



Caerphilly Local Development Plan

Hearing Session 9: Minerals and Waste (25th May 2010)

Issue: ***“Are the provisions of the Plan sound in relation to the Nant Llesg area north of Fochriw?”***

Supplementary Statement on behalf of Miller Argent (South Wales) Limited

Proposed Revisions to Boundaries of SLA and VILL west of Rhymney

18th May 2010

Introduction

1. Miller Argent (South Wales) Limited (Miller Argent) made objections to the proposed designation under policies NH1 and NH2 of the draft Local Development Plan of areas of land within and in the vicinity of the site known as Nant Llesg to the west of Rhymney. The proposed designation areas are:

NH1.1 Upper Rhymney Valley Special Landscape Area (SLA)

NH2.1 Northern Rhymney Valley Visually Important Local Landscape (VILL)

2. In their analysis of the objections (Ref: SB51: Council Consideration of Representations Volume 5 pp53-54), the Council stated in relation to both the SLA and VILL designations:

“The extent of the SLAs has been reviewed in the preparation of the LDP. The VILL is a new designation with a new evidence base. Both designations are therefore based on the most up to date evidence. The SLA and VILL boundaries were initially drawn up on the basis of the LANDMAP aspect layer boundaries as supported by PPW which states: “CCW’s LANDMAP information system methodology is an important resource upon which local planning authorities can draw in making the landscape assessments needed to inform local policy, guidance and decision making in the field” (para 5.3.13). The SLA and VILL

boundaries were amended in some locations to be taken to defensible boundaries.

The SLA boundaries for the UDP were based on landscape studies based on the visual aspect of the landscape and therefore differ from the SLAs in the LDP because of different assessment methodology.

SLA and VILL designations are not necessarily a constraint to development but are intended to ensure that the landscape value of the area is given full consideration. In some cases this may mean that areas of low landscape value may be included within a designation because it would benefit from positive management to improve its quality and to ensure that the land would benefit from high quality restoration if development takes place.”

3. Leek and Weston submitted further representations on this matter behalf of Miller Argent in relation to the Focused Changes to the Deposit Draft (September 2009) under cover of a letter dated 4th November 2009.
4. Further submissions on these matters were made in response to the Issues and Matters Raised by the Inspector for Consideration at the Mineral & Waste Hearing.
5. As stated by the Council, the proposed SLA and VILL boundaries in the LDP are based on consideration of data collated in the LANDMAP Level 3 database held by CCW.
6. The SLA designation methodology is set out in the TACP report (January 2008 – Ref SB47). It identifies Areas of Search using Landmap (Stage2) and then refines this at Stage 3 to define the boundaries:

“3.3.4 Stage 3 - Establish the Specific Areas

The primary function of this stage in the process is to review the broad search areas and establish clear, definable boundaries for the SLAs. This was undertaken through a combination of desk survey supported by field survey. Following the discussions during Stage 2 with particular regard to the reduction in areas eligible for designation as a SLA, a further review of the LANDMAP data was carried out....”

7. Similarly the methodology for the designation of VILLs is described in the TACP report of April 2008 (Ref SB48). With respect to the definition of boundaries this states:

“2.4 The potential VILL sites generally fell within the previous Council SLA areas. Each VILL was assessed against the three Strategic Criteria used for SLA designation for consistency and continuity of process. Inconsistencies between new VILL and previous SLA boundaries were further examined by ground truthing. Boundaries were finally defined on the basis of defensibility and coherence.”

8. Subsequent to Miller Argent's previous submissions, and in the light of the Council's comments on those submissions, we have undertaken further analysis of the LANDMAP information. Our findings were discussed with the Council's officers at a meeting on 11th May 2010 following which a draft of this Supplementary Statement was provided to the Council.
9. On the basis of our previous submissions and this further analysis we propose revised boundaries for the NH1.1 Upper Rhymney Valley SLA and NH2.1 Northern Rhymney Valley VILL which we consider provide clearer and more defensible boundaries
10. We fully appreciate that in defining boundaries, it will inevitably be the case that small areas which do not in themselves qualify for designation will be included. However, in this specific case we consider that the areas of land which do not fulfill the criteria are so extensive that their removal is fully justified, results in clearer more defensible boundaries, and, to the extent that there are valued features within the areas we propose be removed, other legislation and policies affords sufficient protection.

LANDMAP Aspect Areas

11. The LANDMAP database collates and evaluates attributes of the landscape under the following classes of Aspect Areas:

 Geological Landscape;
 Habitat Landscape;
 Historical Landscape;
 Visual and Sensory Landscape; and
 Cultural Landscape
12. In identifying SLAs, following the relevant guidance, the Council has taken into account evaluations of all five classes of Aspect Area. In identifying VILLs, the Council has taken account of the Visual and Sensory Aspect Areas only.
13. We have reviewed the relevant LANDMAP Aspect Area descriptions for the area west of Rhymney and have identified the features which are stated to contribute to the overall value of the areas. We have also identified those features which are referred in LANDMAP as detracting from value. We have mapped these features, so far as practicable, on Figures attached to this note as follows,:

Figure 1 Geological Landscape;

<i>CynonGL007</i>	Value: Outstanding
Valued Features:	Lower House Stream Section SSSI
Detractors	N/A
<i>CynonGL008</i>	Value: Moderate
Valued Features:	Valleys in outcrop of Pennant Sandstone (Pennant Sandstone outcrop mapped)
Detractors:	N/A

14. Aspect area CynonGL007 has an overall evaluation of Outstanding. All the neighbouring aspect areas are evaluated as Moderate. So far as we can tell the only differentiator giving rise to the Outstanding score is the presence within the aspect area of the Lower House stream section (Blaen Rhymney) SSSI. This seems disproportionate as the SSSI covers an area of only 0.0011 km², compared to the area of the CynonGL007 aspect area which is 16.6 km² (some 0.007%).
15. We have sought CCW's views on this and they have confirmed that an Outstanding evaluation indicates consistently - throughout the LANDMAP studies - that an aspect area includes a SSSI. They advised that this is the best fossiliferous site in the Namurian Cancellatum Marine Band, and that it has an outcrop area not restricted to the protected site. The SSSI is notified because in this precise location a good exposure of a key part of the stratigraphy is exposed. This is part of the continuum of stratigraphy that stretches beneath all the aspect area, but it is of special importance because of the well preserved fossils within it, and their significance with respect to palaeo-environments and their value in correlating rock ages internationally. The size of any SSSI site is not considered separately within aspect areas, and in a Level 3 study it would not be appropriate to designate individual geoconservation sites as separate, high ranked aspect areas.
16. They have also explained that a High evaluation for education in this area reflects the potential also for group visits to look for/collect minerals and fossils from rocks of similar age to the SSSI exposed in old colliery tips.
17. The Millstone Grit Group (Namurian Series) comprises a sequence of intercalated marine and fluvial deposits of quartz rich sandstones, conglomerates and mudstones. In this northern area of the Coalfield; the Millstone Grit succession is generally split into the Basal Grit Formation overlain by the Middle Shales Formation which is in turn overlain by the sandstones and quartzites of the Farewell Rock. The lower sandstones form bands of prominent crags or scarps. Fossiliferous marine bands are used for correlation across the Coalfield.
18. Figure 1 shows the northern boundary of the Millstone Grit in this area, the extent of the outcrop of the Namurian Middle Shale, and the southern limit of the Namurian exposure (generally the limit of the outcrop of the Farewell Rock except where overlain by Boulder Clay where the limit of the outcrop is in the Basal Grit). The Lower House Stream Section SSSI cuts through the Marine Band in the upper part of the Basal Grit just to the north of the shale outcrop.
19. It can be seen that the Namurian exposure (the area of high importance of similar age to the SSSI referred to by CCW) is to the north of the Heads of the Valleys Road, south of which is the outcrop of the Coal Measures.
20. Thus the SSSI is a small area to the north of the A465 Heads of the Valleys Road, and there are no particular valued geological features in that part of CynonGL007 to the south of the road which is occupied by Coal Measures, much of which has been disturbed by previous opencast working.

21. We have no particular comments in relation to GL008.

22. In summary:

- The national importance of the SSSI distorts the overall evaluation of an extensive area included within CynonGL007.
- The outcrop of the Millstone Grit Group (Namurian Series) which is the area of high geological interest within CynonGL007 is to the north of the Heads of the Valleys road.

Figure 2 Landscape Habitats

Valued Features: The following habitats have been mapped from CCW Phase 1 Habitat Mapping for all aspect areas:

Dry dwarf shrub heath
Dry heath/acid grassland mosaic
Flush
Marsh grassland
Wet dwarf shrub heath
Wet heath/acid grassland mosaic

Detractors: Improved grassland has been mapped for all aspect areas from CCW Phase 1 Habitat Mapping

<i>Cynon LH108</i>	Value: High
<i>Cynon LH109</i>	Value: Low
<i>Cynon LH112</i>	Value: High

23. Cynon LH108 has an overall evaluation of High. It appears to us that this would be Moderate if it were not for the presence of the Lower House Stream Section (Blaen Rhymney) SSSI which is referred to in the aspect area description. However, this SSSI is designated for geological reasons as explained above and is not based on ecological features. It should not therefore be taken into account in evaluation of Landscape/Habitats. We have sought CCW's views on this but have yet to receive a response.

24. We have no particular comments in relation to Cynon LH109 or Cynon LH112.

25. In summary:

- The evaluation of CynonLH108 is distorted by the national importance of the Lower House Stream Section SSSI which is of geological not biodiversity importance.
- Since this has been taken into account in both the Geological and Habitat Landscape evaluations, it has effectively been double counted.

Figure 3 Historic Landscape

Cynon HL633 Value: Low

26. This aspect area is described in the LANDMAP database as an area of forestry. The area is actually predominantly agricultural grassland on restored opencast workings. We have queried this with CCW who referred us to GGAT and in turn to Border Archaeology
27. We have been advised by GGAT and Border Archaeology that as a result of an error in the LANDMAP database which resulted in the wrong description of this aspect area, this has since been renumbered Cynon HL1002. An overall value of moderate has now been assigned to this area, based on the fact that extensive opencast mining and subsequent reclamation in the late 20th century has obliterated much of the industrial landscape shown in this area on the OS 1st-3rd edition maps, characterised by numerous mines, levels and tramroads. Border Archaeology advised that remains of water management features associated with the historically important Dowlais Free Drainage system survive in the SE corner of the area. We have not been able to identify any such features although Rhaslas Pond is a little to the south of the aspect area.

Valued Features: Common Land
No historic features identified
Detractors: Opencast coal workings

Cynon HL831 Value: Outstanding
Valued Features: Common Land
Historic features referred to in LANDMAP as listed in Key on Figure 3.
Detractors: N/A

28. The LANDMAP evaluation is based on prehistoric, Roman and medieval remains which are mapped on Figure 3. However, many of the historic features referred to in the LANDMAP account are within the wider area of Gelligaer Common, as can be seen from Figure 3, many of them fall within the section of the common which is in Merthyr Tydfil (MRTHRHL015). Those which are within Cynon HL831 are generally well to the south.
29. Border Archaeology have confirmed the evaluation and have in addition referred to extensive evidence of later post-medieval industrial activity in the northern part of the aspect area, most notably Rhaslas Pond and its associated water management features (part of the early 19th century Dowlais Free Drainage System, of considerable historic importance), as well as a substantial stretch of the embankment of the Brecon and Merthyr Railway. These features can be seen on the plan at Figure 3.
30. In summary:
- CynonHL633 should be renumbered CynonHL1002 and comprises restored opencast workings, not forestry plantation.

- Many of the historic features referred to in the LANDMAP account are within the section of Gelligaer Common which is in Merthyr Tydfil (MRTHRHL015).
- Those which are within Cynon HL831 are generally well to the south.
- There are features of industrial historical importance within the northern part of the common.

Figure 4 Visual and Sensory Landscape

Cynon VS209 Value: Moderate
 Valued Features: Open feel (not mapped)
 Detractors: Pylons
 A465 Heads of the Valley Road
 Industrial Estates

Cynon VS361: Value: Moderate
 Valued features: Views out to uplands (not mapped)
 Detractors: Pylons
 A465 Heads of the Valley Road

31. We have no particular comments on these aspect layers other than to note that that the detracting features are generally associated with the Heads of the Valleys road corridor and the urban edge of Rhymney.

32. In summary:

- There are a number of visually detracting features in the general area of the Heads of the Valleys Road corridor.

Figure 5 Cultural Landscape.

Cynon CL056: Value: High
 Valued Features: SSSI, SLA and SINC designations
 Detractors: N/A

33. These features have been mapped from the CCW web-site (SSSIs), Caerphilly UDP (SLAs) and Caerphilly LDP (SINCs). There is a danger of a circular argument in using this cultural landscape information in an evaluation of landscape since it is based on existing designations, i.e. an area is designated because it is important; this is then taken account in the LANDMAP evaluation of Cultural Landscape; which is then used to identify areas of importance.

34. In summary:

- Use of Cultural Landscape Aspect Areas (which includes SLAs and other designations) in identifying SLAs leads to a circular argument.

Valued Features and Detractors

Figure 6 **Valued Features**
Figure 7 **Detractors**

35. These two plans show respectively the overlaid valued features and detractors from Figures 1 to 5.

NH1.1 Upper Rhymney Valley SLA

36. Figure 6 shows that the area between the A465 Heads of the Valleys Road in the north, Rhaslas Pond in the South, the County Borough Boundary in the west, and the A469 road and Rhymney in the east contains few valued features. The western half of the area is Common Land (which is protected by specific legislation) and there are areas of valued habitat which are included within SINCs (and are thus protected under Policies CW8 B and NH3 of the LDP).
37. Figure 7 shows that this area is also affected by a number of elements which detract from its landscape value including the pylons carrying the overhead power line, the Heads of the Valleys Road, nearby industrial estates, and previous opencast workings restored to extensive improved grassland.
38. This area is included in the Council's proposed NH1.1 Upper Rhymney Valley SLA. The analysis of LANDMAP data set out above shows that there is no justification or requirement for designation of this area as a SLA.
39. Figures 6 and 7 show that in contrast the area to the north of the Heads of the Valleys Road contains extensive areas of valued habitats, is of geological importance, and is affected to a much lesser degree by detracting elements.
40. The southern boundary of the Council's proposed SLA is largely across open land and does not relate to any features on the ground and is thus not clear and defensible.
41. A more appropriate, well justified, clear and defensible boundary for the SLA in this area would be the Heads of the Valleys Road. This proposed revised boundary is shown on Figure 8.

NH2.1 Northern Rhymney Valley VILL

42. The area to the south of Rhaslas Pond extending to Fochriw is included in the NH2.1 Northern Rhymney Valley VILL on the basis of its Moderate value for Visual and Sensory Landscape (Aspect Area VS361). LANDMAP describes this area as:

“Upland area lying at approximately 400m AOD of rough grassland, but strong underlying feel of industrial past. Industrial remnants include old railway sidings/earthworks. Views dominated by adjacent upland areas. Overhead pylons are visual detractors, and A465 noise/movement impact. Overall a discordant area with slightly unsettling air.”

43. As for the SLA, the corresponding northern boundary of the Council's proposed VILL is largely across open land and does not relate to any features on the ground and is thus not clear and defensible.
44. Given that the visual detractors are predominantly to the north of the area, and in order to define a clear and defensible boundary for the VILL, we consider that this should be delineated by the road across Gelligaer Common between the Cwmbargoed Disposal Point and Fochriw as shown on Figure 8.
45. Whilst not directly relevant to the designation of VILLs, it should be noted that the only valued attributes in the area between the Rhaslas Pond and the revised boundary of the VILL are Common Land and valued habitats included within SINC's. As noted above Common Land is protected by specific legislation, and SINC's are protected under Policies CW8 B and NH3 of the LDP.

Proposed revisions to SLA and VILL boundaries

46. On the basis of the information presented in the Supplementary Statement, Miller Argent are of the view that the boundaries of the NH1.1 Upper Rhymney Valley SLA and NH2.1 Northern Rhymney Valley VILL include extensive areas that do not qualify or are not considered to be of 'special' value, do not follow the SLA and VILL methodologies in defining defensible boundaries, and as such render the Plan unsound.
47. Miller Argent consider that the review stage of the Council's SLA designation methodology failed to
 - a) distinguish between the areas of higher value north of the Heads of the Valleys Road and the lower value areas to the south; and
 - b) identify a clear and defensible boundary.
48. Similarly the review stage of the VILL designation failed to
 - a) recognise visual detractors predominantly to the north of the area; and
 - b) identify a defensible and coherent boundary.
49. Figure 8 shows the revised boundaries for the NH1.1 Upper Rhymney Valley SLA and NH2.1 Northern Rhymney Valley VILL which are proposed by Miller Argent on the basis of the analysis of LANDMAP described herein and illustrated on Figures 1 to 7.
50. The Council has suggested that Supplementary Planning Guidance should be prepared to supplement the SLA and VILL policies. The SPG would address in more detail the issue of appropriate development within SLA's and VILL's, mitigation, compensation and restoration requirements and issues associated

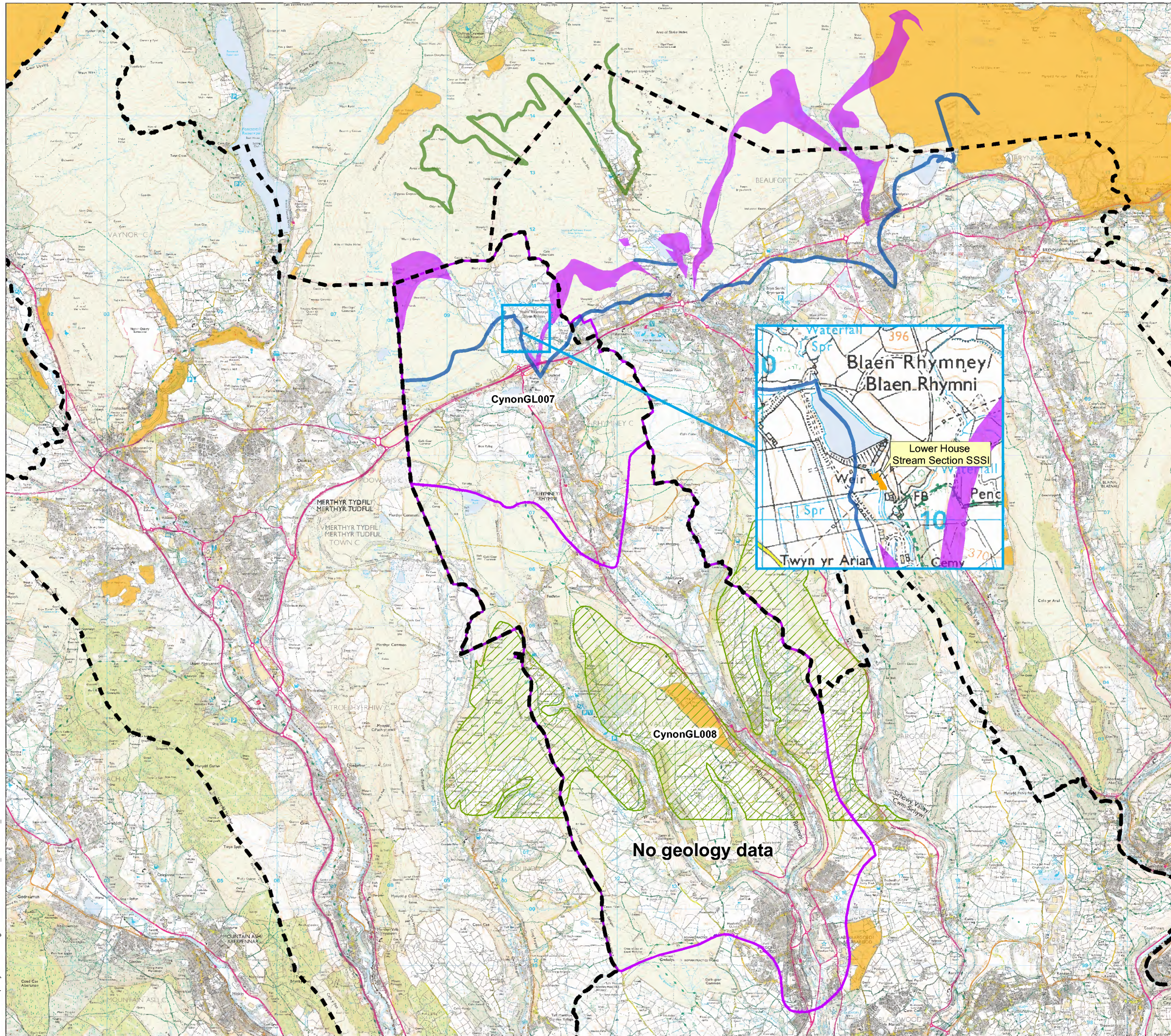
with the landscape value of specific areas within the SLA or VILL. They consider that the preparation of SPG on the local landscape designations would also be helpful for the implementation of the policies within the development control process.

51. Whilst Miller Argent accept that such SPG would assist generally in the application of Policy CW8A, and would assist in cases where an SLA or VILL may include small parts of the local landscape that do not display the same level of landscape importance, it would not resolve the issue in this specific instance where the boundaries include extensive areas that do not qualify and are not of 'special' value. The inclusion of the extensive areas in question in NH1.1 SLA and NH2.1 VILL is not based on the correct application of the Council's methodologies, is not supported by the available evidence, is not defined by defensible boundaries, and in this respect the Plan is unsound.
52. The Inspector is respectfully requested to consider the information provided in this Supplementary Statement and to agree that the revised boundaries proposed by Miller Argent and shown on Figure 8:
 - are supported by the evidence;
 - in contrast to the Council's proposed boundaries are well defined and defensible; and
 - in these respects improve the soundness of the plan.







Data sources

The following data sources have been used in this analysis in addition to the LANDMAP Aspect Area descriptions:

Data Description	Source
<i>Geological Landscape</i>	
Location of Lower House Stream Section SSSI	CCW web-site
Pennant Sandstone Outcrop Namurian Shale Outcrop Northern Boundary of Namurian Millstone Grit Southern limit of Namurian exposure	Institute of Geological Sciences One-Inch Series Drift Edition Sheet 232 Abergavenny
<i>Habitat Landscape</i>	
Dry dwarf shrub heath Dry heath/acid grassland mosaic Flush Marsh grassland Wet dwarf shrub heath Wet heath/acid grassland mosaic Improved grassland	CCW Phase 1 Habitat Map of Wales
<i>Historic Landscape</i>	
Common Land	CCW
Opencast coal workings	Coal Authority (provided by Miller Argent)
Locations of Historic Features	GGAT Border Archaeology Megalithic Portal Society web- site Roman Britain web-site
<i>Visual and Sensory Landscape</i>	
Pylons A465 Heads of the Valley Road Industrial Estates	OS 1:25,000 map
<i>Cultural Landscape</i>	
SSSI boundaries	CCW web-site
SLA boundaries	Caerphilly UDP
SINC boundaries	Caerphilly LDP



Legend

-  LPA boundary
-  Geology aspect areas (Landmap)
-  Pennant Sandstone outcrop (IGS Sheet 232)
-  Northern boundary of Namurian (IGS Sheet 232)
-  Southern boundary of Namurian exposure (IGS Sheet 232)
-  Namurian Shale outcrop (IGS Sheet 232)

Rev:	Date:	Amendment:	Name:	Checked:

■ Data Source: RPS 2010
 Status: FINAL



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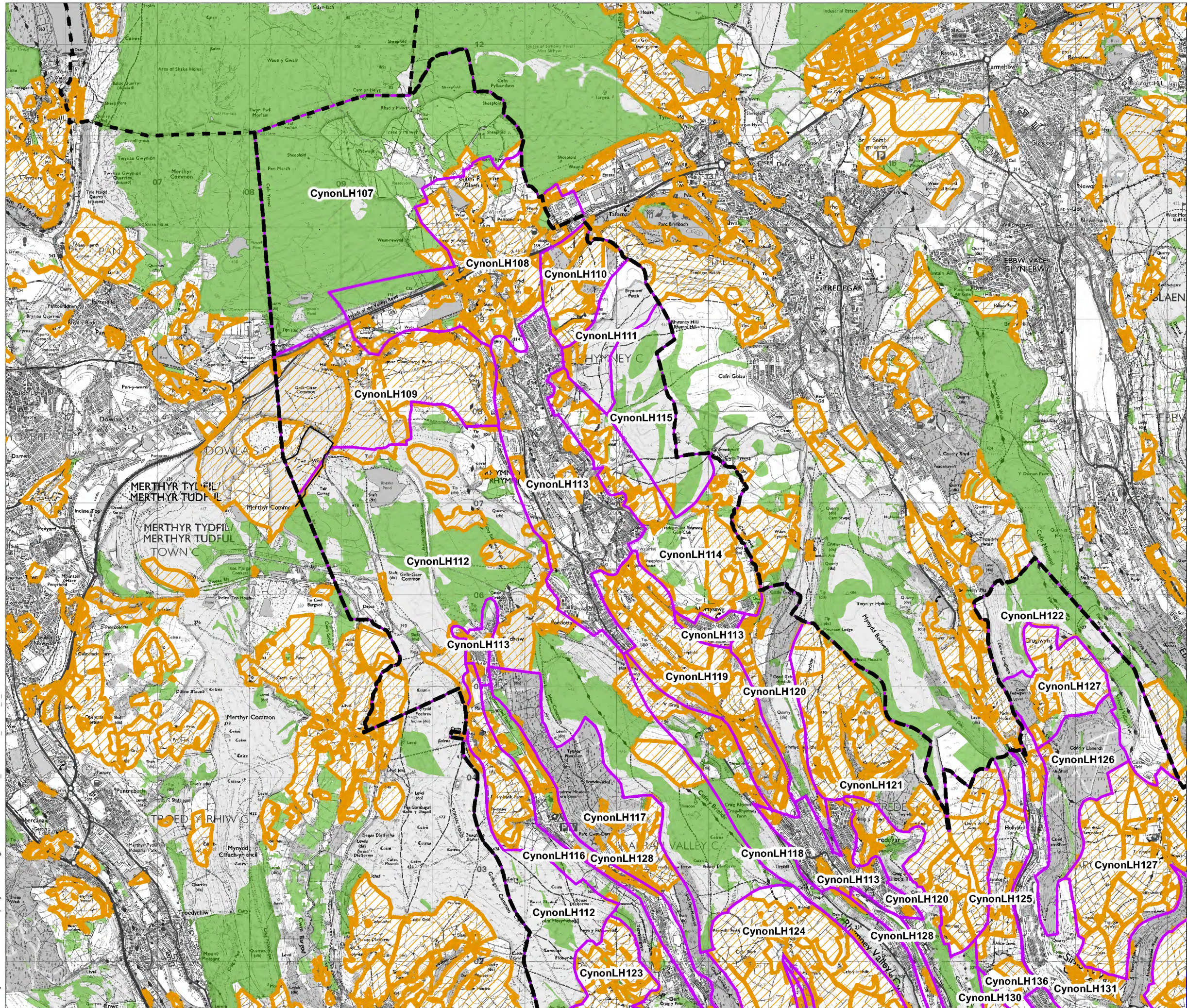
■ Client: Miller Argent (South Wales) Ltd
 Project: Caerphilly LDP

Title: Landmap Features
 Geological Landscape

Scale: A3 @ 1:65,000


Date: Apr 10 Datum: OSGB36 Projection: BNG
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■ Figure No: 1 Revision:



Legend

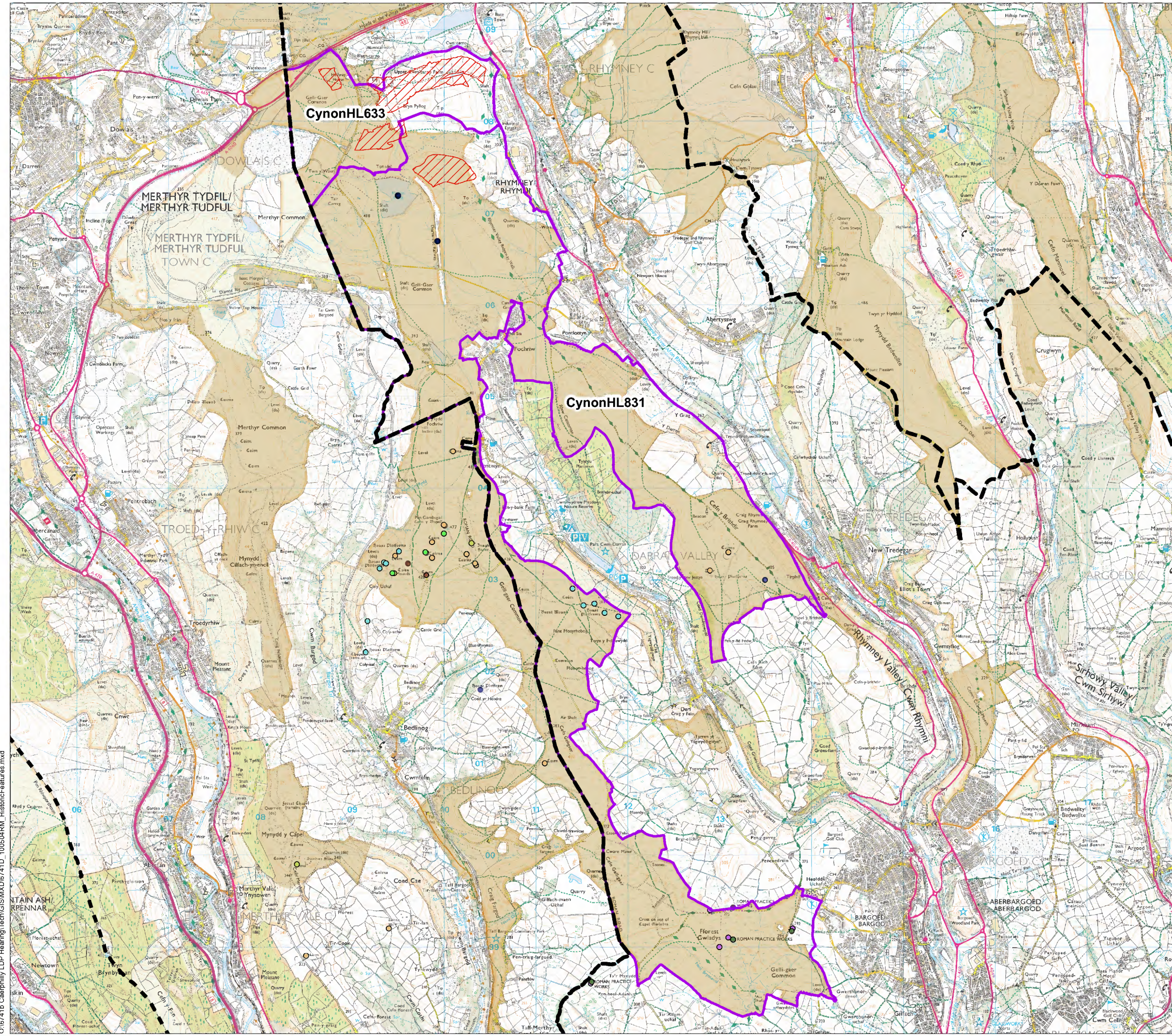
- LPA boundary
- Landscape habitat aspect areas (Landmap)
- Detractor (improved grassland)
- Valued Habitats

(Dry dwarf shrub heath
 Dry heath/acid grassland mosaic
 Flush
 Marsh grassland
 Wet dwarf shrub heath
 Wet heath/acid grassland mosaic)

Source: CCW Phase 1 Habitat Survey

Project Ref: O16741b Caerphilly LDP Hearing\Tech\GIS\MapX\16741D_100430AVG_Phase1_2_D2.mxd

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Client: Miller Argent (South Wales) Ltd	
Project: Caerphilly LDP	
Title: Landmap Features Landscape Habitats	
Scale: A3 @ 1:40,000	
Date: May 10	Datum: OSGB36
Drawn: AVG	Checked: KJ
Projection: BNG	Job Ref: JR6741
Figure No: 2	Revision: .



Legend

- LPA boundary
- Previous opencast working
- Historic landscape aspect areas

Historic Features

- Ancient Village or Settlement
- Bronze Age burial and ritual site
- Cairn
- Industrial
- Medieval settlement
- Ring marks / Rock Art
- Roman Fort & Camp
- Roman military occupation
- Round Barrow
- Standing Stone
- Common land

Sources:
 Landmap (CCW)
 Megalithic Portal Society web-site
 Roman and Britain web-site

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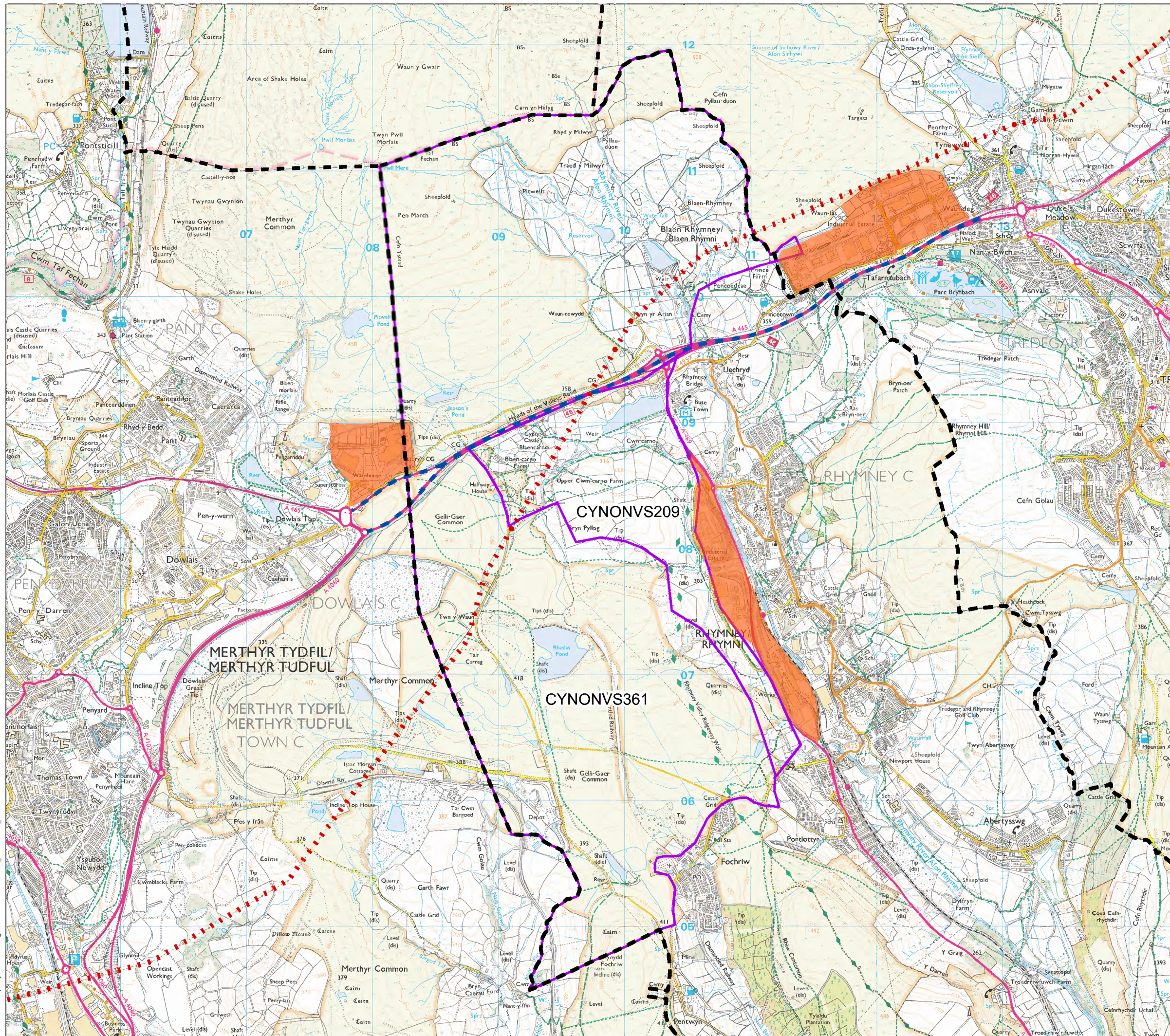
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 Historic Landscape

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■ Figure No: 3 Revision:

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Legend

- LPA boundary
- Visual and Sensory aspect areas
- Heads of the Valley Road
- Pylons
- Industrial Estates

Rev:	Date:	Amendment:	Name:	Checked:

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 Status: FINAL

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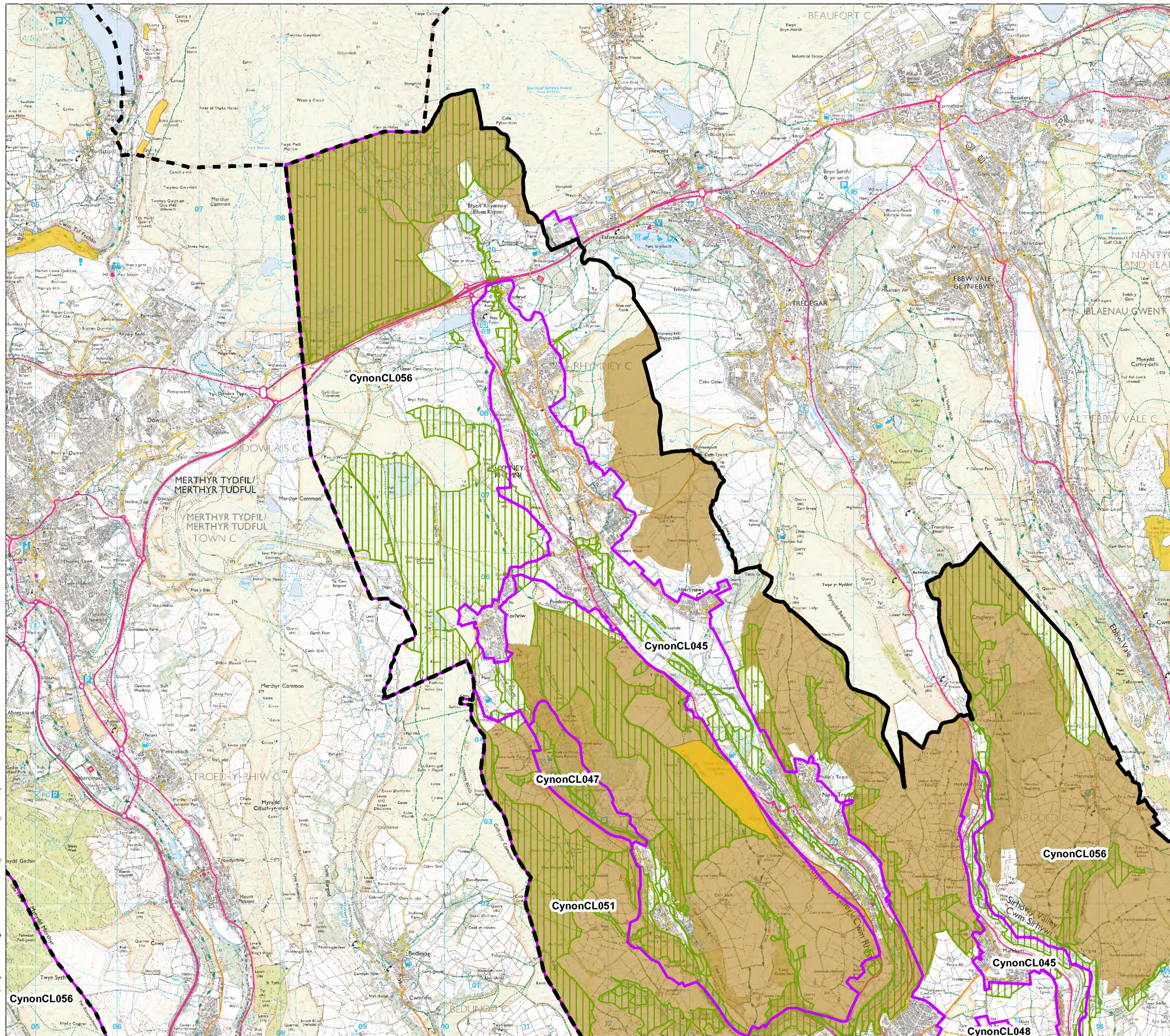
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 Visual and Sensory

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Date: Apr 10 Datum: OSGB36 Projection: BNG
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■ Figure No: 4 Revision:

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Legend

-  LPA boundary
-  Aspect areas
-  SINC (Caerphilly LDP)
-  SSSI (CCW)
-  SLA (Caerphilly UDP)

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■ Client: Miller Argent (South Wales) Ltd

Project: Caerphilly LDP

Title: Landmap Cultural Landscape

Scale: A3 @ 1:45,000

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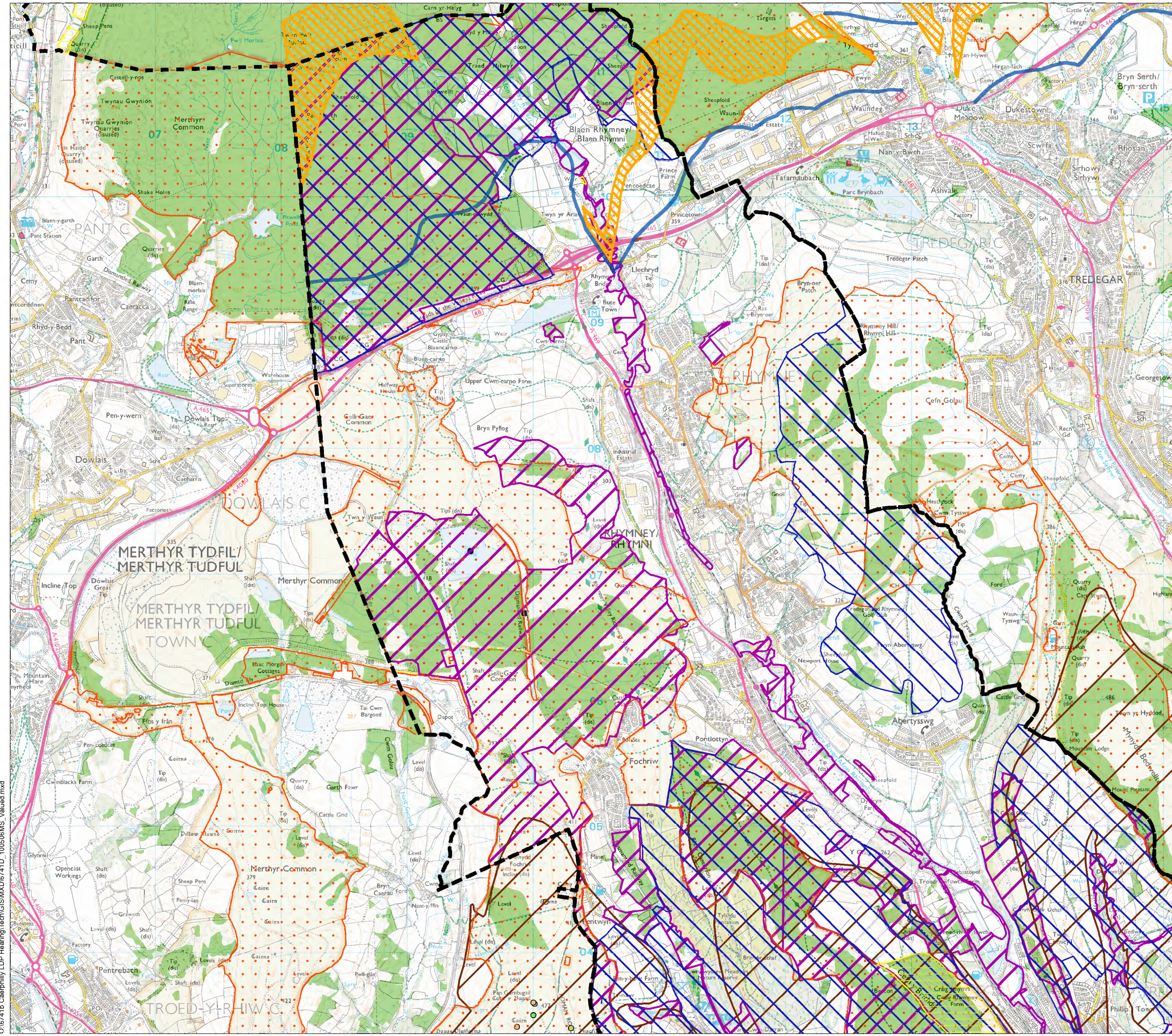


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■ Figure No: 5

Revision:



Legend

- LPA boundary
- Ancient Village or Settlement
- Bronze Age burial and ritual site
- Cairn
- Industrial
- Medieval settlement
- Ring marks / Rock Art
- Roman Fort & Camp
- Roman military occupation
- Round Barrow
- Standing Stone
- SSSI
- SLA
- SINC
- Pennant Sandstone outcrop
- Namurian Shale
- Southern boundary of Namurian exposure
- Common Land
- Valued Habitats

(Dry dwarf shrub Heath
 Dry heath/acid grassland mosaic
 Flush
 Marsh grassland
 Wet dwarf shrub heath
 Wet heath/acid grassland mosaic)

Source: CCW Phase 1 Habitat Survey

Rev:	Date:	Amendment:	Name:	Checked:

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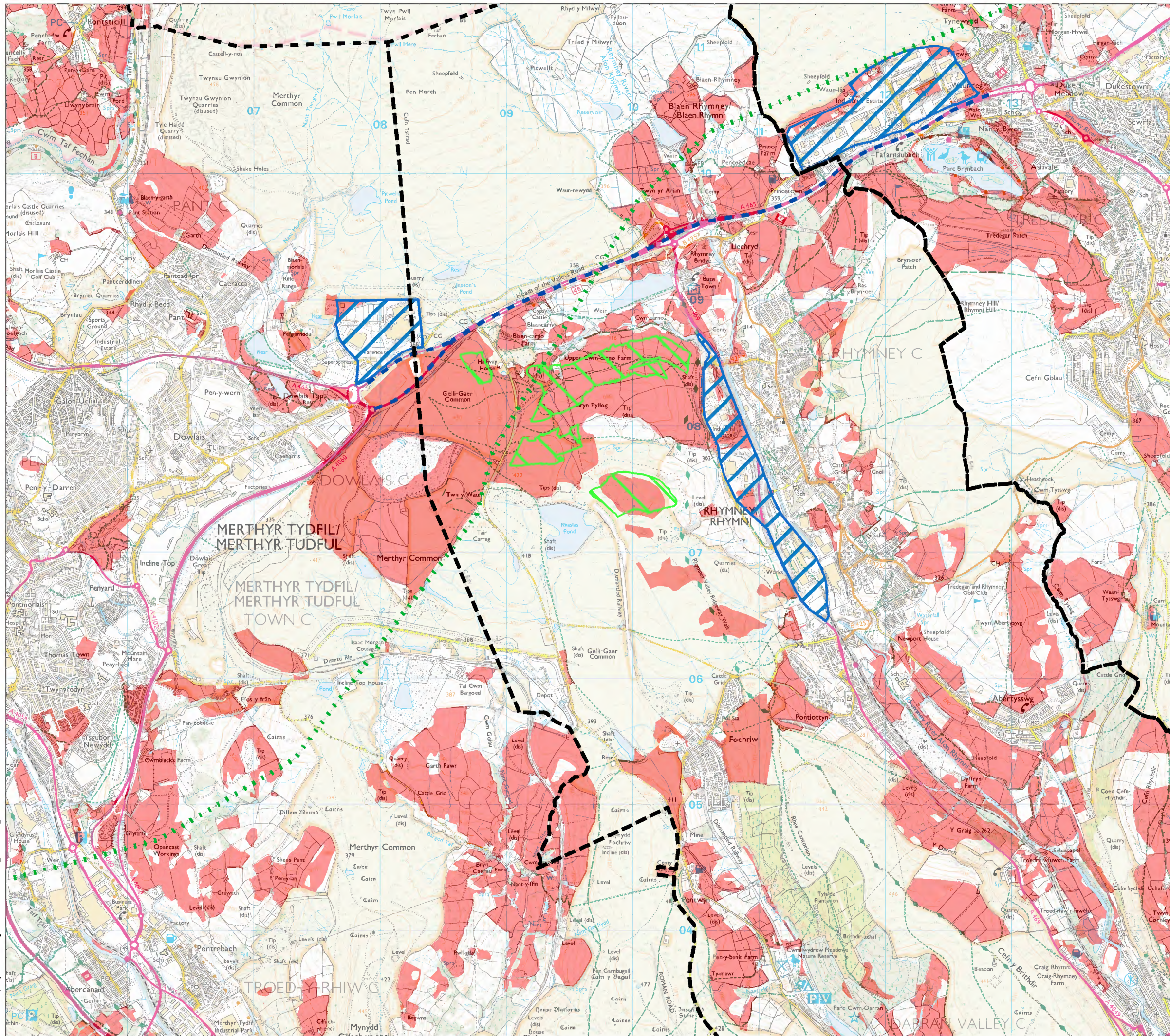
■ Client: Miller Argent (South Wales) Ltd
 Project: Caerphilly LDP

Title: Valued Features

Scale: A3 @ 1:29,145

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■ Figure No: 6 Revision:



Legend

- LPA boundary
- Heads of the Valley Road
- Pylons
- Industrial Estates
- Previous opencast working
- Improved Grassland

Rev:	Date:	Amendment:	Name:	Checked:

■ Data Source: RPS 2010
 Status: FINAL

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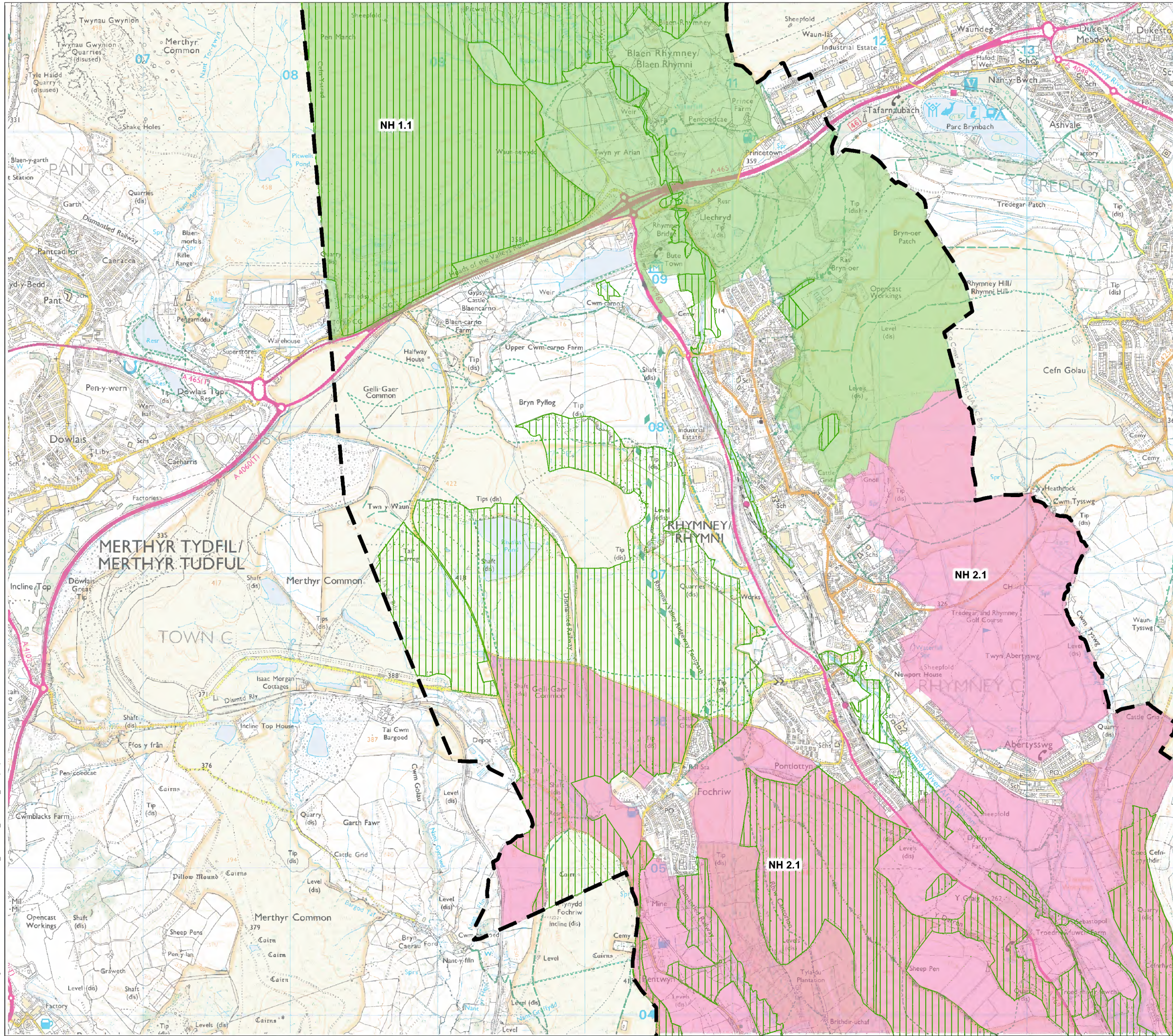
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Scale: A3 @ 1:29,145
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■ Figure No: 7 Revision:

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Legend

- Caerphilly CBC Boundary
- SINC
- Miller Argent Proposed Visually Important Local Landscape
- Miller Argent Proposed Special Landscape Area

NH 1.1 Upper Rhymney Valley SLA
 NH 2.2 North Rhymney Valley VILL

Rev:	Date:	Amendment:	Name:	Checked:

■ Data Source: RPS 2010
 Status: DRAFT



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■ Client: Miller Argent (South Wales) Ltd
 Project: Caerphilly LDP

Title: Miller Argent proposed SLA and VILL boundaries

Scale: A3 @ 1:25,000

Date: May 10 Datum: OSGB36 Projection: BNG
 Drawn: AVG Checked: KJ Job Ref: JR6471

■ Figure No: 8 Revision:

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