

3 PLANNING POLICY AND LEGISLATION

3.1.1 This Chapter identifies the planning policy, legislation and guidance that is applicable to the Proposed Development. An assessment of the Proposed Development against these policies is provided in the accompanying Planning Statement.

3.2 INTERNATIONAL AND UK LEGISLATION AND GUIDANCE

International Legislation and Guidance

3.2.1 The framework of international agreements, binding targets and climate change global advisory reports upon which UK and national policy and legislation is based comprises the following:

- The Paris Agreement (2016).
- The Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report

3.2.2 The Paris Agreement is a legally binding treaty on climate change, adopted by 196 parties at the UN Climate Change Conference in Paris on 12th December 2015. It came into force in November 2016, with an overarching goal to limit the global average temperature to well below 2°C above pre-industrial levels, and to pursue efforts to limit the temperature increase to below 1.5°C. In order to achieve this important target, greenhouse gas emissions must peak before 2025 and decline by 43% by 2030.

3.2.3 The IPCC Sixth Assessment Report was published in 2023 and states “*Human activities, principally through emissions of greenhouse gases, have unequivocally caused global warming, with global surface temperature reaching 1.1°C above 1850–1900 in 2011–2020. Global greenhouse gas emissions have continued to increase, with unequal historical and ongoing contributions arising from unsustainable energy use, land use and land-use change, lifestyles and patterns of consumption and production across regions, between and within countries, and among individuals*”. It continues, “*Global GHG emissions in 2030 implied by nationally determined contributions (NDCs) announced by October 2021 make it likely that warming will exceed 1.5°C during the 21st century and make it harder to limit warming below 2°C*”.

UK Legislation and Guidance

3.2.4 At a UK level, legislative and guidance considerations are as follows:

- The Climate Change Act (2008)

- Committee on Climate Change, Net Zero, the UK's Contribution to Stopping Global Warming (May 2019)
- Committee on Climate Change, Sixth Carbon Budget (2021)
- The British Energy Security Strategy (2022)
- The UK Net Zero Strategy (2021)
- National Audit Office, Achieving Net Zero (2020)
- UK Government, The UK Energy White Paper: Powering our Net Zero Future (2020)
- UK Government, The Ten Point Plan for a Green Industrial Revolution (2020)
- The UK Clean Growth Strategy (2017)

3.2.5 Under the 2008 Climate Change Act, the UK committed to a net reduction in Greenhouse Gas (GHG) emissions by 2050 of 80% against the 1990 baseline. In June 2019, secondary legislation was passed that extended that target to at least 100% against the 1990 baseline by 2050. The Sixth Carbon Budget requires a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels.

3.2.6 The British Energy Security Strategy and the UK Net Zero Strategy seek to ensure that by 2035, the UK is powered entirely by clean electricity. Achieving Net Zero sets out that *"While emissions have reduced steadily over recent years, particularly in the power sector, achieving net zero will require wide-ranging changes across society and the economy at a pace which leaves little room for delay"*. The UK Energy White Paper states that *"Clean electricity will become the predominant form of energy, entailing a potential doubling of electricity demand and consequently a fourfold increase in low-carbon electricity generation"*. The UK Clean Growth Strategy sets out actions to enhance the UK's energy security by delivering a more diverse and reliable energy mix.

3.3 NATIONAL LEGISLATION, POLICY AND GUIDANCE

3.3.1 At a national level, the following legislation and policy is relevant:

- Welsh Government, A Low Carbon Transition (2012)
- The Well-being of Future Generations (Wales) Act 2015
- The Environment (Wales) Act 2016
- Welsh Government, Prosperity for All: A Low Carbon Wales (2019)
- Net Zero Wales, Carbon Budget 2 (2021-2025)
- National Development Framework 'Future Wales – the National Plan 2040' (2021)
- Planning Policy Wales Edition 11 (2021)

- 3.3.2 A Low Carbon Transition sets out measures to achieve a low-carbon economy, including a desire to *“Engage and support businesses that help us to achieve our low carbon ambition – ensuring that Wales is the best possible place to do business by being responsive to the needs of businesses and industry as a cornerstone of our approach”*. It continues *“It is our aim to ensure that Wales is at the forefront of the low carbon energy agenda, and the transition to a low carbon, low-waste and hi-tech economy”*.
- 3.3.3 The Well-being of Future Generations (Wales) Act requires public bodies to act in pursuit of sustainable development to promote well-being in Wales. The Environment (Wales) Act 2016 Part 2 relates to Climate Change, and sets out a target that net emissions in Wales in 2050 are at least 80% lower than the baseline (1990 in the case of CO₂ emissions).
- 3.3.4 Prosperity for All: A Low Carbon Wales sets out that *“Power sector emissions will reduce by 37% from baseline levels [1990s] by the year 2030 by:*
- *reducing overall power generation from fossil fuels;*
 - *increasing the deployment of renewable energy to meet the target for Wales to generate 70 per cent of its electricity consumption from renewable energy by 2030; and*
 - *increasing support for innovation in the Power Sector”*.
- 3.3.5 Net Zero Wales Carbon Budget 2 (2021-2025) contains several policies on renewable energy. Of particular relevance are policies 17 and 22:
- “Policy 17 – Reducing emissions from the combustion of fuels for electricity generation. We aim to reduce carbon emissions from the power sector in Wales whilst maintaining security of supply in a high renewables system”*.
- “Policy 22 - Increasing renewable energy developments on land through our planning regime ... We will improve and unify the consenting of energy generation projects in Wales to provide a quicker and more proportionate consenting regime for energy infrastructure”*.

3.3.6 In 2019, the Welsh Government declared a Climate Emergency, which highlights the need for urgent action to cut carbon dioxide and other greenhouse gas emissions.

Planning Policy

3.3.7 The relevant national planning policy is contained within the following documents:

- National Development Framework 'Future Wales – the National Plan 2040' (2021)
- Planning Policy Wales Edition 11 (2021)
- National Development Framework 'Future Wales – the National Plan 2040' (2021)

3.3.8 Future Wales – the National Plan 2040 is the national development framework for Wales, setting the direction for development to 2040.

3.3.9 Of particular relevance are policies 17 and 18, relating to renewable and low carbon energy:

"Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure

The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. In determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.

...

Applications for large-scale wind and solar will not be permitted in National Parks and Areas of Outstanding Natural Beauty and all proposals should demonstrate that they will not have an unacceptable adverse impact on the environment.

Proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities. New strategic grid infrastructure for the transmission and distribution of energy should be designed to minimise visual impact on nearby communities. The Welsh Government will work with stakeholders, including National Grid and Distribution Network Operators, to transition to a multi-vector grid network and reduce the barriers to the implementation of new grid infrastructure".

“Policy 18 – Renewable and Low Carbon Energy Developments of National Significance

Proposals for renewable and low carbon energy projects (including repowering) qualifying as Developments of National Significance will be permitted subject to policy 17 and the following criteria:

- 1. outside of the Pre-Assessed Areas for wind developments and everywhere for all other technologies, the proposal does not have an unacceptable adverse impact on the surrounding landscape (particularly on the setting of National Parks and Areas of Outstanding Natural Beauty);*
- 2. there are no unacceptable adverse visual impacts on nearby communities and individual dwellings;*
- 3. there are no adverse effects on the integrity of Internationally designated sites (including National Site Network sites and Ramsar sites) and the features for which they have been designated (unless there are no alternative solutions, Imperative Reasons of Overriding Public Interest (IROPI) and appropriate compensatory measures have been secured);*
- 4. there are no unacceptable adverse impacts on national statutory designated sites for nature conservation (and the features for which they have been designated), protected habitats and species;*
- 5. the proposal includes biodiversity enhancement measures to provide a net benefit for biodiversity;*
- 6. there are no unacceptable adverse impacts on statutorily protected built heritage assets;*
- 7. there are no unacceptable adverse impacts by way of shadow flicker, noise, reflected light, air quality or electromagnetic disturbance;*
- 8. there are no unacceptable impacts on the operations of defence facilities and operations (including aviation and radar) or the Mid Wales Low Flying Tactical Training Area (TTA-7T);*
- 9. there are no unacceptable adverse impacts on the transport network through the transportation of components or source fuels during its construction and/or ongoing operation;*
- 10. the proposal includes consideration of the materials needed or generated by the development to ensure the sustainable use and management of resources;*

11. there are acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration.

The cumulative impacts of existing and consented renewable energy schemes should also be considered”.

Planning Policy Wales Edition 11 (2021)

3.3.10 Planning Policy Wales (PPW) and the National Development Framework (Future Wales – the National Plan 2040) set out how the planning system at a national, regional and local level can assist in delivering sustainable development through Strategic Development Plans (SDPs) and Local Development Plans (LDPs).

3.3.11 PPW sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales.

3.3.12 PPW states *“The planning system should secure an appropriate mix of energy provision, which maximises benefits to our economy and communities whilst minimising potential environmental and social impacts. This forms part of the Welsh Government’s aim to secure the strongest economic development policies, to underpin growth and prosperity in Wales, recognising the importance of decarbonisation and the sustainable use of natural resources, both as an economic driver and a commitment to sustainable development”.*

3.3.13 At section 5.9 – Renewable and Low Carbon Energy, it states *“Local authorities should facilitate all forms of renewable and low carbon energy development and should seek cross-department co-operation to achieve this. In doing so, planning authorities should seek to ensure their area’s full potential for renewable and low carbon energy generation is maximised and renewable energy targets are achieved”.* Of particular relevance is paragraph 5.9.12, which sets out *“Planning authorities should plan positively for the use of locally generated electricity and heat to help meet the national target of one Gigawatt by 2030. They should develop policies and proposals which:*

- *facilitate the co-location of major developments to enable the use of local heat opportunities;*

- *facilitate the linking of renewable and low carbon energy with major new development and high energy users...*

3.3.14 Paragraph 5.9.19 sets out that *“In determining applications for the range of renewable and low carbon energy technologies, planning authorities should take into account:*

- *the contribution a proposal will make to meeting identified Welsh, UK and European targets;*
- *the contribution to cutting greenhouse gas emissions; and*
- *the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development”.*

3.3.15 Paragraph 5.9.20 states *“Planning authorities should also identify and require suitable ways to avoid, mitigate or compensate adverse impacts of renewable and low carbon energy development. The construction, operation, decommissioning, remediation and aftercare of proposals should take into account:*

- *the need to minimise impacts on local communities, such as from noise and air pollution, to safeguard quality of life for existing and future generations;*
- *the impact on the natural and historic environment;*
- *cumulative impact;*
- *the capacity of, and effects on the transportation network;*
- *grid connection issues where renewable (electricity) energy developments are proposed; and*
- *the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so, consider whether measures to adapt to climate change impacts give rise to additional impacts”.*

3.3.16 Paragraph 5.9.22 states *“Whatever the size of a scheme, developers should take an active role in engaging with the local community on renewable energy proposals. This*

should include pre-application discussion and provision of background information on the renewable energy technology that is proposed”.

3.3.17 Section 6 of PPW relates to Distinctive and Natural Places, and addresses heritage and landscape considerations.

3.3.18 Paragraph 6.1.9 states *“Any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place”.*

3.3.19 Paragraph 6.3.3 relates to landscape, and states *“All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places. Considering landscape at the outset of formulating strategies and policies in development plans and when proposing development is key to sustaining and enhancing their special qualities, and delivering the maximum well-being benefits for present and future generations as well as helping to deliver an effective and integrated approach to natural resource management over the long term. Collaboration and engagement with adjacent planning authorities, Natural Resources Wales (NRW), Cadw and the third sector will be necessary to draw on a wide range of expertise and evidence. This means:*

- ensuring Wales contributes to meeting international responsibilities and obligations for landscapes;*
- ensuring statutorily designated sites are properly protected and managed;*
- ensuring that the value of all landscapes for their distinctive character and special qualities is protected; and*
- ensuring the opportunities landscapes provide for tourism, outdoor recreation, local employment, renewable energy and physical and mental health and well-being are taken into account and multiple well-being benefits for people and communities secured.”*

3.3.20 Paragraph 6.4.3 relates to biodiversity and ecological networks and sets out *“The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement.*

Addressing the consequences of climate change should be a central part of any measures to conserve biodiversity and the resilience of ecosystems. Information contained in SoNaRR, Area Statements and species records from Local Environmental Record Centres should be taken into account. Development plan strategies, policies and development proposals must consider the need to:

- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;*
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;*
- ensure statutorily and non-statutorily designated sites are properly protected and managed;*
- safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat; and*
- secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks”.*

3.3.21 Paragraph 6.4.4 states *“It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals. Since these considerations are not confined by administrative boundaries they must be addressed strategically through consultation and collaboration with adjoining planning authorities and other bodies such as NRW and the third sector. All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission”.*

3.3.22 Paragraph 6.4.5 states *“Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so planning authorities must also*

take account of and promote the resilience of ecosystems, in particular the following aspects:

- *diversity between and within ecosystems;*
- *the connections between and within ecosystems;*
- *the scale of ecosystems;*
- *the condition of ecosystems including their structure and functioning; and*
- *the adaptability of ecosystems”.*

3.3.23 Paragraph 6.4.22 sets out that *“The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site, and potentially the surrounding area, concerned. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the development management process. It is considered best practice that screening to determine the presence of protected species should be carried out by a competent ecologist on the basis of data provided by the relevant Local Environmental Record Centre”.*

3.3.24 Section 6.6 relates to water and flood risk. Paragraph 6.6.5 states *“The Welsh Government aims to secure the provision of water services whilst minimising adverse impacts on the environment, amenity, health and communities, in light of the consequences of climate change. Development which is poorly designed or badly located can exacerbate problems associated with resource depletion, exposure to surface water flooding and diffuse pollution. The planning system should:*

- *protect and improve water resources by promoting and encouraging increased efficiency and demand management of water as part of new developments, particularly in those areas where water resources may be under pressure or may not be available;*

- *ensure that the infrastructure on which communities and businesses depend is adequate to accommodate proposed development so as to minimise risk to human health and the environment and prevent pollution at source;*
- *ensure sustainable drainage systems are an integral part of design approaches for new development; and*
- *ensure the protection of the quantity and quality of surface and ground water supplies is taken into account as part of development proposals”.*

3.3.25 Paragraph 6.6.19 states *“Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle, providing issues such as land contamination would not result in the mobilisation of contaminants which may have an impact over a wider area. Design for multiple benefits and green infrastructure should be secured wherever possible and as part of Green Infrastructure Assessments suitable approaches towards the provision of SuDS should be identified. It may, in some circumstances, be necessary for ‘hard’ infrastructure solutions to be preferred because of practical or archaeological considerations, but taking into account the role of water services in contributing to the quality of place, nature based solutions should be the preference”.*

3.3.26 Section 6.7 relates to air quality and soundscape. Paragraph 6.7.3 sets out that *“Certain sounds, such as those created by trees, birds or water features, can contribute to a sense of tranquillity whilst others can be reassuring as a consequence of their association with the normality of everyday activities. Problematic forms of sound are generally experienced as noise pollution and can affect amenity and be prejudicial to health or a nuisance. Noise action plans drawn up by public bodies aim to prevent and reduce noise levels where necessary and preserve soundscape quality where it is good. Noise levels used to identify priority areas contained in noise action plans are usually set quite high in order to focus resources on the most polluted areas and noise must meet a number of tests before it qualifies as a statutory nuisance. Lower levels of noise, however, can still be annoying or disruptive and impact on amenity and as such should be protected through the planning process wherever necessary. The planning system*

must protect amenity and it is not acceptable to rely on statutory nuisance under the Environmental Protection Act 1990 to do so”.

- 3.3.27 Paragraph 6.7.14 states *“Proposed development should be designed wherever possible to prevent adverse effects to amenity, health and the environment but as a minimum to limit or constrain any effects that do occur. In circumstances where impacts are unacceptable, for example where adequate mitigation is unlikely to be sufficient to safeguard local amenity in terms of air quality and the acoustic environment it will be appropriate to refuse permission”.*
- 3.3.28 Paragraph 6.7.17 states *“The location of potentially polluting development adjacent to sensitive receptors will be unacceptable where health and amenity impacts cannot be minimised through appropriate design and mitigation measures. It is the overall expectation that levels of pollution should be reduced as far as possible and for this reason the location of potentially polluting development should be taken into account as part of overall strategies in development plans to ensure it can be appropriately located and maximum environmental benefits can be gained through measures such as green infrastructure”.*
- 3.3.29 Paragraph 6.7.26 relates to construction and states *“Planning authorities must consider the potential for temporary environmental risks, including airborne pollution and surface and subsurface risks, arising during the construction phases of development. Where appropriate planning authorities should require a construction management plan, covering pollution prevention, noisy plant, hours of operation, dust mitigation and details for keeping residents informed about temporary risks”.*
- 3.3.30 Section 6.9 relates to de-risking. Paragraph 6.9.2 sets out that *“Often surface and subsurface hazard gives rise to both actual and perceived risks. A key principle for planning is that surface and sub-surface risks are understood and can be effectively communicated to both developers, so as to inform investment decisions, and the public and others who may have concerns regarding dereliction, contamination and other physical or chemical constraints affecting land. Taking early action, based on the*

precautionary principle, not only reduces costs but ameliorates the potential for long term risk to communities and future generations”.

3.3.31 Paragraph 6.9.13 states *“When considering development proposals planning authorities should take into account the nature, scale and extent of surface and subsurface hazards which may pose risks to health and environment, to ensure that:*

- new development is not undertaken without an understanding of the risks, including those associated with the previous land use, pollution, groundwater, flood risk, subsidence, landslips, rock falls, mine and landfill gas emissions and rising groundwater from abandoned mines;*
- development does not take place without appropriate remediation or precautions;*
- consideration is given to the potential impacts which remediation of land, including land contamination, might have upon the natural and historic environment;*
- development is not allowed if expensive engineering projects, which have implications for the public purse, will be required to serve it, for example, to prevent erosion, or in the case of receding cliffs, if a site is likely to be affected by loss of land to the sea during its lifetime or if it could contribute to pollution at a later date; and*
- unstable land is restored to safeguard investment and, where possible, returned to productive use”.*

3.3.32 Paragraph 6.9.25 states *“Planning decisions will need to take into account:*

- the potential hazard that instability could create to the development itself, to its occupants and to the local environment; and*
- the results of a specialist investigation and assessment by the developer to determine the stability of the ground and to identify any remedial measures required to deal with any instability”.*

3.4 LOCAL POLICY AND GUIDANCE

3.4.1 The Site is located within the jurisdiction of Caerphilly County Borough Council (CCBC). The Local Development Plan (LDP) was adopted in 2010 and comprises three components: a Written Statement, Appendices to the Written Statement and a Proposals Map. Policies of relevance to these proposals are set out below.

3.4.2 Policy SP1 – Development Strategy – Development in the Heads of Valleys Regeneration Area

“Proposals in the Heads of the Valley Regeneration Area will be required to:

- A. Promote the north of the County Borough as a tourist, employment and residential area at the heart of the valleys city region and*
- B. Provide appropriate forms of growth in response to the role and function of settlements and*
- C. Serve to address existing problems of deprivation in order to sustain and develop communities in a manner that is consistent with the underlying principles of sustainable development”.*

3.4.3 Policy SP5 – Settlement Boundaries

“The Plan defines settlement boundaries in order to:

- A. Define the area within which development would normally be allowed, taking into account material planning considerations*
- B. Promote the full and effective use of urban land and thus concentrate development within settlements*
- C. Prevent the coalescence of settlements, ribbon development and fragmented development*
- D. Prevent inappropriate development in the countryside”.*

3.4.4 Policy SP10 – Conservation of Natural Heritage

“The Council will protect, conserve, enhance and manage the natural heritage of the County Borough in the consideration of all development proposals within both the rural and built environment”.

3.4.5 Policy CW2 - Amenity

“Development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:

- A. There is no unacceptable impact on the amenity of adjacent properties or land*
- B. The proposal would not result in overdevelopment of the site and / or its surroundings*
- C. The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use*
- D. Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development”.*

3.4.6 Policy CW3 – Design Considerations - Highways

“Development proposals must satisfy the following highways requirements:

- A. The proposal has regard for the safe, effective, and efficient use of the transportation network*
- B. The proposal ensures that new access roads within development proposals are designed to a standard that:*
 - i. Promotes the interests of pedestrians, cyclists and public transport before that of the private car, and*
 - ii. Safely and effectively accommodates the scale and nature of traffic, which those roads are intended to serve*
- C. Parking, appropriate servicing and operational space have been provided in accordance with the CSS Wales Parking Standards 2008*
- D. Where access onto a highway is required the proposal takes account of the restrictions relevant to the class of road as designated in the road hierarchy ensuring movements and speeds are controlled through appropriate design, in order to ensure highway safety and amenity”.*

3.4.7 Policy CW4 – Natural Heritage Protection

“Development proposals that affect locally designated natural heritage features, will only be permitted:

- A. *Where they conserve and where appropriate enhance the distinctive or characteristic features of the Special Landscape Area (SLA) or Visually Important Local Landscape (VILL).*
- B. *Within, or in close proximity to sites designated as Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), Regionally Important Geological Sites (RIGS), Green Corridors, or Local Priority Habitats and Species, where proposals either:*
 - i. *Conserve and where appropriate enhance the ecological or geological importance of the designation, or*
 - ii. *Are such that the need for the development outweighs the ecological importance of the site, and where harm is minimised by mitigation measures and offset as far as practicable by compensation measures designed to ensure that there is no reduction in the overall value of the area or feature”.*

3.4.8 Policy CW5 – Protection of the Water Environment

“Development proposals will only be permitted where:

- A. *They do not have an unacceptable adverse impact upon the water environment, and*
- B. *Where they would not pose an unacceptable risk to the quality of controlled waters (including groundwater and surface water)”.*

3.4.9 Policy CW6 - Trees, Woodland and Hedgerow Protection

“Development proposals on sites containing trees, woodlands and hedgerows, or which are bordered by one of more such trees or hedgerows, will only be permitted provided that:

- A. *Where arboricultural surveys are required, they are submitted and approved, including any mitigation, compensation or management requirements, as part of the planning application.*
- B. *Root systems will be retained and adequately protected for the duration of all development activity on site.*

- C. Development proposals have made all reasonable efforts to retain, protect and integrate trees, woodlands or hedgerows within the development site.*
- D. Where trees, woodlands or hedgerows are removed, suitable replacements are provided where appropriate”.*

3.4.10 Policy CW15 - General Locational Constraints

“Development proposals will be considered against the following criteria, where they apply:

- A. Development proposals will not be permitted if they prejudice the implementation of wider comprehensive redevelopment or constrain the development of any adjacent site for its allocated land-use*
- B. Within settlement boundaries proposals for all types of development accord with the role and function of the settlement within which they are located, and*
- C. Outside settlement boundaries proposals will not be permitted unless the proposed development is either:*
 - i. Associated with either agriculture, forestry or the winning and working of minerals or*
 - ii. For the conversion, rehabilitation or replacement of rural buildings and dwellings, or*
 - iii. For recreation, leisure and tourism proposals that are suitable in a countryside location or*
 - iv. Associated with the provision of public utilities, infrastructure and waste management facilities that cannot reasonably be located elsewhere or*
 - v. Associated with the reclamation / treatment of derelict or contaminated land”.*

3.4.11 Policy CW22 – Locational Constraints – Minerals

“Development proposals which may impact on minerals safeguarding areas will be considered against the following requirements, as applicable:

- A. Proposals for permanent development uses within identified mineral safeguarding areas will not be approved unless:*

- i. *The applicant can demonstrate that the mineral is no longer of any value or potential value, or*
 - ii. *The mineral can be extracted satisfactorily prior to the development taking place, or*
 - iii. *There is an overriding need for the development, or*
 - iv. *The development comprises infill development within a built up area or householder development or an extension to an existing building*
- B. *Proposals for development uses of a temporary nature within identified mineral safeguarding areas will not be approved unless they can be completed and the site restored to a condition that does not inhibit mineral extraction within the timescale that the mineral is likely to be needed”.*

3.4.12 Policy NH1 – Special Landscape Areas

“NH1 Special Landscape Areas are identified and will be protected at the following locations:

NH1.1 Upper Rhymney Valley

NH1.2 Gelligaer Common”

3.4.13 The supporting text states “Two special landscape areas have been identified in the Heads of the Valleys Regeneration Area (HOVRA). These areas will be protected from any development that would harm their distinctive features or characteristics. The policy is not designed to preclude development. However, an applicant will need to demonstrate that any development proposal will not have an unacceptable impact on the specific distinctive features or characteristics associated with the Special Landscape Area (SLA)”.

3.4.14 Policy NH2 – Visually Important Landscapes

“Visually Important Local Landscapes are identified and will be protected at the following locations:

NH2.1 Northern Rhymney Valley

NH2.2 Manmoel”.

3.4.15 The supporting text states “2 Visually Important Local Landscapes (VILLs) are non-statutory designations that seek to protect the distinctive features or characteristics

of the visual and sensory landscape of the County Borough and how we perceive and respond to the landscape around us. VILLS have been identified using only the visual and sensory layer of LANDMAP. The HOVRA has two Visually Important Local Landscapes”.

3.4.16 Preparation of a second replacement Local Development Plan up to 2035 has commenced. The published Delivery Agreement sets the target for the adoption of the new LDP for December 2024.