

Watkins, Craig

From: Development Planning
Sent: 09 October 2009 11:07
To: Watkins, Craig
Subject: FW: Amendment to Employment Allocation E5 (Ffos-y-Fran)

-----Original Message-----

From: Byrne, James [mailto:James.Byrne@rspb.org.uk]
Sent: 17 September 2009 16:56
To: Development Planning
Cc: Webb, Mike; Brown, Rolf
Subject: Amendment to Employment Allocation E5 (Ffos-y-Fran)

Dear Mr Davies

Thank you for your letter dated 5th August 2009 regarding the Merthyr Tydfil Local Development Plan 2006 - 2021 - Addendum to the Deposit Plan: Statement of Focussed Proposed Changes.

I have recently read the document "*Addendum to the Deposit Plan Statement of Focussed Proposed Changes*" and iv) Amendment to Employment Allocation E5 (Ffos-y-Fran). I originally objected to the allocation of this site and therefore I would like to maintain the objection through to Examination of the LDP

The site was originally allocated in its entirety, then removed as an allocation and now it is "*proposed to be reduced in size by approximately 50% (from 21 hectares to 11 hectares)*". As such, I maintain my original **objection**.

The reasons given for the reduction in size / re-allocation were:

- Firstly, the job density rate in the Deposit LDP was applied without an allowance for different sector characteristics /requirements and may contribute to the cumulative overstatement of employment land across the Wales Spatial Plan area. Therefore, in order to better reflect the density potential of the LDP's employment sites (particularly B1 sites such as E5), a higher job density rate has now been applied leading to an overall reduction (by 10 hectares) in the total employment land required across the County Borough.
- Secondly, since the Deposit Plan was published, it has been confirmed that completion of the ongoing land reclamation scheme at Ffos-y-Fran is not likely to take place until 2025 (this is considered to be the maximum duration of the scheme based on existing coal extraction rates). As E5 is a proposed after-use of the reclamation scheme, it is considered that only half of the site is deliverable during the timescale of the LDP, this being the southernmost sector. The northern sector of E5 would still be in the process of being restored at the end of the plan period and, therefore, would not genuinely be available until after 2021.

However, this does not overcome the reasons for my objections (attached) which are summarised below; The inclusion of the allocation of E5 Ffos-y-Fran for Employment allocation within Policy AS14 would make the LDP unsound due to the following reasons;

1) This site, for the last few years, holds approximately 1% of the Welsh lapwing population. Lapwings are 'Red' listed within Thorpe RI and Young A (2003) The population status of birds in Wales: an analysis of conservation concern: 2002 – 2007 RSPB Cymru, **because of a rapid (>50%) decline in Welsh breeding population over previous 25 years**.

Lapwings are listed under the terms of Section 42 of the Natural England and Rural Communities (NERC)

Act 2006 as a species of '*principal importance for the conservation of biodiversity*'. Listed as a **Priority Species** in the **UK and Welsh Biodiversity Action Plans**

3) By allocating development, the LDP does not have regard for the following national policy or legislation;

- The Natural Environment and Rural Communities Act 2006, as section 40, '**Duty to Conserve**' states that "*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*".
- Planning Policy Wales 2002, section 5.2.7, states that "*The planning system has an important part to play in meeting biodiversity objectives by promoting approaches to development which create new opportunities to **enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable***" {emphasis added}.
- TAN 5 (2009) states (section 2.4) that local authorities should "***When considering policies and proposals in local development plans and when deciding planning applications that may affect nature conservation, local planning authorities should; protect wildlife and natural features in the wider environment, with appropriate weight attached to priority habitats and species in Biodiversity Action Plans***". In her letter, dated the 16th September to Local Authorities relating to the publication of TAN 5, Minster Davidson stated that "*The Assembly Government sets out its commitment to the Biodiversity Action Planning process in Planning Policy Wales, which indicates that local planning authorities **should further the conservation** of habitats and species of principal importance through their planning function*"

3) Development on this land would be contrary **Policy BW5** which states "*The distinctive landscape and the **rich biodiversity** of the County Borough will be safeguarded and, wherever possible, enhanced. Development proposals will only be permitted where their use, siting and design will not have an unacceptable impact on the following: ...Ecology and habitat of acknowledged importance at designated and **non- designated sites***" It will also be contrary to Strategic Objective 11 which states that one of the important aspirations of the Council's planning system is to "*ensure the continued **protection and enhancement of the natural, cultural, built and historic environment***".

4) The site is currently part of a minerals planning permission which is not set to be completed / fully restored until 2025, therefore after the anticipated lifespan of the LDP, as **such there is no clear mechanism for implementation**. The Addendum states that "*As E5 is a **proposed** after-use of the reclamation scheme, it is **considered** that only half of the site is deliverable during the timescale of the LDP, this being the southernmost sector*". The word "*proposed*" does not give certainty and the LDP allocations should work on the principle of certainty rather than guesswork.

Additionally, business development is only one "*proposed*" allocation for this site. As the site contains approximately 1% of the Welsh lapwing population, and protection and enhancement of lapwings in a legal condition of planning for the Ffos Y Fran scheme - the afteruse of the land should continue to provide a habitat for one Wales' most threatened birds.

If you have any queries regarding the above, please do not hesitate to get in touch.

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