

PH2_ 42

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SOLICITOR

Our ref: BBO/Ffoesmaen
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Mr V Maher
General Offices
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NP23 6DN

Dear Mr Maher

AS(N)18

I have recently received copies of Assessments carried out at stages 4 and 5 of the LDP process, those prepared prior to the hearing on 27 June 2012 and those following. For the sake of clarity, I confirm that until the hearing I had been unaware that the Council had carried out these assessments as we had been informed that the site had failed at an earlier stage. As the Assessment results had not been posted on the website I had to request them from the Planning Policy Team and have attached copies for your consideration in the event that you have not received them.

As you will see, at both stages most objectives were not relevant to the site. At stage 4, the only objective marked red had been downgraded to a yellow following the hearing and at stage 5, two out of the 3 reds had been downgraded to a yellow, presumably to reflect the fact that the biodiversity issues present at the site were initially over played by the Council, now highlighting only a potential conflict. I believe that objective 12 at stage 4 and objectives 14 and 25 at stage 5 can be coded green to reflect the mitigation work which could be carried out at the site as per the Ecology Report commissioned by the Applicant which could be argued to improve the quality and diversity of the habitats present at the site. I also question how much thought went into reassessing the site. As far as I am aware the Council has not paid a further visit since that in March 2008 where their Ecologist stated that further investigation was required on the site.

From the Candidate Site Methodology Paper paragraph 5.24, it appears that the benchmark for accepting which sites performed adequately against the Sustainability Appraisal and LDP Strategy was a combined score of 44. In the hearing the Council stated that an acceptable combined score would need to be in the 60s, ie if calculated as a percentage over 51%.

At the hearing the methodology used to score the sites was called into question and proclaimed bias and although was uniformly applied to each site was not an impartial and just marking system. At that stage I was unable to comment as I was under the impression that site AS(N)18 had not been assessed and so did not consider the marking system applied by the Council in any detail. On

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further consideration however, it appears that a site is penalised where particular objectives are not relevant to the site.

I calculated the maximum number of points relevant to the site by discounting those objectives which were not deemed relevant but included the objective which was marked with a question mark and converted them to a percentage. At stage 4, out of a possible 24 marks the site scored 16 which equates to 66.67%. At stage 5, out of a possible 51 marks the site scored 37 which equates to 72.55%.

By comparison, if all objectives were scored as per the system applied, site AS(N)18 would only achieve 14 out of a possible 42 at stage 4 due to all the "Not Relevant" scores, ie 33.33% and 37 out of a possible 75 at stage 5, ie 49.33%. The method used for marking the sites has too big an impact to be ignored and represents an unfair system. Under this system, it was never going to be possible for site AS(N)18 to achieve the requisite number of points due to the number of objectives which are deemed to be "not relevant" (14 out of 39).

Can you please confirm whether this marking system has been adopted by every Council in Wales and endorsed by the Welsh Assembly. Furthermore, if an appeal was later lodged with the Welsh Assembly against any decision made in this LDP process, would the Welsh Assembly then apply the same marking system?

Finally, at the hearing the Council commented that perhaps the main issue with the site was not the biodiversity issues or the site of historical importance but the visual impact any development would have due to the elevated nature of the site. If you read the report by the Council's Ecologist from March 2008, she describes the site as "gently slop[ing] down towards Ffoesmaen Road" and goes on to say "The site adjoins existing residential development to the west, on the opposite side of Ffoesmaen Road and there is further residential development to the south of the site".

I look forward to hearing your findings in due course and thank you for the time you have taken to consider each and every issue raised along the way.

Yours sincerely

Bethan Owen

Stage 5: Assessment against the LDP Sustainability Objectives – Review of Site following Examination Hearing Session

	Objective	Score
1	To promote economic growth and strengthen and diversify the economy	Not Relevant
2	To increase levels of local employment and ensure distribution of opportunities	Not Relevant
3	To enable the development of a strong tourism economy in Blaenau Gwent complementary to the regional offer	Not Relevant
4	To enhance the viability and vitality of town centres	Not Relevant
5	To meet identified housing need	Green
6	To improve the quality of Blaenau Gwent's housing stock	Green
7	To secure the delivery and maintenance of quality affordable housing	Green
8	To improve educational attainment and increase skill levels	Not Relevant
9	To improve accessibility to education, leisure, employment, health, homes and community services for all sectors of the community	Green
10	To promote community health, social care and well-being	Not Relevant
11	To reduce crime, social disorder and fear of crime	Green
12	Protect and enhance the Welsh culture	Not Relevant
13	To encourage modal shift from private transport to sustainable transport	Green
14	To protect and enhance biodiversity across Blaenau Gwent	Yellow
15	To conserve and enhance the heritage assets of Blaenau Gwent and their settings	Not Relevant
16	To make the best use of previously developed land and existing buildings to minimise pressure for Greenfield development, where this will not result in damage or loss to biodiversity	Red
17	To conserve soil resources and their quality	Green
18	To reduce emissions of greenhouse gases, in particular carbon dioxide	Green
19	To reduce waste generation and maximise reuse and recycling	Green
20	To maintain air quality	Green
21	To maintain current low levels of vulnerability of all development to flooding	Green
22	To promote the use of sustainably sourced products and resources	Green
23	To increase energy efficiency and generation and use of renewable energy across the County Borough	Green
24	To conserve and enhance surface and ground water quality	Green
25	Protect the quality and character of the landscape and enhance where necessary	Yellow
	Total Score	37

**Stage 5: Assessment against the LDP Sustainability Objectives –
Alternative Sites Stage**

	Objective	Score
1	To promote economic growth and strengthen and diversify the economy	Not Relevant
2	To increase levels of local employment and ensure distribution of opportunities	Not Relevant
3	To enable the development of a strong tourism economy in Blaenau Gwent complementary to the regional offer	Not Relevant
4	To enhance the viability and vitality of town centres	Not Relevant
5	To meet identified housing need	Green
6	To improve the quality of Blaenau Gwent's housing stock	Green
7	To secure the delivery and maintenance of quality affordable housing	Green
8	To improve educational attainment and increase skill levels	Not Relevant
9	To improve accessibility to education, leisure, employment, health, homes and community services for all sectors of the community	Green
10	To promote community health, social care and well-being	Not Relevant
11	To reduce crime, social disorder and fear of crime	Green
12	Protect and enhance the Welsh culture	Not Relevant
13	To encourage modal shift from private transport to sustainable transport	Green
14	To protect and enhance biodiversity across Blaenau Gwent	Red
15	To conserve and enhance the heritage assets of Blaenau Gwent and their settings	Not Relevant
16	To make the best use of previously developed land and existing buildings to minimise pressure for Greenfield development, where this will not result in damage or loss to biodiversity	Red
17	To conserve soil resources and their quality	Green
18	To reduce emissions of greenhouse gases, in particular carbon dioxide	Green
19	To reduce waste generation and maximise reuse and recycling	Green
20	To maintain air quality	Green
21	To maintain current low levels of vulnerability of all development to flooding	Green
22	To promote the use of sustainably sourced products and resources	Green
23	To increase energy efficiency and generation and use of renewable energy across the County Borough	Green
24	To conserve and enhance surface and ground water quality	Green
25	Protect the quality and character of the landscape and enhance where necessary	Red
	Total Score	33

Stage 4: Assessment against the LDP Preferred Strategy – Review of Site following Examination Hearing Session

	Objective	Score
1	Develop Ebbw Vale as the main service and retail hub for the County Borough	Not Relevant
2	Create a network of vibrant district/local centres (secondary hubs) well linked to the main hub of Ebbw Vale that provide a range of local services and facilities for the local communities	Not Relevant
3	Support and deliver the regeneration of the former Ebbw Vale steelworks ensuring that the benefits are spread across the County Borough	Not Relevant
4	Increase economic activity through facilitating diversification of the economic base and support for the manufacturing sector by encouraging specialisation	Not Relevant
5	Provide a range of employment sites and premises to meet the needs of businesses of all sizes in manufacturing, the technological and service sectors	Not Relevant
6	Stem out migration and attract people to the area to create a more balanced population	Green
7	Provide a range of types and tenures of new homes to meet local housing needs and attract people to the area	Green
8	Improve accessibility to services through the promotion of sustainable modes and transport, particularly, public transport, walking and cycling.	Green
9	Improve education levels and skills through supporting infrastructure development of the Learning Campus, new schools and integrated education services, including life-long learning	Green
10	Create an accessible network of green open spaces and high quality leisure infrastructure to promote participation in sport and active recreation to improve health and well-being	Question Mark
11	Capitalise on the unique landscape and natural heritage, foster sustainable tourism and promote community pride	Not Relevant
12	Protect, enhance and manage the diversity of the biodiversity resource of Blaenau Gwent through the identification of ecological corridors	Yellow
13	Raise the standard of design to improve the quality of the physical and natural environment; and protect and enhance Blaenau Gwent's historic and cultural environment.	Green
14	To minimise further climate change contributions and mitigate its predicted effects on the county Borough	Green
Total Score		16

Stage 4: Assessment against the LDP Preferred Strategy – Alternative Site Stage

	Objective	Score
1	Develop Ebbw Vale as the main service and retail hub for the County Borough	Not Relevant
2	Create a network of vibrant district/local centres (secondary hubs) well linked to the main hub of Ebbw Vale that provide a range of local services and facilities for the local communities	Not Relevant
3	Support and deliver the regeneration of the former Ebbw Vale steelworks ensuring that the benefits are spread across the County Borough	Not Relevant
4	Increase economic activity through facilitating diversification of the economic base and support for the manufacturing sector by encouraging specialisation	Not Relevant
5	Provide a range of employment sites and premises to meet the needs of businesses of all sizes in manufacturing, the technological and service sectors	Not Relevant
6	Stem out migration and attract people to the area to create a more balanced population	Green
7	Provide a range of types and tenures of new homes to meet local housing needs and attract people to the area	Green
8	Improve accessibility to services through the promotion of sustainable modes and transport, particularly, public transport, walking and cycling.	Green
9	Improve education levels and skills through supporting infrastructure development of the Learning Campus, new schools and integrated education services, including life-long learning	Green
10	Create an accessible network of green open spaces and high quality leisure infrastructure to promote participation in sport and active recreation to improve health and well-being	Question Mark
11	Capitalise on the unique landscape and natural heritage, foster sustainable tourism and promote community pride	Not Relevant
12	Protect, enhance and manage the diversity of the biodiversity resource of Blaenau Gwent through the identification of ecological corridors	Red
13	Raise the standard of design to improve the quality of the physical and natural environment; and protect and enhance Blaenau Gwent's historic and cultural environment.	Green
14	To minimise further climate change contributions and mitigate its predicted effects on the county Borough	Green
Total Score		14