policy SP10**

The proposed development will destroy the natural heritage of Gwern y Domen (see 'Natural Heritage').

### **Strategic Policy SP11**

The proposed development will have unsustainable adverse impacts on natural heritage; the local community and the rural environment (see 'Natural Heritage', 'Built Heritage' and 'Community Impact').

### **Strategic Policy SP18**

The proposed development will destroy important networks of natural green space (see 'Natural Heritage' and 'Community Impact').

### **Policy CW1**

The proposed development will generate a significant number of trips, the vast majority of which will be by car (see 'Traffic').

### **Policy CW2**

The proposed development will result in over development of the surrounding area and is not compatible with surrounding land uses (see 'Natural Heritage' and 'Built Heritage').

### **Policy CW3**

The proposed development will result in a significant increase in transport use which will cripple the transportation network rendering it inefficient and ineffective (see 'Traffic').

### **Policy CW4**

The proposed development will destroy the distinctive and characteristic features of the SLA and adjacent VILL and the proposed mitigation measures will neither conserve nor enhance their ecological or geographical importance, nor is there an overriding need for this development (see 'Natural Heritage', 'Built Heritage' and Local Housing Requirement').

### **Policy CW5**

The proposed development will have an unacceptable adverse impact on the water environment. There is already evidence of catastrophic adverse impact on the water environment from exploratory drilling by the developers (see 'Flood Risk').

### **Policy CW6**

The proposed development will destroy long established trees, woodlands and hedgerows (see 'Natural Heritage').

### **Policy CW8**

The proposed development will result in the loss or unacceptable damage to, long established footpaths, bridleways and public rights of way (see 'Community Impact' and 'Built Heritage').

### **Policy CW15**

The proposed development is outside the settlement boundary and will prejudice the implementation of the Cardiff Capital Region's Strategic Development Plan. A regional context does not appear to have been sufficiently taken into account. This 'silo mentality' has been said to lead local authorities to compete with each other, ignoring what is happening just over the border, which is surely not in the national or local interest, and is the reason that the new Planning Act contains provision for regional planning. An overdevelopment and overstretched infrastructure of the Caerphilly Basin is counterproductive and undermines any future Regional Strategic Plan.

### **Policy CW22**

The proposed development is within a sandstone safeguarding area and there is no overriding need for the proposed development.

### **Policy LDP4**

The proposed development will result in the loss of long established trees, woodlands and hedgerows (see 'Natural Heritage').

### **Policy NH1**

The proposed development will adversely impact on a Special Landscape Area (see 'Natural Heritage')

### **Policy NH3**

The proposed development will adversely impact on Sites of Importance for Nature Conservation (SINCs) at NH3.169 (Coed y Maerdy) and NH3.170 (Caerphilly-Machen Disused Railway) and the adjoining SINC NH3.166 (Nant Gwuan y Bara Mire).

### **Policy TR6**

The proposed development will adversely impact on TR6.3, TR6.4 (see 'Traffic').

### **Well-being of Future Generations (Wales) Act 2015**

Planning Policy Wales 4.4.3 states that *"In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should... Promote resource-efficient and climate change resilient settlement patterns that minimise land-take (and especially extensions to the area of impermeable surfaces) and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on Greenfield sites."*(Sections 4.7, 4.8 and 4.9).

A Wales of Vibrant Culture and Thriving Welsh Language: The developer maintains that in nurturing a new community [by building the development] this *“will promote and protect culture, heritage and the Welsh language”*.

However, there is no evidence to support this assertion and it is more likely that the residents will be from outside the Caerphilly basin area (given that there are some 600 intermediate properties currently lying empty in the Caerphilly basin).

The attraction of new houses in a [relatively] low cost area and with no toll charges to cross the Severn Bridge, will undoubtedly encourage families from further afield, including many of those with no Welsh heritage, culture or language. Such an assertion is more viable than that of the developers’.

A Resilient Wales: The developer claims that adequate mitigation will ensure habitats and key species are protected. However, the proposed development will, without doubt, result in habitat fragmentation which can be as significant as habitat loss according to Brenin Associated (Ecological Consultants) who stated that *“the site at Gwern y Domen is considered to be of significant value to nature conservation. It should be protected from development, or put forward for designation as a SINC site”*.

The full report, dated October 2015 was submitted to CCBC’s Planning Department on 13th October 2015.

A Healthier Wales: The developer claims that *“the provision of cycle and pedestrian routes will encourage active travel and contribute positively to improving health conditions.”* However, the loss of the site in its current state will deprive local residents (including from Lansbury Park), with the existing amenity of wildflower meadows, footpaths and bridleways which will have an adverse impact on their physical and mental health. *“The NHS can help tackle health inequalities and promote physical and mental well-being by encouraging greater understanding of the value of spending time in the natural environment”* Sir Liam Donaldson, Chief Medical Officer. *Natural greenspace and provision for wildlife are required to assist the mental and physical health of the community.”* Hampshire County Council, Corporate Biodiversity Group.

### **Planning Policy Wales (PPW)**

The applicants need to demonstrate overriding benefits to justify overturning development plan policies and they seek to rely on housing need and the lack of a 5-year housing supply in order to exploit what they perceive as a policy vacuum.

However, Technical Advice Note 1 (TAN 1) advises at paragraph 6.2 that whilst weight should be given to lack of a 5-year housing supply this is provided that the development would otherwise comply with the development plan and national planning policies. This development does not comply with the development plan. Additionally, the phrase “considerable weight” was previously used but the disapplication of this paragraph was the subject of consultation by the Welsh Government in May 2018.

The consultation document stated that the reason for this disapplication was to alleviate the immediate pressures on local planning authorities when dealing with speculative planning applications for housing and to allow them the capacity to focus on plan preparation and review; in other words, the precise circumstances currently being experienced by Caerphilly County Borough Council.

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. This site is clearly contrary to the development plan and there are no exceptional circumstances to justify the development.

## Environment (Wales) Act 2016

The Act introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. The Nature Recovery Action Plan supports this legislative requirement to reverse the decline in biodiversity, address the underlying causes of biodiversity loss by putting nature at the heart of decision-making and increasing the resilience of ecosystems by taking specific action focused around the 6 objectives for habitats and species.

To develop on Gwern y Domen would be in contradiction of this duty.

### Caerphilly Basin Masterplan

The proposed development is contrary to Strategic Objective H; to *“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 a Greenfield site, outside the settlement boundary and the area does not have the necessary infrastructure to support it.

2.3L of the Masterplan requires CCBC to, *“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.”* Depriving residents of Lansbury Park of the Greenfields site with its ancient wildflower meadows will have a negative outcome for them.

In 2016, an objective survey of residents from 464 of the 673 properties on Lansbury Park revealed that 86.85% were opposed to the proposed development, 3.45% were in favour of it and 9.70% were undecided or did not wish to participate. 432 residents submitted personal objections to CCBC. Clearly the overwhelming majority of Lansbury Park residents do not want this development.

In respect of Air Quality, paragraph 4.1 of the Masterplan states, *“Part of Caerphilly Town Centre is designated an Air Quality Management Area (AQMA) due to high levels of nitrogen dioxide, primarily as a result of queuing traffic. An Air Quality Action Plan has been prepared, which sets out options for mitigation. The impact of any proposals on traffic movement and potential consequences for the AQMA will need to be given due consideration.”*

The proposed development will result in at least an additional 636 vehicles with their associated pollutants exasperated by the fact that the addition of these vehicles will create further traffic jams being the primary cause of the high levels of nitrogen dioxide.

In respect of the Natural Environment, the Masterplan at paragraph 5.16 states, *“The natural setting of Caerphilly and the other communities within Caerphilly Basin is a positive asset that can maximise tourism opportunities and is highly valued by its residents.”*

*The Local Authority has a duty under the Environment (Wales) Act to maintain and enhance biodiversity and promote the resilience of ecosystems and this will be a key consideration in the preparation of detailed proposals. There are policies within the LDP that seek to protect the important features of the natural environment and key open spaces, as well as the protection of the water environment.*

*These policies do not seek to preclude development, but rather ensure that only appropriate development is allowed where there will not be an unacceptable impact.”*

The proposed development will damage the water environment and will seriously degrade if not destroy the biodiversity of Gwern y Domen.

A main objective of the Masterplan is to *“Support and protect the natural environment and heritage of the area. It is important that the most important landscapes are protected and enhanced, as these provide the setting for the Caerphilly Basin. The rich and varied heritage of the area is an asset, and we should make the most of the opportunities that it provides. The council’s emerging Green Infrastructure Strategy will provide the basis for such proposals.”*

Gwern y Domen is considered by several eminent ecologists and naturalists to be one of the most important landscapes in the Caerphilly Basin.

The proposed development would also be at odds with the Masterplan’s Regeneration Strategy and Well-being Objectives:

- *Manage the natural heritage and its resources appropriately for future generations, whilst accommodating much needed sustainable development, protecting wildlife and encouraging the use of green spaces to promote wellbeing*
- *There is a need to increase tourism in Caerphilly, focusing on the historic and natural heritage of the area and the opportunities that this presents.*
- *Creating a county borough that supports a healthy lifestyle in accordance with the Sustainable Development Principle within the Wellbeing of Future Generations (Wales) Act 2015*

### **Lansbury Park Deep Place Plan [2017]**

The following extracts from the Deep Place Plan demonstrates the importance access to Gwern y Domen for the residents of Lansbury Park:

*“In the Landscape analysis, this is one of the most challenging urban environments in Wales. Such places have been termed ‘criminogenic’ in that they foster and encourage high crime rates.”*

*“Physical environments such as those found on estates like Lansbury Park, do not support good physical and mental health and well-being.”*

The Plan acknowledges that Lansbury Park is the most deprived in the Physical Environment and Housing domains.

Gwern y Domen is currently an accessible relief for many residents who utilise the many rights of way to improve their mental health and well-being. It provides a green border to their community. The proposed development will, instead, create an urban border cutting off the amenity and likely exasperating mental health issues.

### **Natural Heritage**

Development of Gwern y Domen would be an intrusion into open countryside and represent a linear offshoot of development from the settlement into a Special Landscape Area (SLA) (NH1.5) and Site of Importance for Nature Conservation (SINC) with mineral safeguarding and areas considered ‘Best and Most Versatile’ (BMV) land for agriculture.

Although the site is not within a green wedge, a Green Wedge currently exists between the site and the existing settlement and, therefore, would be contrary to national planning policy on development in the countryside.

Currently the land is a mix of pastoral farmland and lowland wildflower meadows on the lower and gentle slopes with woodland dominating the higher areas. Scattered rural buildings and farms are the primary settlement pattern. The area comprises a sandstone ridge with scarp slope across a dissected plain of Old Devonian Red Sandstone and carboniferous limestone ridge.



The landscape is a complex, multi-period landscape containing evidence of prehistoric, Roman, medieval and post-medieval occupation that has remained relatively unchanged, with little evidence of intrusion by 19<sup>th</sup>/20<sup>th</sup> century industrial or residential development with protected archeological sites within or adjacent to the proposed development area.

Among the objectives of the current adopted LDP (2010-2021) is to 'Ensure that the County Borough is well served by accessible public open space and accessible natural green space'; 'Identify, protect and, where appropriate enhance, valuable landscapes and landscape features and protect them from unacceptable development' and 'Identify, protect and enhance Sites of Nature Conservation and earth science interest and ensure the biodiversity of the County Borough is enhanced'.

in September 2009 (*Deposit Local Development Plan up to 2021: Council consideration of Representations – Part 2, Volume 4 of 6*) stated, in respect of Gwern y Domen land submitted for housing development (E286 and HG99.22) that "The Inspector found no justification for inclusion of the land as housing.

The Inspector considered that '*development within the sectors identified by the Objector would 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 character and appearance of these rural surroundings*'. (paragraph 2.30.12).

In further rejecting the same site for leisure allocation (E286 and LE99.29), the Council stated, in respect of the site being an SLA, that "*The upland and lowland character of the area together with the plantations and rights of way network provide an important recreational feature in the area. It also forms the visual context and setting for the historic town of Caerphilly. The site contains a number of important habitats and its topography reflects the underlying geology of being on the southern boundary of the coalfield valleys.*"

The Council further stated that "*Inclusion of candidate site E286 was ruled out at the preferred strategy stage as a result of its unacceptable encroachment into the countryside and other ecology and landscape restraints*" and "*the site forms part of a larger network of countryside links, including links with Rudry common to the east, Wern Duu woodlands and Caerphilly Mountain to the south and east and Bedwas and Machen to the north. The site should therefore be protected, in its entirety, for its important open countryside character and its role within the immediate and wider landscape setting.*"

Allowing this development would be contrary to CCBC's policy to halt the loss of any species-rich habitat and maintain and enhance important wildlife corridors, protecting features of conservation value and bringing derelict features into appropriate management; protect all wildlife corridors from damage and destruction through implementation of hedgerow regulations and the Local Transport Plan policy TE4 to manage road verges; to designate wildlife corridors as SSSI, SINC, etc.

The site provides terrestrial habitat for Great Crested Newts that are associated with Halt Pond which will be adversely affected, in order to create a means of access leading to severance and fragmentation of the habitat along the disused railway line.

The Gwern y Domen landscape is vitally important as part of the natural heritage and identity of Caerphilly town and its loss will negatively impact upon the economy not least for the equestrian businesses and tourism values it desperately needs.

The bridleway 'ST182865' runs through Gwern y Domen candidate site. This and other routes connected to it are promoted as a tourist and business benefit as "*What better way to discover the beautiful countryside of Caerphilly County Borough than on horseback*".

The British Horse Society's County Access & Bridleways Officer (CABO) for Caerphilly says, "We work hard to defend, extend and promote safe, easily accessible off-road riding for everyone." This development will have a significant impact on riders now classified as vulnerable road users, not only for reducing a safe area to ride but also increasing road traffic in an area where there is significant equine business and recreational horse riding. It is also noteworthy that 74% of riders are female. Therefore this plan to develop over or degrade the bridle paths within the Gwern y Domen area will indirectly discriminate against women.

The Council not only ruled out the inclusion of this candidate site at the preferred strategy stage as a result of its unacceptable encroachment into the countryside and other ecology and landscape constraints; it also recommended to the Inspector at the EiP not to change the LDP in respect of any housing or other allocations nor to change the LDP in respect of amending the Special Landscape Area.

No factors have changed since adoption of the LDP other than the speculative purchase of the land by a national developer. According to the Council's own candidate site assessment within the withdrawn replacement LDP, Gwern y Domen ranked the least favourable of all their sites around the settlement area.

The proposed development is in direct contravention of CCBC's policies to protect local agriculture and natural heritage, impacting unacceptably on the amenity of both the site and adjacent land, failing to conserve the designated BMV, SLA, SINC and other safe-guarding; proximity to the Site of Special Scientific Interest (SSSI) and failing to protect the natural heritage of trees, woodland and hedgerows.

In Nant Arian's freshwater brook on Gwern y Domen is a living fossil, the brook Lamprey, which has not altered its present form for millions of years.

The marshy grassland habitats, hedgerow trees and woodlands provide valuable stepping stones, foraging and wildlife corridors for a number of UK protected species including reptiles, breeding birds, invertebrates, dormice, great crested newts, bats and waxcap fungi all having been recorded on the site.

Gwern y Domen's traditional Welsh hay meadows are species rich in biodiversity, the most environmentally beneficial of Wales' agricultural land. Wildflower meadows are in steep decline and are now extremely rare with over 90% lost in the last 30 years.

Section 40(1)) of Natural Environment and Rural Communities Act 2006 places a duty on every public authority, in exercising its functions, to "*have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*".

Biodiversity conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation (PPW paragraph 5.2.7). The use and development of land can pose threats to the conservation of natural features and wildlife. Past changes have contributed to the loss of integrity of habitat networks through land-take, fragmentation, severance, disturbance, hydrological changes and other adverse impacts.

Section 11 of the Countryside Act 1968 requires all public bodies (including LPAs), in the exercise of their functions relating to land, to have regard to the desirability of conserving the natural beauty and amenity of the countryside. Section 49(4) of that Act provides that references in the Act to the conservation of natural beauty are to be construed as including reference to the conservation of its flora, fauna and geological and physiographical features.

Section 28G of the Wildlife and Countryside Act 1981 places a duty on public authorities (including LPAs), in exercising their functions so far as this is likely to affect the flora, fauna or geological or physiographical features by reason of which a SSSI is of special interest, to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of those features.

On 13<sup>th</sup> October 2015, the Gwern y Domen Conservation Group submitted a report from Brenin Associates (Ecological Consultants) Ltd (**Appendix I**), regarding a bat survey commissioned by the Group on the proposed development site and recommendations that the site in its entirety be designated as a SINC.

The Survey (which is redacted in respect of parts of the land with no public access as Persimmon Homes would not provide permission for the ecologist to enter) shows clearly that there are maternity roosts of brown long-eared bats and common Pipistrelles at Gwern y Domen Farm and that their habitats extend to 1.5km from the roost, predominantly West and North of the Farm.

It is also believed that bats of conservation concern, Greater Horseshoe bats, may also be using the site coming from Ruperra Castle and that the flight lines of bats dominate the site.

The marshy grassland habitats, hedgerow trees and woodlands provide valuable stepping stones, foraging and wildlife corridors for a number of UK protected species including reptiles, breeding birds, invertebrates, dormice, great crested newts and other amphibians, bats and a plethora of unique and rare Wax Cap fungi (including Ballerina, Scarlet, Golden, Slimy Red and Snowy to name but a few, all confirmed, grid-referenced and recorded on the site.

An earlier survey on the site undertaken by Brenin Associates (**Appendix II**), concluded (among others matters) that:

- A residential development on this site has the potential to result in a significant direct loss of habitats and species of importance to nature conservation. Any habitats or species which are retained are likely to suffer from indirect effects.
- 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.
- There is also the potential for indirect impacts to occur. Many species that use the site (including Brown long-eared bats, and barn owls) are likely to be sensitive to light pollution. There is the potential for development to pollute the wet areas and pond used by great crested newts. Adjacent reptile and breeding bird populations could be devastated by an increase in pet cats (should there be an increase in housing).
- The site is now known to support dormice, and the habitats present on site are considered to be of optimal value. Further studies are recommended to put the population in context within the wider area. However, the site is considered likely to be of significant value to the species, given the number of mature hazel coppices and high species diversity on which dormice feed.
- The site is considered to be of significant natural heritage of particular value to biodiversity, the local community and the rural environment.
- The site was also considered to have a high amenity and cultural value.

#### Summary Extracts from Ecological Reports regarding Gwern y Domen.

##### Report 1. (Brenin Associates (Ecological Consultants) Ltd – March 2015 Report No. C010/001/V1)

The desk study revealed anecdotal evidence of two species protected by European legislation: Dormice and Great Crested Newts. A consultant's report from 2013 provided evidence of bat roosts which would be entirely surrounded by the proposed development.

The survey revealed that the site contained a substantial network of hedgerow, scrub and woodland edge habitats, which are likely to be of considerable value to nature conservation. The presence of Dormice was confirmed during the survey, by the findings of characteristically-chewed hazel nuts.

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 of 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.

There is also the potential for indirect impacts to occur. Many species that use the site (including Brown long-eared bats, and Barn Owls) are likely to be sensitive to light pollution. There is the potential for development to pollute the wet areas and pond used by great crested newts. Any retained reptile and breeding bird populations could be devastated by an increase in pet cats (should there be an increase in housing).

The desk study revealed records of the following birds that are protected under Section 1 of the Wildlife and countryside Act from within a 2km radius:

- barn owl (*Tyto alba*)
- kingfisher (*Alcedo atthis*)
- red kite (*Milvus milvus*)
- peregrine (*Falco peregrinus*)

The desk study also revealed records of the following bird species of conservation concern within the search area (see Appendix 1 for a definition of this term):

- dunnock (*Prunella modularis*)
- bullfinch (*Pyrrhula pyrrhula*)
- starling (*Sturnus vulgaris*)
- song thrush (*Turdus philomelos*)
- lapwing (*Vanellus vanellus*)
- grey partridge (*Perdix perdix*)
- merlin (*Falco columbarius*)
- curlew (*Numenius arquata*)
- snipe (*Gallinago gallinago*)
- cuckoo (*Cuculus canorus*)
- nightjar (*Caprimulgus europaeus*)

#### Report 2. (Brenin Associates (Ecological Consultants) Ltd – September 2015 Report No. C010/002/V2)

Brown long-eared bat roost at Gwern y Domen: This study found that there is a likely brown long-eared bat maternity roost at Gwern y Domen which supported at least 31 individuals at one time. The survey data indicates that more bats are likely to have been roosting within the building, given that more bats were found emerging from a distinctively different area.

To the west of the site are dense hedgerows and sheltered field edges, connecting the parkland habitat adjacent to Coed-y-Mardy woodland, and it is likely that these areas are of significant value to the bats at Gwern y Domen. 64% of the brown long-eared bats roosting at Gwern y Domen flew westwards upon leaving the roost. Bats were also seen flying north towards more dense hedgerows within the site and the Caerphilly and Machen disused railway (an area of scrub and woodland).

A number of the bats were also seen flying northeast along the access road to Gwern y Domen Farm. The road edged with dense hedgerows is also likely to be of considerable value to the population present at the roost.

Brown long-eared bats are well documented for foraging close to roost sites (Swift, 1998). They have been found to spend 92% of their foraging time within 1.5km of the roost and significantly more of their time within 0.5km of the roost than further away (Entwistle *et al.*, 1996). The report discusses in detail, the likely value of the areas of habitats within critical zones for the species.

Since this roost is located at the centre of the proposals and will be completely surrounded by high-density housing and light pollution, there are likely to be significant adverse impacts of the proposals on the maternity roost. Given this species' known sensitivity to lighting, the proposals put into question the long-term survival of this population.

According to the Wales Biodiversity Partnership (2008), significant roosting sites including vital flight and commuting routes and important feeding areas attached to roosts will be selected for designation as SINC sites.

There are two maternity roosts at Gwern y Domen of two Priority or Section 42 species of bats, which are therefore considered as being 'significant'. Brown Long-eared bats are highly dependent upon habitats found within 0.5km of the roosting site (Entwistle *et al.*, 1996).

Whilst data from the transect surveys cannot be referred to at the current time, it is safe to assume that there are vitally important commuting and feeding sites within 0.5km of the roost site, which is where development is proposed.

The direction which bats were recorded leaving the roost site provides us with an insight into how they are using the site.

Records of the following bat species were found within 1 km of the site, according to the data results returned from South East Wales Biodiversity Records Centre (Celtic Ecology, 2014):

- Daubentons (*Myotis daubentonii*)
- Whiskered (*Myotis mystacinus l brandtii*)
- *Myotis spp.*
- Natterers (*Myotis nattereri*)
- Noctule (*Nyctalus noctula*)
- Nathusius's pipistrelle (*Pipistrellus nathusii*)
- Common pipistrelle (*Pipistrellus pipistrellus*)
- Soprano pipistrelle (*Pipistrellus pygmaeus*)
- Brown long-eared (*Plecotus auritus*)
- Greater horseshoe bat (*Rhinolophus ferrumequinum*)
- Lesser horseshoe bat (*Rhinolophus hipposideros*)

It is recommended that the roosting sites at Gwern y Domen be proposed as a SINC. The habitats within 0.5km of the roost site which connect the woodland sites should also be designated, since they are likely to comprise vital commuting / flight lines and foraging habitat. Since Brown Long-eared bats are sensitive to light pollution, it is also recommended that the grassland habitats be included.

The designation would connect the roosts to the SINC sites at Coed-y-Maerdy and Caerphilly and Machen disused railway via important habitat linkages.

This would serve to maintain the integrity of each SINC by means of preventing habitat fragmentation on a landscape level; a phenomenon which is known to impact upon mammal populations such as bats and dormice (which are also known to be present locally).

Report 3. (Brenin Associates (Ecological Consultants) Ltd – October 2015 Report No. C010/003/V1)

The site is considered to be of significant value to nature conservation such that it should be put forward as a SINC site, or at the very least, be protected from development. The following summarises the proposed reasons for its designation:

Primary reasons for designation:

1. Maternity roost of brown long-eared bats
2. Maternity roost of common pipistrelle bats
3. Vital flight and commuting routes for the bat populations and important links to feeding areas at Coed y Mardy and Caerphilly / Machen Disused Railway SINC sites
4. A probable breeding population of dormice

Secondary reasons for designation:

1. Terrestrial habitat within 500m of known great crested newt breeding sites
2. Likely populations of reptiles and amphibians
3. Hedgerow networks which form important links to woodlands, ponds or other locally important habitats and are known to support protected species. (in this case, habitat connections for bats, dormice, amphibians and reptiles between SINC sites).

Potential features of importance:

1. Important flight lines for Annex IV bat species
2. Smaller roosting opportunities for bats within mature trees
3. Hedgerows that would be considered as 'Important' under the Hedgerows Regulations (1997).

It is clear from these reports that the proposed development would have a devastating ecological impact on the ecological integrity and biodiversity of the immediate and wider areas and result in an impoverished living environment for local residents, especially those from Lansbury Park.

The proposed development 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 visual character, quality and sense of our rural surroundings.

The proposed development site and its Natural Heritage are currently protected by a geographical barrier in the form of the settlement boundary.

The 1983 Caerphilly Basin Local Plan (CBLP) adopted by the Rhymney Valley District Council resolved that growth be contained wherever possible within the existing urban fabric and that the retention of individual settlements be maintained. It stated there will be a presumption against development outside the settlement limits unless it is in the interest of agriculture, forestry or outdoor recreation.

The CBLP also noted that *“the Van area, to the east of Caerphilly is considered by many to be one of the most attractive areas of countryside in the Valley mouth.*

The Development Strategy for the Southern Connection Corridor of the current adopted LDP (2010-2021) is to “consolidate development within existing settlement boundaries” to “Reduce the impact of development upon the countryside.”

A key part of the Strategy is to promote resource efficient patterns of **development across the whole of the County Borough; not just in the Caerphilly Basin**. As stated in the LDP, “a strategy which relies solely on the south of the County Borough for economic progress is unsustainable in the long term.”

The settlement boundary performs a number of important strategic functions, namely:

- it defines the area within which development would normally be allowed, taking into account all other material considerations
- it promotes the full and effective use of urban land and thus concentrates development within settlements
- it prevents the coalescence of settlements, ribbon development and fragmented development
- it prevents inappropriate development in the countryside

The LDP states that the settlement boundary ensures “that vulnerable land uses such as open space, leisure land and community uses have sufficient protection to avoid their loss to more profitable development such as housing.”

The Development Strategy in the SCC promotes sustainable development that “uses previously developed land within settlement limits” and “protects the natural heritage from inappropriate forms of development.”

### Built Heritage

‘Gwern y Domen Farm Lane’ runs through the site from Rudry Road to Fran Fawr (Van Mansion) and which has probably existed since the sixteenth century (*Glamorgan-Gwent Archaeological Trust study of Gwern y Domen Farm 1990*) as shown on the 1842 map below (highlighted red).

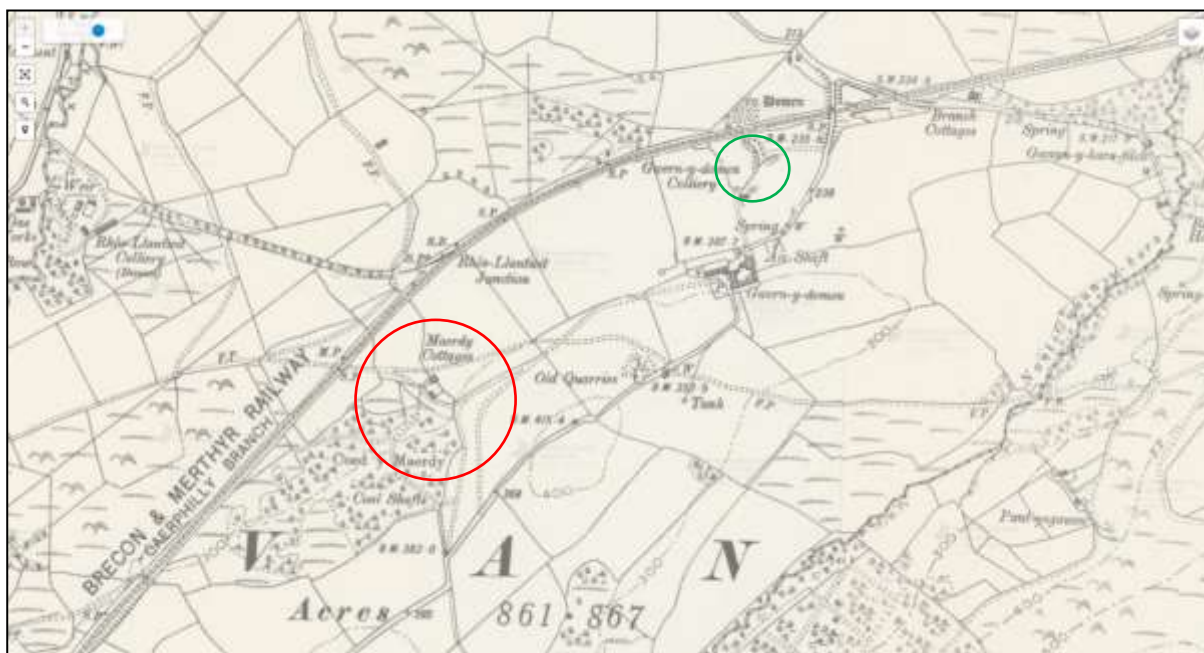


To quote from the Explanatory Memorandum of the Historic Environment (Wales) Act 2016, *“If the historic environment is a precious resource, it is also a fragile one. A careless or unwitting act can destroy or irreparably damage a site that has survived for centuries, even millennia. Even small changes, seemingly insignificant in themselves, can gradually accumulate to erode and eventually obscure the historic nature of a venerable building or even an entire area. Such losses impoverish our surroundings, threatening the richness and variety of the historic environment that contributes to the individual distinctiveness of Wales’ communities and proves so attractive to visitors.”*

The proposed development of Gwern y Domen will, without doubt, result in significant changes which will completely destroy the historic nature of the area.

The *Glamorgan-Gwent Archaeological Trust* (GGAT) study of Gwern y Domen Farm from 1990 indicates a track running east to west across Gwern y Domen which may form part of the Roman road from Caerphilly to Caerleon via Machen. It supports claims that the land has been farmed since medieval times and that there is archaeological interest in the early medieval site at the Maerdy which the proposed development borders.

The plan submitted by the developer appears to cover the site of Maerdy Cottages (ringed on the map below). GGAT’s report states that the evidence suggests the area has been farmed since at least the medieval period and the nucleus for this activity was centered at Maerdy which was the principal holding within the Van estate. It goes on to say that the area around Coed-y-Maerdy wood is of particular interest and although the presumed medieval and post-medieval settlements may have been destroyed by later industrial activity, this is by no means certain and in any event the industrial activity here is of sufficient antiquity and interest to merit protection in its own right.



No field evaluation has yet been undertaken to determine more precisely their character, significance and antiquity prior to securing appropriate measures for the future protection of the Roman Road, the prehistoric burnt mound, the settlements and industrial workings in the vicinity of Coed y Maerdy Wood and an unidentified crop mark at ST175 8680.

In respect of Maerdy Cottages which, according to GGAT’s study of Gwern y Domen Farm, is clearly a [recorded] site of archeological interest, the developer has not assessed the likely impact of the proposed development which must be undertaken in respect of unscheduled archeological remains.



The existence of the site is clearly noted in HERs under 'Gwern y Domen Farm' which is CADW's recommended starting point for identifying historic assets. Clearly this has not been done.

An Environmental Impact Scoping Opinion in respect of residential development at Gwern y Domen was sent by CADW to CCBC (Ref GL/CAP) dated 23<sup>rd</sup> July 2014 (*copy available*) and specifically in response to the Council inviting CADW's comments on an environment impact scoping opinion in relation to a proposed residential development at Gwern y Domen for circa 600 houses on a site of some 28Ha, that:

*"GM218 Gwern y Domen Castle Mound is adjacent to the proposed application area and therefore the proposed development could have a significant impact on the setting of the designated monument."*

*"GM002 Caerphilly Castle is located some 1.2km to the west of the boundary of the proposed application area and separated from it by modern development. However, the proposed development area is on a slope and will clearly be visible from, at least, the wall walks and towers of the castle and therefore there could be an adverse impact on the setting of the designated monument."*

In respect of The Van PGW(Gm)13(CAE), CADW noted, *"Due to the close proximity of the proposed development, it is highly likely to have an impact on the setting of the registered site at the Van."*

It should also be noted that Gwern-y-Domen Castle Mound (GM218) (Cadw reference 5/2182/Gm218) (CCBC ref: AM32) is also known as the Motte and Bailey and as far as can be seen, the development will completely obliterate the remains of the Bailey on the northern side of the old railway line (see map above – green circle) with clear intentions according to the plan submitted to build directly over the bailey thereby losing any possibility of preservation.

The *Glamorgan-Gwent Archaeological Trust* study of Gwern y Domen Farm from 1990 indicates a track running east to west across site STJ009 which may form part of the Roman road from Caerphilly to Caerleon via Machen.

It supports claims that the land has been farmed since medieval times and that there is archaeological interest in the early medieval site at the Maerdy (within STJ009). There is obvious evidence of the ancient lane where cobbles are still evident.



There is also, GGAT claim, the possibility of a prehistoric burnt mound within the site.

Van Mansion sits on a Grade II listed site (Cadw/Cosmos Glamorgan Register of Landscape, Parks and Gardens of Special Historical Interest in Wales – PGW [gm] 13 [CAE]) and was first mentioned in 1529 when purchased by Edward Lewis, Sheriff of Glamorgan. As noted, Gwern y Domen Farm Lane runs from Van Mansion, through Gwern y Domen to Rudry Road.

By the late sixteenth century the Van had become the principal mansion in East Glamorgan. The existence of a deer park was recorded by Rice Merrick in 1578 in his description of the county. This extends into the proposed development site and there are remains of the park [stone] walls on the site.

The amended Environmental Statement Non-Technical Summary accepts that there will be impacts on Gwern Y Domen ancient monument, Caerphilly Castle and Van House and Historic Park and Garden. Table 1.1 in the Non- Technical Summary to the Addendum Environmental Statement identifies that there will be a moderate adverse impact on the Gwern Y Domen Mound and Van Historic Park and Garden.

There is a statutory duty under S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving the setting of a listed building and recent case law has emphasised that considerable importance and weight be given to the desirability of preserving the setting of listed buildings.

The inspector's decision in East Northants DC, English Heritage and the National Trust v SSLG and Barnwell Manor Wind Energy Ltd (March 2013) was quashed because he had treated harm to the setting of a listed building as just one of a number of considerations rather than giving it special regard.

This decision has been followed by R (on the application of Forge Field Society) v Sevenoaks DC (reported in July 2014) which relates to housing development in a field between listed buildings in a conservation area.

The decision to grant planning permission was quashed because although the harm was less than substantial the planning officer had failed to have regard to the strong presumption against permission in such circumstances. The judgment concluded that he had carried out a "simple balancing exercise between the harm to heritage assets and countervailing planning benefits without heeding the strong presumption inherent in section 66 and 72 of the Listed Buildings Act".

On 7 August 2014 the Secretary of State dismissed an appeal for a proposed housing development at Wymondham, Norfolk on the grounds that it caused less than substantial harm to the setting of the grade 1 listed Wymondham Abbey. This decision was made in circumstances where there was a housing supply of between 3.84 and 4.66 years, a material consideration to which the Secretary of State attached substantial weight.

He concluded that in the light of the Barnwell Manor judgement less than substantial harm should be afforded "considerable weight and importance" (DL, para 18). The adverse impacts of the development on the setting of the Abbey significantly and demonstrably outweighed not just the benefit of providing further housing but other identified benefits as well. The Secretary of State agreed with his inspector that the site's inclusion in a SHLAA did not lead him to change his view.

The Forge Field case raises another issue relating to alternative sites. The judgment concludes "*If there is a need for development of the kind proposed, which in this case there was, but the development would cause harm to heritage assets, which in this case it would, the possibility of the development being undertaken on an alternative site on which that harm can be avoided altogether will add force to the statutory presumption in favour of preservation. Indeed, the presumption itself implies the need for a suitably rigorous assessment of potential alternatives*". The applicant has not carried out any thorough assessment of alternative sites, merely dismissing brownfield options as not being viable.

Planning Policy Wales states at Paragraph 6.1.23, that: '*The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not.*'

It is obvious that the proposed development will have a detrimental environmental impact on two scheduled ancient monuments and a registered historic park and garden.

## Traffic

The 1983 Caerphilly Basin Local Plan adopted by the Rhymney Valley District Council noted that *“the Van area, to the east of Caerphilly is considered by many to be one of the most attractive areas of countryside in the Valley mouth. Access to the area could be gained via the Mornington Meadows peripheral road but it is considered that this would cause serious problems of traffic congestion in the town centre.”* Accordingly, the Council’s preferred option was to develop to the west of Caerphilly (Cwm Farm/Cwrt Rawlin).

The development of Gwern y Domen would overwhelm the road infrastructure because of the large scale increase in local traffic. The 2011 census showed that in the St James ward 33% of households had no vehicle, 37.8% had one vehicle, 21.5% had two vehicles and 7.6% had three or more vehicles.

Applying that same criteria to the proposed development of 618 households, then 234 households would have one vehicle; 132 households would have two vehicles and 46 households would have at least three vehicles.

Even assuming that 203 households on the proposed development would have no vehicle (which considering the style of housing proposed is unlikely) then there would be at least an additional 636 vehicles joining the Mornington Meadows distributor road; a 24% increase in traffic flow within St James ward.

Statistical data (*Statistics on Commuting in Wales, 2010*) suggests that 80% of residents in the proposed development who are employed will use their vehicle to travel to work thus feeding into the already congested Mornington Meadows – Van Road distributor road.



*Van distributor road queue heading North to Bedwas Road.*

CCBC has acknowledged the traffic problems in the area.

In considering a planning application on 11th June 2014 in respect of a single barn conversion at Gwern y Domen Farm (Application No. 13/0875/COU), the planning committee noted that this single property development will *“add additional traffic to the strategic highway network of the Caerphilly Basin, which currently operates at capacity during peak periods, thereby aggravating existing congestion problems.”*

If a single dwelling caused such alarm 5 years ago and there is no immediate plan or capacity to relieve the distributor road in the near future, then an additional 636 vehicles [at least] will have a catastrophic effect on the highway network.

## Local Housing Requirement

Since 2010 CCBC have granted permission for 11,290 homes already - approx. 2,700 more than they "planned" and double the number the Welsh Government predicts are needed between 2010 and 2031. As noted, Welsh government was concerned by the lack of justification for CCBC's continued high targets for housing in the withdrawn replacement LDP, and the inclusion of this valuable landscape as a candidate housing site.

Caerphilly Basin has seen unprecedented growth of its population over recent years artificially created by overdevelopment and does not have the necessary infrastructure to support further growth on the scale proposed by PMG/Persimmon. Notwithstanding this growth, it is predicted that within the next five years the boroughs population may start to decline. What with this and the environmental crisis, CCBC should be working to reduce, reuse and recycle our existing housing stock and estates.

The Welsh Government expressed serious concerns as to the soundness of the withdrawn replacement LDP growth strategy and its divergence from the PPIW predicted population growth between 2015 and 2031 yet these are the spurious figures being used to justify this scheme contravening PPW guidelines.

The population in the Caerphilly Basin has steadily increased without a commensurate increase in infrastructure:

1971: 34,600

1981: 43,000 (24.28% growth)

1991: 50,765 (18.06% growth)

2001: 52,765 (3.94% growth)

2011: 55,667 (5.50% growth)

2015: 56,300 (1.14% growth)

As the overall population in Wales had grown by 1.18% from 2015 to 2018, it is reasonable to assume the population of the Caerphilly basin is now at least 57,000.

Interestingly the statisticians are saying the population will be in natural decline from the mid-2020s which is evidenced from the slowdown in growth from 24% in 1981 to just over 1% currently. This means that saving Greenfields now is saving them for a very, very long time.

The 1983 Caerphilly Basin Local Plan (CBLP) adopted by the Rhymney Valley District Council noted that the Caerphilly Basin had experienced a comparatively high rate of population growth from 34,600 in 1971 to over 43,000 in 1981 which led to increasing pressures on all services and facilities. The council resolved in 1977 that growth be contained wherever possible within the existing urban fabric; that retention of individual settlements be maintained.

A key objective of current LDP is to 'Accommodate sustainable levels of population growth and ensure an adequate and appropriate range of housing sites are available across the County Borough in the most suitable locations to meet the housing requirements of all sections of the population.

This prior long term population expansion should also be considered against the fact there are now over 18,000 more working adults in the borough than there are jobs; a situation which has worsened as previous local plans have facilitated population growth over and above official predictions.

The consequence of these previous housing led policies has seen an increase in traffic congestion due to the inevitable need for new residents to commute to work in other authorities, and increased pressure on local services and infrastructure due to the growth in population.

In response to claims of acute housing need, the number of empty properties in Caerphilly Basin has increased year on year. In November 2015 there were 666 empty properties and by May 2018 this had risen to 738. This demonstrates there is no 'acute' housing shortage in the Caerphilly Basin although there is always demand for social housing (which is not being provided within the development).

PPIW published a report by [the late] Alan E. Holmans, CBE in September 2015 entitled “Future Need and Demand for Housing in Wales”. Alan Holmans was acknowledged as the UK’s preeminent expert in projecting future housing need and demand. His report concludes [on page 37] that Caerphilly Borough will only need 5,700 houses (2011 – 2031). Therefore, Caerphilly basin, being 32% of the borough population, gives rise to a need for approx. 1,824 homes over the same period.

The existing LDP targeted 2,542 homes in the basin area until year 2021, of which 1,138 have already been built.

Accepting the current LDP target is correct (which it isn’t) and then allowing for a correction beyond 2021 to align with PPIW 2011-2031, it is clear that there are sufficient allocations for local needs to Spring 2052.

A	2010-2021 LDP Target		2,542	
B	Total houses built to 2016		1,138	
C	Remaining target to 2021	A-B	1,404	
D	Units req. 2011-2031 (PPIW)	PPIW	2,006	= 96 dpa
E	Units req. 2021-2031	D-A	(- 401)	
F	Total req. 2010-2031	A+E	2,141	
G	Revised annual build rate 2010-2031	F/ 21y period	102	= 102 dpa
H	Total Allocations/ Permissions since 2010		4,320	
J	Surplus for Caerphilly Basin	H-F	2,179	
K	Supply beyond 2031 using PPIW annual build rate <i>*NB predicted declining population from about 2025 which should extend this figure....</i>	J/ G	21.4 years	

It is clear from this brief analysis that the actual number of houses required to satisfy the PPIW growth predictions to 2031 are already in the system and have the benefit of planning permission.

This does not include at least 2,000 to possibly 4,000 houses which could be built on brownfield sites although some sites are presently too contaminated. However, taking the lower 2,000 figure, this would provide a surplus of over 3,000 houses at 150 dwelling per annum; enough housing land supply in the Caerphilly Basin until 2052.

Not only is this an imbalance in the LDP planned number of houses. It represents a significant departure from the key aims and strategy of the LDP to encourage development in the north, and to provide modern homes for those communities that have hitherto missed out on new developments (over 50% of the borough target in the basin area). The over-allocation to date also shows that key aims about managing growth in the south have not been followed.

There is a real danger that short-sighted responses from councils to current economic conditions could undermine urban regeneration schemes in the future.

In the large scale house building world, it is not the number of houses built that counts, it is the financial opportunities that arise from this output. This process produces an outcome of 'contrived scarcity' (*Guy Standing, 'The Corruption of Capitalism' 2016*) in housing.

With 738 empty properties in the Caerphilly basin in 2018 and 2,843 empty borough wide, it seems unlikely the need is for anything other than social housing and that the proposed development at Gwern y Domen is yet another ‘contrived demand’.

## **Flood Risk**

The proposed development at Gwern y Domen is on grassland between a forest and a major population area. The population area of Mornington Meadows and Bedwas is already rated as medium to high risk of flooding in parts (high in Bedwas) and some houses in Badgerswood still find difficulty in obtaining reasonable flood risk insurance.

Should the proposed development go ahead, the capacity of the fields to the east of Caerphilly, and south of Bedwas will be significantly reduced. Greenfields can absorb around three times as much water as a housing estate - in addition the water passes through a housing estate far quicker than through a field (around 10x as fast). Developing Gwern y Domen will drastically increase the already high risk of flooding in Badgerswood, Bedwas and likely increase the risk in Mornington meadows.

It is also worth noting and very pertinent to this application that serious issues have recently arisen at Gwern Y Domen Farm, the existing property at the centre of and surrounded by the proposed development.

As a likely consequence of the developer drilling test bore holes immediately adjacent to the property there has been major water and structural damage to the property. The owners have had to take up all internal floors as a result of rising water levels leading to flooding whilst external walls are cracking with movement and rising damp.

Surveyors, structural engineers, water table specialists, drainage specialists and ground source engineers have identified a substantial increase in ground water running underneath Gwern y Domen Farm house and barns.

After enjoying the property without issue for some 18 years, the owners have suddenly encountered vast amounts of water coming up into their property which is most likely caused by ground and drilling investigations disturbing the water table encompassing the entire property of Gwern y Domen Farm.

Because of this situation the owners have been informed by consulting engineers that if development were to go ahead it would have a catastrophic impact on their home and possibly properties below the water table.

## **Community Impact**

Gwern y Domen falls within the St James ward. According to Stats Wales measures, this was the most deprived small area in Wales (it was ranked 2 in WIMD 2011 and now it ranks 1 in 2014). St. James 3 is the most deprived Lower Layer Super Output Area (LSOA) in the Education domain. It lies within the 10 most deprived LSOAs for the Income, Employment, Health and Education domains, which have a combined weight of 75% in the overall Index.

It also lies within the 10% most deprived for the Community Safety domain. The LSOA has changed little in overall rank since WIMD 2011, but its relative deprivation has increased substantially in the Housing and Access to Services domains. A similar pattern can be seen in the Education, with the domain rank moving from '24' in 2011 to '1' in 2014.

The proposed development instead of assisting in removing the causes of deprivation will result in the devastating impact of obscuring those figures.

The additional housing units will put huge pressure on the local infrastructure without contributing to additional Schools, Doctors Surgeries, Dental practices or public services to accommodate such numbers.

GP practices within Caerphilly currently have a 14 day waiting list for making health appointments, and there is no mitigation proposed for the inevitable worsening of this already unacceptable level of provision that would follow. With the Ystrad Hospital only accommodating light or minor urgent cases our urgent Health care needs in the area would be placed at breaking point.

According to NRW a total of 68% of the adult population of Wales are not meeting the minimum level of physical activity through outdoor recreation. 6% fall within a red zone of concern and are likely to be elderly, disabled, unemployed, without qualifications and live in urban areas especially in SE Wales.

Developing an area such as Gwern y Domen sterilizing such a space would go against WFG Act, a resilient Wales and would result in an impoverished living environment for those [St James Ward] residents in most need.

It is clear that an increase of (Cardiff, Newport or Bristol commuting) residents in the Ward will dilute its level of deprivation, risking loss of projected investment to alleviate the situation. This will be a catastrophic blow to an already let down community and to the wider community.

The developers have not considered the local community at all, although claim it will provide jobs and improve the local economy, which, of course, is not evidenced within the proposals.

What is evident is the developer's complete lack of regard for anything but their profit margins. A local community councillor and farmer who had previously managed the land for Persimmon for a peppercorn rent (until his contract was terminated 'forthwith' for hosting a McMillan picnic event on the land organised by a group opposed to the development even after seeking and obtaining permission to do so) recently notified Andrew Compton at PMG of the grass fires that were occurring on their land.

He advised that a number of hedges and gates were burnt and that the fires were creeping towards the residences of their neighbours at Gwern Y Domen Farm House and The Long Barn & Stables. After that text Andrew Compton contacted a colleague of his and advised in a text message that the farmer had contacted him about the fires on Gwern Y Domen and that the 'boys in blue' were in attendance and that he hoped they could claim a few more development acres from the fire. This shows the developer's lack of integrity for conservation and displays their utter contempt for the community they claim this development will benefit.

DWRCC undertook a community Consultation in March 2017 as part of a comprehensive consultation with [neighbouring] Draethen, Waterloo and Rudry (DWR) villages to identify *what are the top priorities from this list of 'Caerphilly We Want'* questions that were being asked of all communities throughout the Borough. The top four priorities selected in order of importance from the residents of DWR were:

DWR Priority in rank order (1-5)	Priority Description
1	Protecting and enhancing local habitats for biodiversity
2	Fostering a greater sense of "community spirit".
3	Balancing the need for development with protecting the environment
4	Managing the use of natural resources sustainably, and helping communities to understand the need to reduce our ecological footprint
When surveyed and specifically asked about the Persimmon/PMG proposed development it was strongly opposed by a clear majority of the residents.	

There is also an acknowledged outstanding claim dated 19<sup>th</sup> January 2017 ref: Ein Cyf ETP/ROW/CROW for registering five additional rights of way [Form W.C.A.7] that reach across the development site from a large collection of residents that have walked these fields for over 20 years that has yet to be heard. Planning should not be considered until those claimants' rights are fulfilled.

### Local Public Opinion (Objective Survey Of Local Residents)

The former Gwern u Domen Conservation Group (GDCG) undertook doorstep surveys when the pre-application for the proposed development site was issued in 2016 to gauge opinion within the local community in respect of the proposed development on Gwern y Domen.

It is clear from discussions with those surveyed, especially in Mornington Meadows, Porset Park and Lansbury Park that the open space of Gwern y Domen was very important to a vast majority of them as children growing up on these estates and continues to be a source of well-being to them and their children. There were many poignant stories told of how the land benefits local residents, especially those who live in the deprived St James 3 area.

Due to a shortage of time and resources, GDCG was only able to undertake comprehensive doorstep surveys at Porset Park, Lansbury Park, Badgers Wood, Porset and Van. In addition, GDCG undertook partial surveys at Mornington Meadows and Castle Park.

Where households were opposed to the development on Gwern y Domen, they obtained individual letters of objection signed by at least one of the occupants of the household and these letters of objection were submitted to CCBC as individual letters of objection.

The two surveys were undertaken in the brief window of the pre-application public consultation stage where GDCG surveyed 1,020 of 1,537 targeted occupied properties and a follow-up survey of occupied properties in the same area focusing on those residents who they could not contact.

After the first phase, GDCG submitted 1,465 letters of objection from the surveyed households and letters of objection received by GDCG from residents in the nearby Rudry area and Van Road, as well as from more outlying areas of the borough. In addition, GDCG received several objections from out-of-borough visitors to Caerphilly.

For the 'surveyed' communities, the objective findings are set out on the following pages.



## Badgerswood

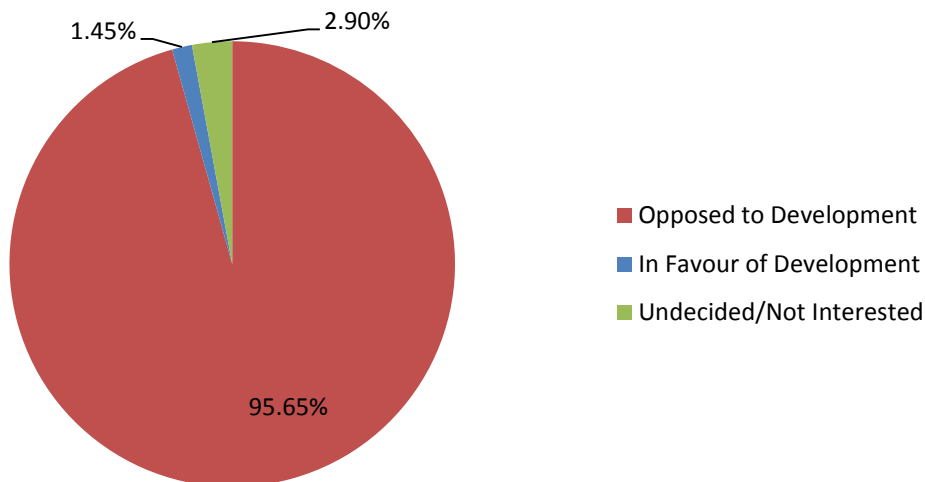
Badgerswood is a small community situated off the Rudry Road adjacent to Porset and to the North of Rudry Road and the proposed development on Gwern y Domen.

The survey encompassed Rudry Close, St James Close, Rhyd-Y-Gwern Close, Llanfedw Close and Plasnewedd Farm (the latter which abuts the proposed site on Gwern y Domen. In all there are 75 properties in Badgerswood of which 73 are occupied.

At least two visits were made to each of the 73 occupied properties and GDCG were able to canvass opinion from 69 of the properties (94.52% of households). There was no contact at the remaining 4 properties.

- Households against development: 66 (95.65%)
- (*Adults who submitted objections*): 132
- Households in favour of development) 1 (1.45%)
- Households undecided or not interested 2 (2.90%)

Households



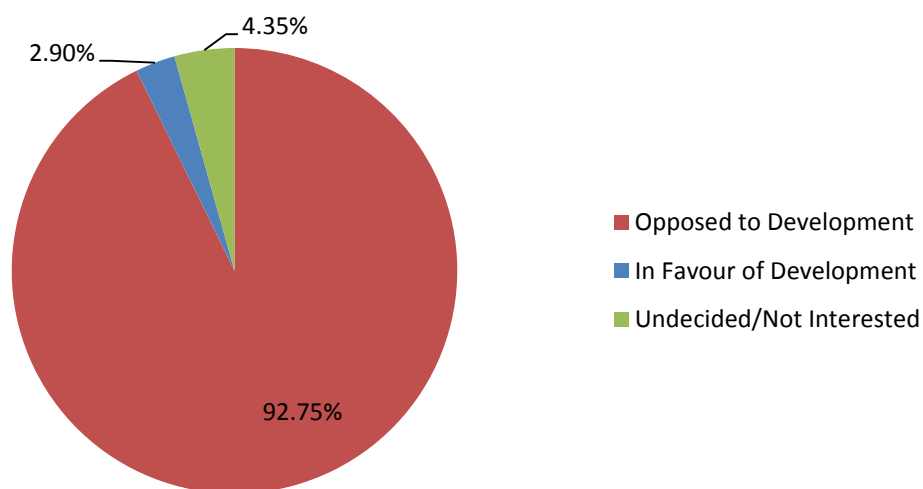
## Van

Van is a small community situated to the South of the proposed development on Gwern y Domen. The survey encompassed Cwrt Ty Mawr, Van Terrace and Wern-Ddu Row. In all there are 82 properties in these three streets of which 77 are occupied.

At least two visits were made to each of the 77 occupied properties and GDCG was able to canvass opinion from 69 of the properties (89.61% of households). There was no contact at the remaining 8 properties.

- Households against development: 64 (92.75%)
- *(Adults who submitted objections):* 83
- Households in favour of development) 2 (2.90%)
- Households undecided or not interested 3 (4.35%)

### Households



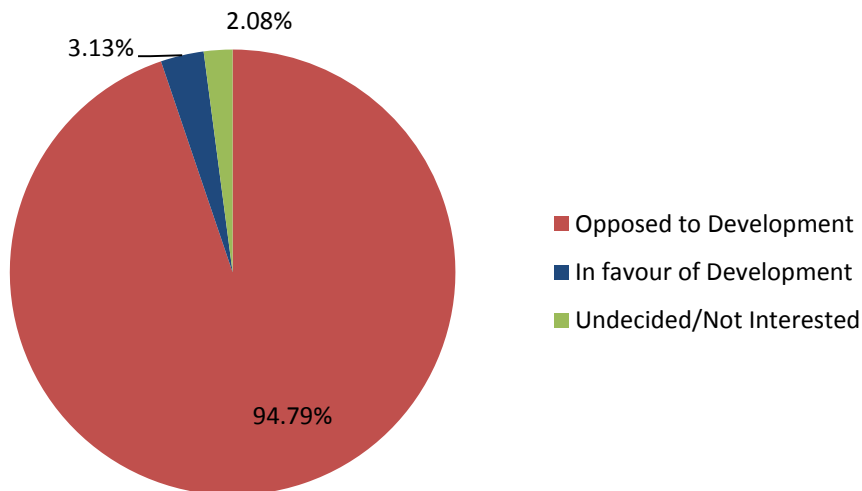
## Porset

Porset is an old and small community situated along part of the [Old] Rudry Road and [Old] Bedwas Road, comprising Bedwas Road (within the Porset area and incorporating Porset Row), Rudry Road (within the Porset area), Tollgate Close, Darren Close and Trapwell. In all there are 116 properties of which 114 are occupied.

At least two visits were made to each of the 114 occupied properties and GDCG was able to canvass opinion from 96 of the properties (84.21% of households). There was no contact at the remaining 18 properties.

- Households against development: 91 (94.79%)
- *(Adults who submitted objections): 109*
- Households in favour of development) 3 (3.13%)
- Households undecided or not interested 2 (2.08%)

### Households



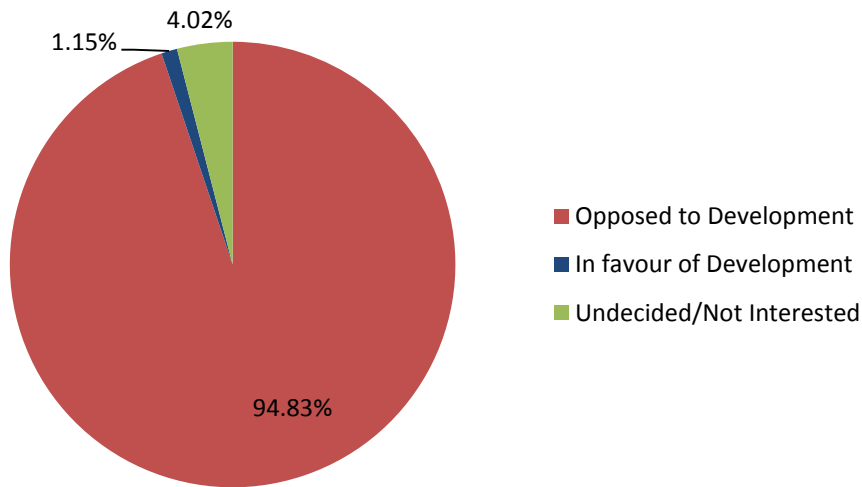
## Porset Park Estate

Porset Park is situated on the western edge of the Mornington Meadows distributor road with Lansbury Park to the South and Mornington Meadows to the North. It comprises Lon Yr Odyn, Gwaun Newydd, Clos Guto, Coed Main, Coed Cae and Coed Pwll. There are 279 properties of which 277 are occupied.

At least two visits were made to each of the 277 properties and GDCG was able to canvass opinion from 174 of the properties (62.82% of households). There was no contact at the remaining properties.

- Households against development: 165 (94.83%)
- (*Adults who submitted objections*): 170
- Households in favour of development) 2 (1.15%)
- Households undecided or not interested 7 (4.02%)

Households



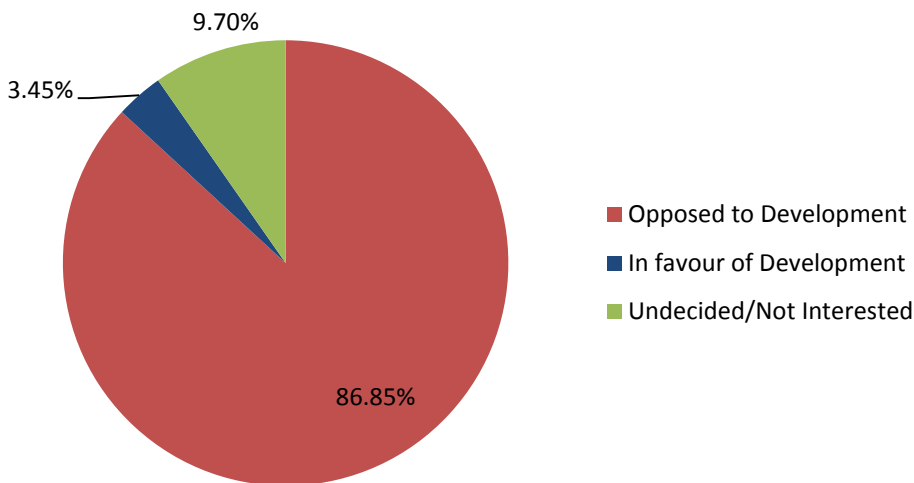
## Lansbury Park Estate

Lansbury Park is situated on the western edge of the Mornington Meadows distributor road with Porset Park to the North and Castle Park to the South. It comprises Attlee Court, Buxton Court, Graham Court, Greenwood Court, Haldane Court, Hartshorn Court, Maxton Court, Snowden Court, Trevelyan Court and Wedgewood Court. There are 687 properties of which 673 are occupied.

At least two visits were made to each of the 673 properties and GDCG was able to canvass opinion from 464 of the properties (68.95% of households). There was no contact at the remaining properties.

- Households against development: 403 (86.85%)
- *(Adults who submitted objections): 432*
- Households in favour of development) 16 (3.45%)
- Households undecided or not interested 45 (9.70%)

### Households



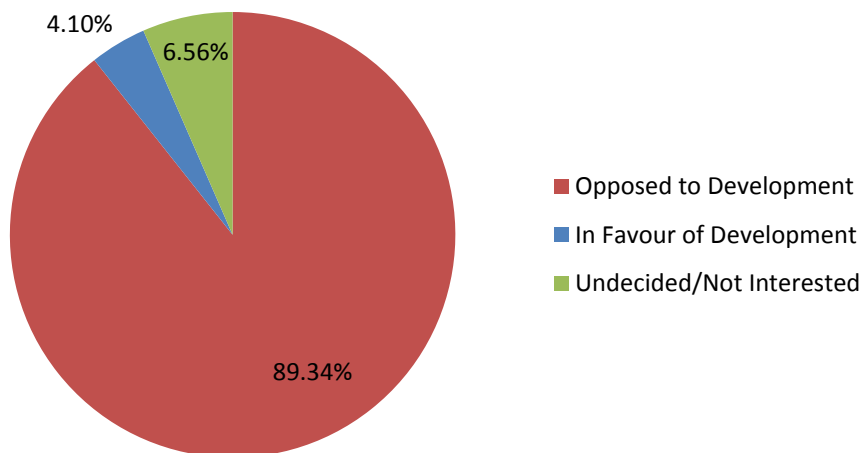
## Mornington Meadows Estate

Mornington Meadows is situated on the western edge of the Mornington Meadows distributor road with Porset Park to the South. GDCG surveyed four streets (Bryn Rhedyn, Pen-Y-Cae, Gwaun Hyfryd and Hafan Werdd) amounting to 288 occupied properties.

At least one visit [and where time allowed, two] were made to each of the 288 properties and GDCG was able to canvass opinion from 122 of the properties (42.36% of households). There was no contact at the remaining properties.

- Households against development: 109 (89.34%)
- *(Adults who submitted objections): 193*
- Households in favour of development) 5 (4.10%)
- Households undecided or not interested 8 (6.56%)

Households



In addition, and from a small circulation of advisory leaflets, 60 signed objections from Mornington Meadows residents were received at one of GDCG's drop off locations.

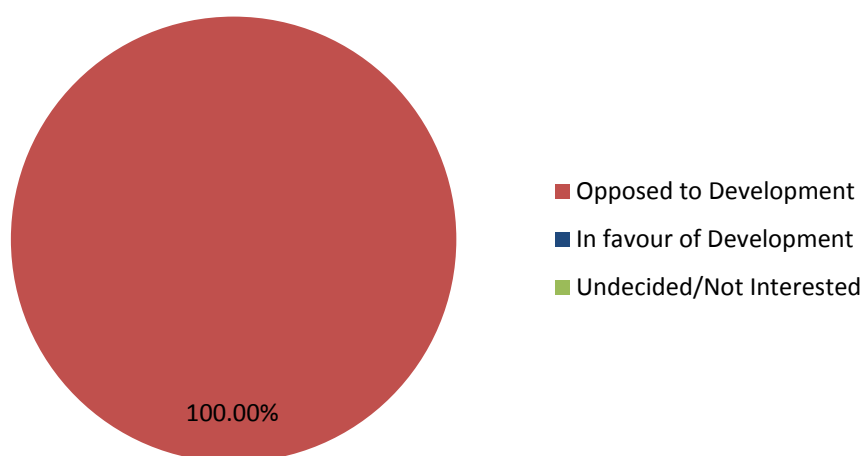
## Castle Park Estate

Castle Park is situated South of Lansbury Park and North of Van Road. As noted, GDCG was unable to resource a door-to-door survey of Castle Park within the restricted timeframe but did undertake a survey of two roads; Mardy Close and Farm Road comprising 35 occupied properties.

At least two visits were made to each of the 35 properties and GDCG was able to canvass opinion from 26 of the properties (74.29% of households). There was no contact at the nine remaining properties.

- Households against development: 26 (100.00%)
- (*Adults who submitted objections*): 36
- Households in favour of development) 0 (0.00%)
- Households undecided or not interested 0 (0.00%)

### Households



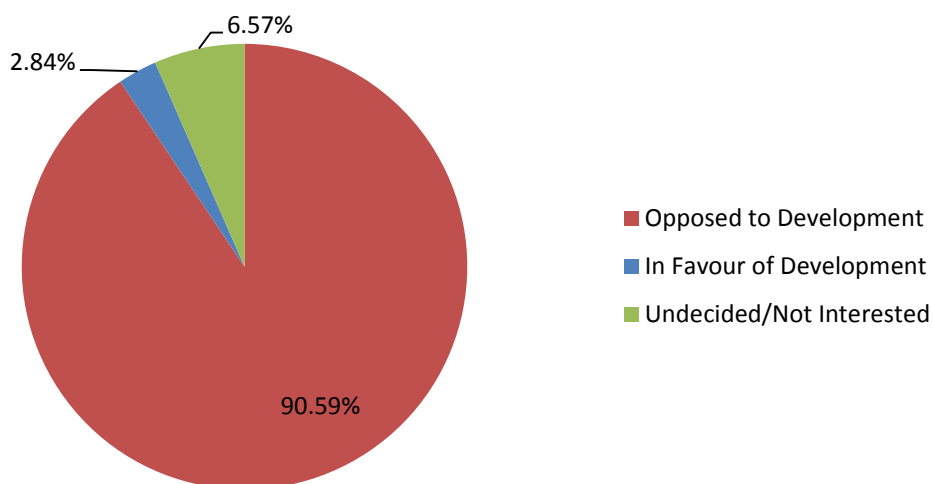
In addition, and from a small circulation of advisory leaflets, 38 signed objections from Castle Park residents were received at one of GDCGs drop off locations.

GDCG also received 139 objection letters from other residents of Caerphilly Borough; 51 from residents of Rudry village and 22 from visitors to Caerphilly from outside the borough.

Taking all the door-to-door surveys into account [excluding non-surveyed objection letters] there were 1,537 targeted occupied properties of which GDCG surveyed 1,020 (66.36%). This represents a significant percentage of the local population who expressed an opinion.

- Households against development: 924 (90.59%)
- *(Adults who submitted objections):* 1,155
- Households in favour of development) 29 (2.84%)
- Households undecided or not interested 67 (6.57%)

### St James Ward Households



It is clear that more than 90% of local residents are actively opposed to the proposed development and less than 3% in favour.



In conclusion, the Draethen Waterloo and Rudry Community Council trust that the above information will be duly considered by Caerphilly County Borough Council Officers and that the Planning Committee rejects Application 17/0411/OUT in the most robust manner.

It is vitally important that any rejection is on several substantive grounds to ensure it cannot be overturned at appeal and that any appeal is robustly defended and argued on unassailable points of law and planning regulation.

DWRCC is concerned that, even if CCBC rejects the application, that a weak objection may result in the development being authorised by the Planning Inspectorate and write the following paragraphs to illustrate.

The 260 home development proposed by Redrow Homes in Hendredenny was rejected by CCBC and went to the Planning Inspectorate. CCBC's sole objection to the appeal proposals was on highways grounds, although it is believed that there were other grounds which could also have been put forward in rejecting the application.

The relevant policy referred to in the reason for refusal was CW3 which relates to highway design considerations; it states that, amongst other criteria, that any proposal must have regard to the safe, effective and efficient use of the transportation network. The objection was explored in the evidence but as the Inspector wrote, was "simply not sustained".

CCBC's highways witness agreed that the Council's reason for refusal simply asserted that there would be 'prejudice or aggravation of congestion to fall foul of Policy CW3A'. There is nothing in either policy CW3A or any other local or national policy that requires sustainable transportation measures, when provided, to "off-set" prejudice or aggravation of congestion to a highways network.

It followed that the Council's refusal reason was not supported by policy and there was no evidence to support the refusal reason, nor any evidence from the Council to demonstrate that the highways impact would be unacceptable. Crucially, Redrow's highway witness was not challenged in cross examination by the CCBC at all.

The hearing did also consider the land supply issue, which at the time meant a lack of supply had to be given substantial weight in favour of the proposed development. CCBC argued that the 5 year supply position was not 1.5 years but 2.2 years but this could not be tested as the Council chose not to provide any planning witnesses.

Consequently, the appeal was upheld and planning permission granted. The council did the right thing in rejecting the application but it doesn't appear that the refusal was robust enough as neither was the evidence to support the sole reason for rejection.

Yours sincerely

Valerie Steel  
**Clerk to the Council / Proper Officer**  
**Draethen, Waterloo and Rudry Community Council**

*Attached: Appendices I and II*