

Position statement in relation to Cwm Coking Works

Context

The Cwm Coking Works site is a large, brownfield former industrial site used for the production of coke. The former industrial equipment remains in situ on the site; the site is affected by contamination and flooding issues; is immediately adjacent to a tip requiring reclamation; and contains two listed structures. The site is in close proximity to the existing communities of Beddau and Tynant.

Planning Background

LDP

The Council's Local Development Plan (LDP) was adopted in March 2011.

The Cwm Coking Works site is allocated in the LDP (Policy SSA7) in order to provide a framework for its redevelopment and return to beneficial use this former industrial site. The site is one of 8 strategic sites included in the LDP and is allocated for between 800 and 950 dwellings, employment land, a new primary school and associated informal amenity space. The reclamation of the tip will provide material to create the development plateaus required to allow the site's development.

Planning Application

On 24th April 2014 the council's planning committee resolved to approve planning application reference 10/1112 at Cwm Coking Works subject to i) Natural Resources Wales being satisfied with regard to the bat issue and ii) the signing of a S106 agreement to the heads of terms outlined in the committee report.

The outline planning application is for the demolition of existing structures, retention of listed towers, site remediation, land restoration and development to provide a mix of uses including 851 residential units (use class C3), primary school, revised access arrangements, provision of car and cycle parking, servicing, structural landscaping, formation of public spaces and associated infrastructure, and public realm works.

The section 106 requirements are:

- The provision of a new primary school to accommodate 240 pupils to be built to Design Bulletin 99 standards.
- The provision of a contribution of £1,500,000 towards off site provision of affordable housing.
- A contribution of £125,000 (£5,000 per annum x 25 years) for the maintenance of the former colliery tip and site.
- A Transport Tariff payment of £400,000 for off site highway improvements.
- As part of the development of the site the reclamation/remediation of the former colliery tips.

- Requirements in relation to open space; play areas and changing facilities.

The Cwm Coking Works Site and Community Infrastructure Levy

The development of the site is fundamental to the delivery of the Council's strategic objectives.

The Council and the site owners, Coal Products Limited (CPL), have been in regular discussion over the sites future through both the LDP process and over the course of the determination of the planning application. Both parties recognise the importance of the sites delivery and ensuring that a form of development is permitted which is both viable and deliverable and makes appropriate provision for the infrastructure on which it will rely.

Following the resolution outlined above, it is anticipated that planning permission and the accompanying section 106 agreement will be finalised and issued in the near future.

Whilst both parties will work towards a quick resolution, it is accepted by the Council that CPL require as much certainty as possible about what may happen in the future, should it not be possible to quickly resolve the outstanding section 106 and their application is determined at a time when the Council has commenced charging CIL.

This position statement is intended to set out the agreed understanding between both parties and assist the Inspector in his Examination of the Council's CIL.

Agreed Position Statement

It is understood and agreed by both parties that:-

- At the current time, the Council does not intend to offer exceptional circumstances relief in accordance with the CIL regulations (as amended).
- The Council will keep its position on exceptional circumstances relief under constant review. It will review its current position before the commencement of any future CIL charge.
- The Council is prepared to offer exceptional circumstances relief at such a time that it is demonstrated in accordance with CIL regulations, that otherwise viable development is frustrated by the requirement to pay CIL.
- The Council considers that the circumstances where relief from CIL will be considered appropriate are likely to be exceptional and they will not apply in the majority of cases.

- The Council considers the site to be fundamentally important to the delivery of its strategic objectives and will continue to support its development in accordance with both the LDP allocation and the resolution for approval outlined above.
- The Council and CPL will work together to agree and sign the required section 106 agreement at the earliest opportunity.
- Progression of the section 106 is considered to be a priority for the Council.
- The Council recognises the role section 73 applications can have in permitting appropriate amendments to schemes without the need for a new planning application. The Council will attach a plans condition to the final consent which will allow amendments to be dealt with by a section 73 application rather than a new application where appropriate.
- The Council will issue advance notice of its intention to charge CIL and the date at which CIL is likely to commence. The Council will review its commencement date in light of planning applications and/or section 106 agreements that are near resolution. Where a permission or agreement in relation to a major or strategic site is near completion, the Council will be prepared to review its commencement date to ensure the delivery of these sites is not delayed by the introduction of CIL and the subsequent potential requirement to consider section 106 agreements, CIL payments and viability issues again. This consideration will not apply for the majority of sites.
- If the section 106 agreement is signed after the commencement of CIL charging and the development permitted under planning application 10/1112 is required to pay CIL, the Council will be prepared to introduce exceptional circumstances relief in accordance with the approach set out in the CIL regulations (as amended) and determine any application made for relief in accordance with the regulations.

For the avoidance of doubt, the Council will at all times act in accordance with the requirements of the relevant CIL and planning legislation.