



**Adroddiad i Gyngor
Bwrdeistref Sirol Merthyr
Tudful**

**Report to Merthyr Tydfil
County Borough Council**

gan Hywel Wyn Jones BA (Hons) BTP
MRTPI

by Hywel Wyn Jones BA (Hons) BTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 64

**REPORT ON THE EXAMINATION INTO THE
MERTHYR TYDFIL LOCAL DEVELOPMENT PLAN
2006-2021**

Plan submitted for examination on 13 August 2009

Examination hearings held between 24 November 2009 and 6 October 2010

Cyf ffeil/File ref: LDP-09-01

Summary

This Report concludes that the Merthyr Tydfil Local Development Plan provides an appropriate basis for the planning of the County Borough over its 15 year period. The Council has sufficient evidence to support the strategy and has shown that it has a realistic prospect of being delivered.

The examination process has revealed that changes are needed to meet legal and statutory requirements to ensure that the Plan is sound. The main changes are summarised below:

- The deletion of one large housing allocation, and the addition of another;
- Some alterations to the boundaries of settlements and housing allocations;
- A revised affordable housing target and an amended approach to the delivery of such housing, including a lower site threshold, a refined scale of developer contribution, the introduction of commuted payments, and a new exceptions site policy;
- A reduction in the overall employment land provision including the deletion of several allocated sites and the addition of one new site;
- A new policy to protect existing and allocated employment sites;
- Adopting a more permissive stance to mineral extraction, the deletion of mineral buffer strips, the refinement of the approach to mineral safeguarding, and clarifying the approach to unstable land;
- A smaller primary shopping area with greater protection to retailing activities within Merthyr town centre, and the deletion of an out-of-centre retail allocation and associated leisure allocation;
- The revision of the green wedge policy, and the deletion of a green wedge designation and its replacement with an open space designation;
- The clarification and expansion of the types of development that would be acceptable in principle within the countryside;
- Revisions to the suite of policies dealing with nature conservation and historic interests to improve clarity and consistency with national policy;
- A more effective and transparent policy on community infrastructure contributions;
- The deletion of certain topic based policies in order to avoid duplication;
- The deletion of the Constraints Map, and additional and corrected information shown on the Proposals Map;
- Additional and updated cross-references to national planning policies;
- The introduction of more precise and effective drafting of various policies;
- Updating information, clarifying and amplifying various parts of the written statement and appendices;
- The introduction of a more informative and robust monitoring framework.

All the changes recommended, as well as those endorsed, in this Report are based on suggestions made by the Council in response to points raised and discussed during the public examination. In the few instances that the Council's proposed changes have not been accepted this has necessitated alterations to some of its other suggested changes. None of the changes alter the thrust of the Council's overall strategy.

1 INTRODUCTION

- 1.1 Under the terms of section 64(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent examination of a Local Development Plan is to determine:
 - (a) whether it satisfies the requirements of sections 62 and 63 of the Act and of regulations under section 77, and
 - (b) whether it is sound.
- 1.2 This report contains an assessment of the Merthyr Tydfil Local Development Plan 2006-2021 (which I shall refer to as “the LDP” or “the Plan”) in terms of the above matters, along with my recommendations and the reasons for them, as required by section 64(7) of the Act.
- 1.3 The LDP meets the requirements of the Act and Regulations. My role is also to consider the soundness of the submitted Plan against the tests of soundness set out in paragraph 4.35 of the Assembly Government’s LDP Wales¹. These tests fall into three categories: the Procedural Tests; the Consistency Tests; and the Coherence and Effectiveness Tests. Since the purpose of the examination is to determine whether the Plan is sound the changes I recommend in this binding report are made only where there is a clear need to amend the Plan in the light of the legal requirements and/or the tests of soundness. These changes are in line with the substance of the overall Plan and its policies, and do not undermine the sustainability appraisal (SA) and participatory processes that have been undertaken.
- 1.4 All duly made representations and the matters raised at the examination hearings have been considered. However, given the focus of the examination on Plan soundness, my report rarely refers to individual representations. Matters raised by individual representations are referred to only where it appears to me that they raise substantive issues concerning the Plan’s soundness. Plan changes sought by any representor are the subject of a recommended change only where, on the basis of all of the evidence, such a change is required in order to make the Plan sound.
- 1.5 A number of representors propose alternative sites to those allocated in the Plan, most commonly for housing and employment developments. The starting point for the examination is that the local planning authority considers that it has produced a strategy, policies and allocations that are sound, together with an evidence base that supports its position. There are likely to be a number of valid ways in which a local planning authority can meet the needs of its community. Whilst some representors consider that the allocations in the Plan do not present the best solution, I am limited by statute and can only recommend a change to make the Plan sound. I cannot seek to make a sound plan better. In light of my conclusion that the Plan submitted for examination is sound subject to the incorporation of those Council suggested changes which

¹ Local Development Plans Wales: Policy on Preparation of Local Development Plans, 2005 - Examination Document NAT02 (henceforth references to examination documents will be denoted by square brackets ie [NAT02])

I have identified are necessary, it follows that there is no need to allocate other sites and, generally, no reference is made to them in this report.

Post-deposit changes

1.6 Prior to the submission of the LDP for examination the Council considered the representations received on its Deposit Plan and decided to make a number of Focussed Proposed Changes (FPCs). At the Pre-Hearing Meeting the Council confirmed that the Plan it wished me to examine was the Deposit LDP as modified by the changes set out in the addendum ‘Statement of Focussed Proposed Changes’ [LDP39] subject to one refinement which revised paragraph 2.8 of the Statement by replacing references to ‘mineral resources’ with ‘coal resources’. The FPCs have been the subject of a formal consultation exercise and a SA assessment. On this basis the Deposit Plan, as modified by the schedule of FPCs and its subsequent refinement, forms the starting point for my examination of the Plan’s soundness, and which I shall refer to as the ‘submitted Plan’. All changes set out in the schedules appended to this report are changes to the submitted Plan.

Organisation of the report

1.7 Section 2 of the report deals with procedural requirements. Subsequent sections deal with the relevant issues and matters considered during the examination in terms of testing consistency, coherence and effectiveness. They cover the following topics:

Section 3	The overall Plan strategy
Section 4	The level of housing growth
Section 5	The distribution of housing provision
Section 6	Affordable housing provision
Section 7	Employment
Section 8	Minerals issues
Section 9	Waste issues
Section 10	Retail provision and town centre regeneration
Section 11	Historic, natural heritage and green wedge policies and designations
Section 12	Transportation and highways issues
Section 13	Community and leisure facilities
Section 14	Other development policy and miscellaneous matters
Section 15	Implementation and monitoring
Section 16	Overall Conclusion

Appendix A Schedule of Council’s Proposed Minor Changes

Appendix B Schedule of Matters Arising Changes

Recommended changes

- 1.8 Following an Exploratory Meeting I agreed to the Council’s request to formally suspend the examination for a period of 6 months to enable it to re-consider certain aspects of the Plan and to provide additional evidence. At several stages during the examination the Council submitted additional information in support of the submitted Plan or suggested changes. This information has been publicly available and forms part of the Plan’s evidence base.
- 1.9 In addition to FPCs the Council has submitted a series of schedules of further proposed changes during the course of the examination². Each schedule has been the subject of full public consultation. This report has taken into account all the representations that have been submitted in response to these suggested changes. Towards the end of the examination the Council submitted a Schedule of Proposed Matters Arising Changes [EXAM070] which serves as a consolidated list that identifies those further proposed changes which the Council wishes me to consider. The changes are suggested in response to matters considered during the examination and which were discussed at the hearing sessions. In order to avoid delaying the adoption of the Plan, and mindful of the changes it introduces, I have not raised any issues with the Council relating to Edition 4 of Planning Policy Wales, which was published only a short time before this report was finalised.
- 1.10 This list has formed the basis of the Matters Arising Changes (MACs) set out in Appendix B to this report. In a few instances the MACs differ from the Council’s suggested changes given that, for reasons set out in the report, some suggestions have not been accepted. This has led to the alteration of some other proposed changes.
- 1.11 The MACs highlighted with grey shading and numbered in bold type in the Appendix are changes that are required to ensure that the Plan is sound and, thus, are recommended. All the other MACs are not required to make the Plan sound. However, each one of these changes, which I shall refer to as ‘minor changes’, is endorsed on the basis that, whilst not essential to the Plan’s soundness, they add clarity and precision or otherwise improve its coherence and consistency. None of the MACs undermine the SA or the participatory process previously undertaken nor do they alter the overall strategy or policy thrust of the Plan.
- 1.12 The Council has also submitted a Schedule of Minor Changes to the Plan [EXAM071] which show presentational and factual corrections and updated references, as well as amended terminology that will reflect the anticipated status of the Plan once adopted. It is reproduced as Appendix A. I endorse

² Further Statement of Focussed Proposed Changes [LDP44], Post-Suspension Proposed Changes [PS001 & PS002], Further Post-Suspension Proposed Changes [PS012]

these changes with one proviso. As a consequence of my recommendation in Section 7 to retain employment land allocation E5, proposed change Minor 9 in the Schedule should include this site within the allocations listed in paragraph 2.5.8. For the avoidance of doubt, no further changes to the Plan are authorised other than any necessary re-numbering or other minor consequential changes that arise from the incorporation into the Plan of the changes recommended or endorsed in this report.

2 PROCEDURAL TESTS

- 2.1 The Plan has been prepared in accordance with the Revised Delivery Agreement [LDP02] which was agreed by the Welsh Assembly Government (WAG). The documents submitted by the Council, including its Self-assessment of the Soundness of the Deposit LDP [LDP40] and the Consultation Report [LDP38] demonstrate that the Plan has been prepared in accordance with the Community Involvement Scheme.
- 2.2 The Council has acknowledged the difficulties it encountered in effectively engaging some sectors of the community in the Plan preparation process and has confirmed its intention to use the experience gained to further involve all sectors of the community when it reviews the Plan. This is to be welcomed given the Government’s emphasis, as identified in LDP Wales, on early and effective community engagement.
- 2.3 The evidence base demonstrates that the Plan complies with the requirements of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 including requirements in relation to consultation, advertisement and the publication and availability of prescribed documents.
- 2.4 The Deposit Plan has been subject to a SA including a Strategic Environmental Assessment (SEA) [LDP23]. All subsequent changes put forward by the Council during the examination process have been tested where necessary for any impacts they have upon the SA and SEA.
- 2.5 In accordance with the Habitats Directive³ a Screening Assessment⁴ of the Preferred Strategy was undertaken. In light of its findings I am satisfied that no further reference to the Habitats Regulations was necessary and that the Plan will have no significant effects in relation to any European Sites.
- 2.6 Accordingly, I am satisfied that procedural tests P1 and P2 have been satisfied and the relevant legal requirements complied with.

3 THE OVERALL PLAN STRATEGY

- 3.1 The Plan’s strategy is to achieve an enhanced growth within the area over the period to 2021. The primary aim is to ‘facilitate a reduction in current levels of out migration from the County Borough so that population levels stabilise by

³ European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna

⁴ Habitats Regulations Assessment Screening Report, 2008 [LDP20]

2011 and a 10-year period of enhanced growth is achieved thereafter’. The strategy also seeks to respond to problems arising from the long-term decline in the area’s traditional industrial base by providing improved opportunities for residents to secure homes, work and leisure facilities within the Borough.

- 3.2 The strategy of growth is ambitious. This is consistent with the vision of the Wales Spatial Plan (WSP)⁵ which identifies Merthyr Tydfil as one of 3 Primary Key Settlements within the Heads of the Valleys Plus sub-region of the Capital Region. It is also consistent with ambitions at a regional level⁶ to regenerate the Heads of the Valleys, capitalising on the additional opportunities that are expected to arise from improved accessibility as a result of the upgrading of the A465 trunk road. The ambitions to revitalise the area have been given a recent boost by significant public funding for regeneration initiatives in Merthyr town centre and the villages of the Taff Bargoed Valley.
- 3.3 The SA undertaken at the Preferred Strategy stage assessed three growth scenarios. Whilst the Enhanced Growth Option was identified as having significant adverse environmental effects compared to the other options, it was identified as having the greatest potential to become the most socio-economic sustainable strategy. The subsequent choice of sites to facilitate the identified level of growth seeks to minimise local environmental impacts and to encourage sustainable patterns of development.
- 3.4 The Plan’s policies seek to direct and facilitate new development in accord with a spatial distribution established by strategic policies which sub-divide the Plan area (ie that part of the County Borough which does not lie within the Brecon Beacons National Park) into 3 growth areas. These sub-areas are identified on the basis of their different social, economic and environmental characteristics as well as an assessment of their growth potential. The sub-division establishes a hierarchy for future growth: the Primary Growth Area (PGA) which includes Merthyr, in the north of the Borough; the Secondary Growth Area (SGA) occupies the southern part and includes Trelewis and Treharris; and the Other Growth Areas (OGA) extends over the mid valley area and includes Troedryhiw, Aberfan, Merthyr Vale and Bedlinog.
- 3.5 The PGA, which is considered as being most attractive to inward investors, is to serve as a focal point for the envisaged growth. New development is centred on the ‘hub settlement’ of Merthyr and will be wide ranging in order to serve the residents of the County Borough and adjacent areas. The LDP’s growth aspiration relies on developing the town as an attractive place to live and work.
- 3.6 The relative proximity of the SGA to Cardiff and the M4 corridor means that over the past few decades it has not witnessed the same levels of depopulation and social deprivation as other parts of the Borough. The relatively high volumes of house building over the past 20 years or so, combined with physical constraints, means that little land remains which is deemed suitable for new

⁵ People, Places, Futures - The Wales Spatial Plan, 2004 [NAT44] and People, Places, Futures - The Wales Spatial Plan 2008 Update [NAT45]

⁶ Turning Heads - A Strategy for the Heads of the Valleys 2020, 2006 [NAR10], and Heads of the Valleys - Spatial Strategy 2006-2021, 2007 [NAR11]

development. The Plan makes limited provision for additional housing land and no notable allocations for other development in this area. Good accessibility, including by rail, to the PGA is seen as a means of securing the sustainable growth sought by the strategy. This, together with its proximity to a growth corridor within Caerphilly County Borough, is expected to provide access to increased employment opportunities for its residents.

- 3.7 Within the OGA a modest level of growth is envisaged, sufficient to support the role of its settlements as village communities. Its residents would be largely dependent on the PGA for most facilities although there are a few significant developments proposed within the area, most notably a large mixed use scheme at the former Merthyr Vale colliery site.
- 3.8 In line with one of the Plan’s strategic objectives, new development is identified as an opportunity to redevelop brownfield sites which remain an extensive legacy of previous heavy industrial activities throughout much of the Borough. Allocated sites are mostly on previously developed land within built-up areas, thereby minimising the loss of greenfield land and urban sprawl in line with national policy.
- 3.9 The scale of the envisaged growth is ambitious when compared to the population decline experienced over many decades. It is a bold approach to reversing out migration and to address problems of deprivation by seeking to re-establish the town as a thriving regional centre. However, there is evidence⁷ that over the past few years population decline has been arrested and, to some extent, is being reversed. As this demographic pattern has altered sooner than envisaged by the Plan, it lends weight to the Council’s contention that the growth strategy is realistic. I deal with this further in Section 4.
- 3.10 Although some representors suggest that this recent trend demonstrates that the Plan’s growth should be set at an even more ambitious level, this does not indicate that the Plan’s strategy is not sound. Other critics of the strategy contend that, particularly in light of the current economic climate, it is overly optimistic. However, the present difficult conditions are not, in isolation, a reasonable basis for examining the likely success of the Plan over its lifetime. The cyclical nature of the economy suggests that conditions are likely to improve over the remaining decade or so of the Plan period. There can, of course, be no guarantee that the approach taken by the Plan will deliver the level of growth which is sought. However, I am satisfied that there is a reasonable prospect that this policy-driven approach, in tandem with other initiatives outside the direct control of the Plan, will deliver growth at a rate that will be markedly greater than in the past.
- 3.11 The aspirational growth rate is part of a strategy that seeks to reverse past trends by providing a range of facilities which, as they become established, will encourage an accelerated rate of growth over time. In the event that future levels of growth within one or more development sectors is markedly less than envisaged, the Council has identified specific monitoring indicators that will trigger a review. In the context of the ambitious growth rate of the LDP, its

⁷ WAG Household Projections, 2009

level of over-allocation of development land introduces an appropriate degree of flexibility in its approach to meeting the identified level of growth. This, together with the potential contribution from windfall sites, will mean that a failure of some allocations to be developed will not undermine the overall growth target of the Plan.

- 3.12 The Plan seeks to deliver its strategic objectives through a series of policies – some are borough wide, others area specific and the remainder are topic based. The Plan’s strategy and its range of policies are consistent with the national planning policy framework⁸.

Rhydycar West Urban Expansion

- 3.13 It has been suggested that the Plan’s failure to allocate a large tract of land, which I shall refer to as ‘Rhydycar West’, prejudices the deliverability of the Plan’s enhanced growth strategy. In the early stages of the Plan’s preparation this land, which covers some 220ha on the south-western periphery of Merthyr, was earmarked as an ‘urban expansion’ site. The Preferred Strategy identified a series of benefits that would arise from concentrating new development on this site. The Council subsequently decided to alter its strategy by adopting a more dispersed approach to the allocation of development land. It identified a number of sites distributed throughout the PGA which had a combined capacity similar to that envisaged at Rhydycar West. The examination included a hearing session which dealt exclusively with this site and considered the suitability of allocating the site, in whole or in part, for a wide range of new developments. A broad indication of land uses by the site proponent includes: a country park (100ha); housing (60ha); a district centre (11ha); employment (10ha); and landscaping and open spaces (40ha).
- 3.14 For reasons described in the following paragraphs there is significant uncertainty regarding the deliverability of an urban expansion project on the site, not least given the difficulties associated with obtaining the necessary planning permission. This uncertainty undermines its potential to serve as the focus for the Plan’s growth strategy.
- 3.15 As a consequence of extensive shallow mining operations throughout the site much of the land is unstable. Following incidents of sudden subsidence, access to most of the land is prevented in the interests of public safety. As the site would require extensive remedial works before any surface development could be commenced, any meaningful contribution it could make to the Borough’s growth would not be delivered until the last few years of the Plan period, at the earliest. The site proponent’s suggestion at the hearing that some 600 dwellings could be provided during the last 5 or 6 years of the Plan period does not appear realistic in light of the subsequent failure of a planning appeal on the site. The proponent accepts that most of the envisaged development, including some 1,000 dwellings would not be delivered until after the end of the Plan period. Thus, even adopting an optimistic timescale, the scope of the

⁸ Primarily: Planning Policy Wales (Edition 3) (PPW) and associated Technical Advice Notes (TANs), and Minerals Planning Policy (Wales) (MPPW) and associated Minerals Technical Advice Notes (MTANs)

urban expansion to act as a catalyst to the envisaged level of growth throughout the wider area would be severely limited.

- 3.16 The nature of this land means that there would be a significant question over whether planning permission would be obtained either for site reclamation works or for an after use. The site is subject to extensive environmental constraints, including nature conservation and historic features of national significance. These are among a wide array of planning considerations that may frustrate or curtail such ambitions. Other potentially harmful effects of an urban expansion scheme include the impact on the visual quality of the landscape given the site's prominent location on land that rises away from the town, and the effect on the proposed regeneration of the town centre. The site is separated from the heart of the town by the A470 trunk road. The intervening distance and lack of good physical connections to the centre means that the establishment of retail and other commercial activity, even on a relatively local scale, may compete rather than complement the town centre provision. This would divert investment away from the main shopping area of the town. Indeed these factors, together with the site's greenfield status and poor physical relationship to the town's urban form, indicate that, when measured against the Plan's general approach to site allocations, this site does not perform well.
- 3.17 The degree of doubt regarding the deliverability of the scheme is underlined by the site's planning history. Concerted efforts over a number of years to obtain planning permission for its development have not met with success. In 2006 two applications that had been submitted to the Council in 2002 but which were subsequently called-in by the National Assembly for Wales, were refused. One application sought full permission for the reclamation and landscape restoration of 83ha of the site, the other was an outline application for a mixed use development to include retail, leisure, commercial, residential and a country park. More recently, an appeal relating to proposed mining operations on the site was not progressed in the absence of an adequate Environmental Statement.
- 3.18 Another significant cause for uncertainty relates to financial viability of undertaking the urban expansion project. It is dependent on considerable land remediation works the financial viability of which, according to evidence presented at the hearing session, would be dependent on the income from the sale of the coal that would be pre-extracted as an open cast mining operation. In the event that planning permission was granted for the urban expansion, it would require extensive mitigating measures to address a wide range of other concerns, such as nature conservation and historic features, and infrastructure considerations, including drainage and highways matters. The scheme would also incur other significant costs including the proposed extensive landscaping works and the provision of a country park. During the hearing the site's proponent expressed confidence that, based on the value of coal at the time, the anticipated income from its sale would make the scheme, including contributions to community benefits, economically viable. However, given the limited information regarding the proposed scheme or the extent of any mitigation measures which may be necessary, it seems to me that there is a significant degree of uncertainty regarding whether the scheme and the envisaged community contributions would be realised in a timely fashion on

this challenging site. This uncertainty is compounded by the extent to which viability relies on the price of coal in a volatile market.

- 3.19 The LDP’s dispersed approach to land allocation would avoid the problems associated with relying on one site which, in this case, would represent a high risk strategy given the degree of uncertainty regarding its deliverability. The chosen approach means that the potential for spin-off benefits, such as those arising from developer contributions to community infrastructure, would be distributed more evenly throughout the area. It would also encourage community cohesion by reinforcing the present integrated character of Merthyr and would support the regeneration of the town centre.
- 3.20 As is acknowledged in Section 8 of this report, unstable land is a locally important issue. It is evident that the threat posed by parts of the Rhydygar West site to public safety is serious, but the full extent of the problem is not yet known and there are conflicting specialist opinions on the likely minimum remedial works that would be necessary. During the hearing session the site proponent confirmed that, based on the present value of coal, its proposed land reclamation project and the subsequent establishment of a country park would be self-financing. This indicates that an urban expansion scheme is not crucial to secure the site’s remediation.
- 3.21 In light of the above I am not persuaded that concentrating development on this site would result in higher community infrastructure contributions than would be derived from the Plan’s site allocations. More generally, the benefits of pursuing an urban expansion option on this site, when weighed against the disbenefits, do not indicate that the Council’s decision to pursue its chosen approach is flawed.
- 3.22 The overall nature and direction of the Plan strategy is well-founded in terms of its relationship to, and consistency with, national policy and the WSP. It can be monitored and is sufficiently flexible. It satisfies the consistency, coherence and effectiveness tests of soundness.

Recommendation

No changes are required in respect of the overall Plan strategy.

4 THE LEVEL OF HOUSING GROWTH

- 4.1 The Primary Aim of the LDP is to stabilise migration levels by 2011 and thereafter achieve enhanced growth which would result in a 4400 increase in population by the end of the Plan period. To meet this level of growth the Plan aims to deliver 3800 dwellings. To facilitate this, the Plan has built-in a degree of flexibility by allocating land with an estimated capacity identified as 3990⁹ new dwellings, distributed among the 3 growth areas. This level of growth

⁹ This is a cumulative figure derived from the submitted Plan. The figure ought to have been altered to 3930 as a result of the deletion of allocation H15 (and the consequential loss of 60 dwellings) which was introduced as FPC(iii). The Council’s subsequent suggested changes to housing allocations would alter this to 3964.

equates to an annual rate of some 253 units. This is markedly higher than has been achieved in the period leading up to the Plan period, but the first four years of the period has seen a rate of approximately 200 units per annum. Given that the expected natural change in population is expected to be very small, the vast majority of the envisaged increase is expected to arise from an increased in-migration rate. By 2021¹⁰ net annual in-migration is anticipated to reach 460 compared with a net annual out-migration rate of some 360 persons between 1991 and the start of Plan period.

- 4.2 A regional housing apportionment exercise has been undertaken by the South East Wales Strategic Planning Group (SEWSPG) using WAG’s 2003-based population and housing projections. The apportionment process was driven by the aspirations of individual authorities and a consideration of their key issues. In the case of Merthyr, its wish to reverse out-migration is reflected in its share of the regional household growth. Its regional apportionment for the period 2003-21 is an additional 4900 households. This is significantly greater than its pro-rata share and equates to an annual growth rate of 272 per annum, which is similar to that sought by the Plan.
- 4.3 The apportionment figure has been agreed by each member authority. However, it should not be solely relied upon to justify the identified overall housing growth; it is intended to provide a regional context rather than a specific target for housing provision. Furthermore, since the apportionment exercise was undertaken, household and population projections at a local authority level have been published by WAG.
- 4.4 The Council carried out its own forecasts for housing demand based on 3 alternative scenarios (trend-based, moderate growth and enhanced growth). The Council has subsequently reviewed its approach in light of the 2006-based local authority population and household projections published by WAG in 2008 and 2009 respectively. These projections provide a valuable source of background information but, as they are based on past trends, they do not take into account the potential influence of new planning policies. This is particularly significant given that the LDP seeks to reverse past patterns of population change. The projections reveal a trend-based requirement for 2000 new homes over the Plan period, which is higher than had been previously factored into the Council’s figures. More recent mid-year population estimates produced on behalf of WAG show that between 2006 and 2008, the Borough’s population grew annually by some 100. This reveals that the reversal of population decline occurred several years ahead of the Plan’s target of 2011. These latest figures suggest that the level of growth proposed by the Plan is not as ambitious as may have previously appeared.
- 4.5 Informed by trend-based population patterns, the Council has adopted a forecast based on the Plan’s strategy which aims to retain a greater proportion of its economically active population and to attract more in-migration, hence the requirement for an additional 3800 homes.

¹⁰ Background Paper for the Preferred Strategy: Population, Dwelling & Employment Land Forecasts [LDP08]

4.6 Even allowing for the most recent data on population trends the level of growth can reasonably be described as aspirational, and as such it is to be expected that there is an appreciable degree of uncertainty as to whether such an ambitious target will be fully met. Nonetheless, it sets out a clear direction for the Plan period which is founded on a realistic assessment of the potential for growth. Recent changes in population patterns and house building rates suggest that future housing growth will be higher than has been experienced over many decades. In the event that future growth falls significantly below the specific intermediate targets identified in the Council’s suggested revised monitoring framework, there is a mechanism to review the Plan and to revise its strategy, policies and/or allocations in light of experience. This would maximise the opportunity of realising the target. The enhanced housing growth and the target delivery of 3800 are soundly based.

Recommendation

4.7 No changes are required.

5 THE DISTRIBUTION OF HOUSING PROVISION

- 5.1 Within each of the 3 identified growth areas the Plan sets the level and distribution of future housing provision which, cumulatively, will meet the overall target. The differing scale of allocated housing provision between the growth areas mainly reflects their suitability to accommodate new housing development in the light of the Plan’s objectives and their potential to attract developer interest. Most new housing is to be provided within the PGA, in line with the intention to regenerate and promote the sub-regional role of Merthyr. The approach also means that most allocations consist of previously developed land, well-related to the existing built form.
- 5.2 Compared to the PGA the availability of suitable land for development is more limited within the two remaining growth areas as a consequence of environmental constraints such as the linear form of settlements, the local topography and flood risk. The SGA has fared comparatively well in terms of new development, particularly house building, over several decades. This means that most suitable brownfield sites have been developed. In the absence of alternative options within the SGA, the LDP proposes that a significant proportion of new housing would utilise greenfield land within extended settlement boundaries. Within the OGA, the long-term pattern of low private sector investment in housing development in the area is expected to continue. Housing growth within the area is aimed at accommodating the present communities’ natural growth rather than growing at an enhanced rate. In common with the PGA, housing opportunities are directed to previously developed land.
- 5.3 To facilitate the identified level of housing growth within the Plan area the estimated cumulative capacity of the allocated sites is some 5% above the target provision whilst it is estimated that small and windfall sites may give rise to the equivalent of an additional 12% provision. An adjustment which takes into account the latest figures on completions during the first 4 years of the Plan period shows a level of over-allocation in relation to the requirement for

additional houses over the remainder of the Plan period of 410 units (14%). This flexibility increases the opportunity to deliver the target level of housing.

- 5.4 The process of site selection has been structured and is founded on the Plan’s sustainability principles. It has involved a 3 stage screening process which has enabled the relative merits of various sites to be compared. For the most part, there is sufficient brownfield land within settlement limits that is accessible to public transport to provide the required supply of housing land. The distribution of allocated sites performs well in terms of reinforcing the hierarchical relationship between Growth Areas.
- 5.5 The legacy of previous industrial activity means that many allocated sites require remedial work to facilitate new development. In prioritising brownfield over greenfield sites it is to be expected that some of these sites will have particular challenges in terms of their redevelopment. The Council has provided evidence to demonstrate that despite the additional costs associated with developing these sites, in particular remediation works, there is a reasonable prospect that the sites will come forward as envisaged. It is acknowledged that not every site will be available in the earlier part of the Plan period. This position is consistent with the findings of the latest Joint Housing Land Availability Study, 2008 [LOC31]. It identifies that a significant portion of the area’s housing land is not likely to come forward in the next 5 years because of major physical or other constraints, but does not categorise such land as ‘unlikely to occur in the foreseeable future’. Recent experience demonstrates that similar brownfield sites were being developed in the County Borough prior to the sudden downturn in the local and national housing market. In many cases the additional costs associated with the development of such sites can, at least in part, be offset by their accessibility to utility services.
- 5.6 In addition to costs associated with remedying the legacy of past activities on the land there are other limitations that will affect the development of several of the allocated sites. The evidence base, which has included significant additional information during the course of the examination¹¹, shows that the implications of constraints such as the presence of nature conservation or historic features and infrastructure limitations have been properly assessed within the clear framework set out in the site assessment process. This has included taking into account the comments of appropriate specialist consultees. Many of the detailed concerns raised in objection to certain site allocations are matters that can be properly addressed at the planning application stage. Inevitably choosing suitable sites has necessitated balancing a range of, often competing, considerations.
- 5.7 Sites which have remained undeveloped for many years despite being allocated for housing in the Local Plan have been re-assessed¹². These sites have only been allocated where there is a reasonable prospect of the sites coming forward. In some cases this has meant altering the defined site area or the identified site capacity to encourage developer interest and, in other cases, the preparation of a masterplan by the Council.

¹¹ In particular: Volumes 1 and 3 of Suspension Period Additional Work [EXAM040 & EXAM051]

¹² Proforma 29, Volume 2 of Suspension Period Additional Work [EXAM045]

- 5.8 The pace of future development will be strongly influenced by economic conditions, but as this follows a cyclical pattern it is reasonable to proceed on the premise that the present low level of activity will increase as confidence in the economy, and the housing market in particular, improves. It is conceivable that not every allocated site will be developed, particularly given the additional investment that will be required in terms of site preparation in many cases. The Plan addresses such an eventuality through the inherent flexibility introduced by its over-allocation of sites and the potential additional contribution from small and windfall sites.
- 5.9 Some representors question the consistency of the Council’s approach to site allocation. There are a few examples where a feature of an allocated site means that it conflicts with the general approach to site selection, for instance its designation as a locally important nature conservation site or its greenfield status. However, it is clear that in each such case the Council has properly considered the site’s merits against its own selection criteria and has reached its decision after weighing competing objectives, including social and economic factors as well as environmental considerations. The evidence supporting the Council’s decisions to allocate each site demonstrates a rational and coherent approach and has led to deliverable allocations, with only one exception. Information emerged during the examination to demonstrate that allocation H10 (Adjacent to Old Forge Park, Dowlais) is not likely to be significantly developed during the Plan period as a consequence of its proximity to on-going land reclamation works at Ffos y Fran. As it is not a realistic allocation within the Plan’s timeframe the Council’s suggested deletion of H10 is recommended. This change is incorporated in MAC24, MAC60 and MAC67.
- 5.10 The loss of the 100 houses earmarked for allocation H10 has mostly been compensated for by other changes suggested by the Council which would ‘re-introduce’ site H15 (see following paragraph) and would increase the identified capacity of this and a few other sites. The latter measure has been based on a site-specific reappraisal of potential capacity and has been achieved without inappropriate changes to identified building densities. These changes are set out in a revised Appendix 4 of the Plan (MAC60) and contribute to its flexibility in terms of delivering the envisaged housing growth. The revised Appendix also provides updated and additional information on matters such as anticipated infrastructure contributions and site constraints, which is based on additional work compiled by the Council during the course of the examination.
- 5.11 The Deposit Plan proposed a housing allocation at Upper Georgetown Plateau (H15), but as a result of FPC(iii) the allocation was not taken forward in the submitted Plan. It was replaced by an enlargement to allocation CH1 for an extension to a community hospital. During the course of the examination plans for the hospital project have been progressed sufficiently to establish that much of the enlarged CH1 allocation will not be required for this purpose. The area which is surplus to this requirement forms the main part of the original H15 allocation and performs well against the criteria used by the Plan for allocating housing land. The Council has suggested its inclusion as a housing allocation, which would assist in the effective delivery of the Plan’s strategy.

- 5.12 The changes to allocations H10 and H15 are set out in MAC24 and MAC60 as well as forming part of a series of changes to the Proposals Map set out in MAC67, which is recommended in Section 14 of the report. The suggested changes to the map include relatively minor alterations to the boundary of certain housing allocations. Most of these alterations aim to achieve more logical boundaries in terms of following physical features, or to reflect a previous planning permission or the extent of land ownership. These changes are not required to ensure the Plan’s soundness but, as they are logical and consistent with the Plan, they are endorsed. The Council has also suggested MAC60 that would alter Appendix 4 to clarify that the identified timescale for site delivery is an anticipated timetable rather than a phasing requirement.
- 5.13 I have already referred to another suggested change included in MAC60 which identifies relatively minor increases in the density of development on certain sites based on a reappraisal of site capacity. These changes and those relating to H10 and H15 have an effect on the total number of dwellings allocated within the PGA as identified in Policy AS1 which, as a consequence, should read ‘3134’ instead of ‘3160’¹³. As a direct consequence, the corresponding Plan-wide figure should be changed from ‘3990’ to ‘3964’, as suggested in MAC17.
- 5.14 **MAC17, MAC24** and **MAC60** have been suggested by the Council to address these housing allocation matters and are recommended in order that the Plan accurately reflects the latest evidence on the envisaged provision of housing and to ensure that the Plan is sufficiently flexible to effectively deliver its strategy.

Conclusion – Housing Delivery

- 5.15 The extent to which the Plan allocates housing land ensures an appropriate spatial distribution of new housing which is anticipated to provide spin-off benefits to local communities such as sustaining local facilities and services. The Council’s reliance on brownfield sites for most of its housing allocations aligns with national policy. Once the local housing market strengthens it is reasonable to expect that, in the absence of a supply of greenfield sites, developers will develop the allocated brownfield sites as previously occurred in a more buoyant local housing market.
- 5.16 The degree of flexibility introduced by an over allocation of land together with the potential contribution of small and windfall sites, and the re-use of empty homes, means that the Plan does not rely on every allocated site being developed to meet its target. On balance I find that this flexibility together with the nature of the allocated sites creates a reasonable expectation that the aspirational target will be met, whilst the monitoring mechanism will enable its success to be measured and to inform any changes in approach which experience may reveal.
- 5.17 I conclude that the Plan makes adequate provision for the delivery of a scale and rate of housing growth that will meet the Plan’s strategy, in a manner

¹³ The figure of 3160, which appears in the submitted Plan, does not take into the account the effect of the omission of allocation H15 which was introduced as a FPC; the correct figure should read 3100.

which is consistent with environmental and sustainability principles and will provide the opportunity for socio-economic benefits that the Plan seeks to achieve. I find the Plan’s general housing provision is sound.

5.18 The allocated sites are sufficient, both in terms of overall capacity and spatial distribution, to meet the identified need and are also deliverable. For reasons set out in the opening section of this report, it follows that it is not necessary for me to further consider the alternative sites suggested by representors. In these circumstances there is no reason to conclude that the non-inclusion of any of these sites undermines the Plan’s soundness.

Particular Needs Housing

5.19 The provision of affordable housing is dealt with in Section 6 of this report. Other specific housing needs are addressed by Policies TB5 and TB6. Policy TB5 addresses special needs housing and recognises that conventional housing does not meet the needs of everyone in the community, given the particular requirements that may be associated with, for instance, physical or mental impairment. The policy is permissive of proposals outside settlement boundaries for such housing where no suitable alternative exists within a settlement. The approach is sound and does not need to be expanded. The change to the policy suggested by the Council in MAC47 is endorsed as it would improve clarity and brevity by removing general development management criteria that are set out elsewhere in the Plan.

5.20 The Council accepts that, having regard to national policy¹⁴, TB6 should be amended to allow gypsy or traveller accommodation to be located outside settlement boundaries where no suitable provision can be found within limits. In the interests of consistency with national policy its suggested revision to TB6, as set out in **MAC48**, is recommended. As with MAC47, the suggested change would also improve Plan brevity by omitting several criteria that are adequately dealt with in other parts of the Plan.

Recommendation

5.21 To make the Plan sound the following changes are required:

MAC17, MAC24, MAC48, MAC60

5.22 The following minor change suggested by the Council is endorsed:

MAC47

6 AFFORDABLE HOUSING PROVISION

6.1 During the examination it became apparent that there are fundamental shortcomings in the way in which the submitted Plan deals with this topic. Most notably, whilst policy AS22 sets a Plan-wide target for affordable housing

¹⁴ Circular 30/2007: Planning for Gypsy and Traveller Caravan Sites [NAT38]

delivery of 370 dwellings, it does not identify a means of meeting this target. Moreover, the examination revealed that the assessment of need which had been undertaken to inform the LDP was neither robust nor credible. The Council sought to address matters by submitting further background work and suggesting changes to the Plan, which it refined during the course of the examination.

- 6.2 As the identified deficiencies indicate that the submitted Plan’s approach to this topic is not sound I shall focus my assessment of the Plan’s approach on the basis of a series of MACs which have been proposed by the Council.

Affordable housing need

- 6.3 Critical to the identification of local need for affordable housing is a local housing market assessment (LHMA). The Deposit Plan was informed by a 2007 version of the LHMA, whilst FPC(ii) was based on an updated assessment carried out in 2009 and which introduced the concept of sub-market areas. During the course of the examination another amended version of the LHMA was produced in early 2010. The latest version¹⁵ has further updated the assessment and addressed important shortcomings in relation to the earlier work. It identifies an annual affordable housing need of 34 units, compared with 62 in the early 2010 version.
- 6.4 The main reason for the reduction in the identified need is that the most recent assessment takes into account the potential contribution of the private rented sector to the supply of open market housing. Even though this sector had previously been identified as an increasingly significant portion of the local housing market its potential contribution to the supply of housing that could be afforded on the open market was not assessed. This represented a significant gap in the assessment given that it identified an appreciable proportion of the population who either cannot afford the monthly mortgage costs or are otherwise barred (for instance by reason of not being able to raise a deposit, or an inability to obtain a mortgage because of a poor credit rating) from buying a home, but who can afford to rent without any subsidy. The latest assessment takes into account the limitations on accessibility to this form of housing, in line with the definition of affordability in paragraph 4.1 of TAN2: Planning and Affordable Housing.
- 6.5 The LHMA emphasises that the estimation of need is susceptible to significant variations given the particularly volatile nature of the local housing market. As the Council recognises, this means that the LHMA would need to be regularly updated. Nevertheless, in its latest form it represents an important component of the Plan’s credible and robust evidence base.
- 6.6 The Council’s reconsideration of this topic during the course of the examination has been informed by discussions with stakeholders and, in addition to the LHMA, includes an amended viability study¹⁶ and background paper¹⁷. The

¹⁵ Housing Market Assessment for Merthyr Tydfil CBC, Final Version, 18 November 2010 [EXAM065]

¹⁶ Addendum – Affordable Housing Viability Study, November 2010 [EXAM066]

¹⁷ LDP Background Paper: Affordable Housing, December 2010 [EXAM066]

resultant changes which it suggests are extensive and include re-wording AS22 and the introduction of supporting text, and 2 new policies, BW19 and TB13 (MAC40, MAC23 and MAC55 respectively). Whilst FPC(ii) indicates that policy TB4 is to be replaced by AS22 it makes no reference to the policy’s justification paragraphs. MAC46 makes it clear that TB4 and its supporting text are to be deleted.

Affordable housing provision

- 6.7 The suggested changes to the Plan include a revised borough-wide affordable housing target of 260 units, set out in a new policy, BW19. The explanatory text to the policy explains that this would be met from 2 sources: firstly from developer contributions to housing schemes as required by policy AS22; and secondly, the introduction of a new exception sites policy, TB13. Their respective contributions over the Plan period are envisaged to be 240 and 20 units. The shortfall between the sum total of these contributions and the revised Plan-wide need identified over the same period of 510 is expected to be met by sources that lie outside the direct influence of the Plan. Evidence has been provided on the levels of contributions from publicly funded initiatives, in particular from the Social Housing Grant (SHG) and the Strategic Capital Investment Fund (SCIF) which are expected to contribute to meeting need by providing new homes and through an initiative to bring empty homes into use. The Council has assumed a continuation of funding but at a considerably reduced level in response to public spending constraints. In an uncertain climate this represents a reasonable assessment of likely future financial contributions, which should be regularly reviewed.
- 6.8 In line with national policy, the suggested change version of Policy AS22 identifies an indicative level of developer contribution to affordable housing. The level varies between growth areas, and is tailored according to the level of need and viability. To reflect the potentially significant contribution of smaller sites in the provision of such housing, the threshold for on-site provision has been reduced from 20 to 10 units. Given the low proportion of on-site contributions that would be sought, sites below 10 units would not be expected to provide any on-site affordable housing units. Therefore further lowering the threshold figure would have little practical effect. However, in accordance with the latest expression of national policy, the suggested change to AS22 includes an expectation that sites below this new threshold will make a commuted sum contribution for off-site provision.
- 6.9 Within the PGA and SGA the level of identified need is expected to be met through a combination of the provisions of Policy AS22 and the sources of funding identified that are outside the scope of the Plan. As this combination is not expected to fully meet demand in the OGA the Council has suggested introducing a new policy that would apply only in this Area. TB13 would offer qualified support for affordable housing on sites adjoining settlement boundaries as an exception to the Plan’s normally restrictive strategy. On the basis of discussions with local housing associations it is estimated that the policy would provide a total of 20 units which, in the context of the area need of 180 affordable housing units, represents an appreciable contribution.

- 6.10 The Assembly Government has made clear the emphasis it places on meeting the nation’s need for affordable housing. The Council’s assessment indicates that the need arising over the Plan period will be met. However, there are significant uncertainties regarding the extent to which the identified sources will deliver their estimated contributions. Restrictions on public spending may reduce the anticipated level of funding below that which has been assumed. In addition the strategy of concentrating housing allocations on brownfield sites and the extent of infrastructure contributions required to bring some sites forward may mean that the costs of developing certain allocated sites would make the indicative level of contribution of affordable housing unviable.
- 6.11 The potential under provision of affordable housing arising from factors identified in the preceding paragraph has to be weighed against the fact that some of the Plan’s potential contribution to affordable housing has not been included in the Council’s calculations. Most notably the estimate of developer contributions does not take into account sites which have already been granted planning permission and which are subject to an obligation to provide an element of affordable housing. Secondly, the calculation does not make provision for the contributions arising from windfall sites and those sites of less than 10 units, which will be required to make commuted payments. This theoretical overprovision, when balanced against the uncertainty regarding the calculated level of delivery, will improve the opportunities of meeting the identified level of need. As the Council acknowledges, this is a topic that will need to be closely monitored and early intervention undertaken if necessary.
- 6.12 Several representors contend that allocating greenfield sites would reduce development costs thereby enabling higher developer contributions to affordable housing provision. Whilst this may be true, such a consideration is but one of a wide range of factors that influence site selection. As described in the preceding section of this report the Council has attached considerable weight to other laudable planning objectives in its choice of sites, such as minimising greenfield development and avoiding urban sprawl.
- 6.13 It is also argued that allocating larger sites would bring about economy of scale benefits that would enable greater contributions of affordable housing. There is no compelling evidence that the deliverability of affordable housing would be markedly higher were the Plan to identify fewer, larger sites. Furthermore such an approach would reduce choice and flexibility thereby increasing the risk of slow delivery if a few large sites are not developed in good time.
- 6.14 The approach taken by the Plan to site selection is a reasonable one, and there is every indication that it will fulfil the identified need for affordable housing.

Developer Contributions

- 6.15 The viability study¹⁸ that informed the submitted Plan was deficient but in its revised form the study provides a robust and detailed analysis. It identifies different viability outcomes for the 3 growth areas based on a range of building densities which has informed the indicative target contributions set out in the

¹⁸LDP Background Paper: Affordable Housing [LDP14]

suggested changes to policy AS22. It also establishes that smaller sites (less than 10 units) are capable of bearing the cost of commuted payment contributions to affordable housing.

- 6.16 The approach used in the latest study follows the methodology contained in SEWSPG guidance¹⁹ and uses the Three Dragons Development Appraisal Toolkit. The methodology has been developed at a regional level in consultation with relevant stakeholders with the specific aim of informing local planning authorities’ preparation of LDPs. In relation to existing or alternative land values, and reflecting the SEWSPG guidance, the study assumes that a financial return of 25% higher than industrial land values would be sufficient to encourage owners to release sites. Bearing in mind that the nature of the vast majority of allocated sites are brownfield former industrial sites within built-up areas it serves as a reasonable benchmark. It is also reasonable to assume that the nature of most windfall sites that would be developed would be similar in this respect.
- 6.17 The Council’s approach is criticised on the basis that it fails to recognise the extent to which the value of housing land outstrips that of industrial land. However, no alternative approach to dealing with the influence of existing and alternative land values has been suggested. In any event, such a position fails to properly acknowledge the influence of local and national affordable housing policies on the potential returns from housing development. It may take time for some landowners to fully adjust their expectations in response to this influence but this does not indicate that the Council’s approach is flawed.
- 6.18 Some argue that the viability study underestimates the additional costs associated with meeting existing and future standards set by the Code for Sustainable Homes. In the light of the conflicting evidence²⁰ presented on this issue, it seems to me that the Council’s approach, which is consistent with the SEWSPG guidance, is reasonable in the context of the level of detail that is appropriate to inform policy formulation. The costs of meeting the Code will vary between sites and particular schemes. Taking these factors into account requires a more refined approach to viability which can be undertaken at the planning application stage. Whilst future Code level requirements may prove more demanding, at the same time other influences such as technological advances and increasing supply may lead to a reduction in some of the costs. The Council has indicated its intention to consider at 4-year review where experience reveals that the assumptions on development costs ought to be refined. In a suggested change to the monitoring framework (MAC56) it also confirms its intention to adopt supplementary planning guidance on this topic by the end of 2011. This will add practical detail to the way in which the Plan’s affordable housing requirements will be administered and will contribute to the transparency of the process.
- 6.19 The study establishes a level of viability that varies among the 3 growth areas: 5% in the Mid Valleys area; 10% in Merthyr Tydfil; and 20% in Treharris/

¹⁹ Guidance on Preparing Affordable Housing Viability Studies (SEWSPG 2009) [NAR31]

²⁰ This includes the differing opinions of house builders representatives recorded during a viability workshop, and research works referred to by the Council and representors

Trelewis. When the level of need for affordable housing is also taken into account, the relatively low need in Treharris/Trelewis means that the percentage contribution in this area sought by the Plan is set at 5%. In the other 2 areas the level of need is such that the target level of contributions are not reduced below that which is viable. The viability study provides a robust and credible evidence base that supports the changes that the Council propose to the Plan’s approach to this topic. As the supporting text to policy AS22 makes clear, the precise level of provision on a specific site will be a matter for negotiation, which will be informed by several considerations, including a scheme-specific viability assessment. This assessment would be an opportunity to consider a range of factors, including abnormal site development costs.

6.20 Subject to the incorporation of the Council’s suggested changes in **MAC23**, **MAC40**, **MAC46** and **MAC55**, the Plan represents a coherent and effective approach to this topic, which is consistent with national policy and is informed by a robust and credible evidence base. The Council is aware of the need to monitor the housing market carefully, and has proposed suitable indicators in its revised monitoring section that would facilitate this work.

Recommendation

6.21 The following changes are required to make the Plan sound:

MAC23, MAC40, MAC46, MAC55

7 EMPLOYMENT

Strategy

7.1 In line with one of its strategic objectives, to ‘improve and diversify the economy’, the Plan seeks to facilitate an increase in employment opportunities within the Borough. The scale of such expansion aims to meet a significant increase in the demand for jobs expected to arise as a consequence of the envisaged growth in the population, an increase in the proportion of the economically active population in employment, and a reduction in the extent to which residents of the Borough travel to work outside its boundaries. The envisaged scale of economic growth is ambitious but realistic. In the context of the sub-region, the Borough has performed relatively well in recent years. It has locational advantages in terms of employment activity, in particular it has good road transport links both within the region and to areas beyond, which will be further improved as the programme of upgrading the A465T continues.

7.2 The Council acknowledges the Borough’s weaknesses in terms of attracting economic growth, which include a relatively low skilled workforce and its reliance on general industry, which is a sector that has been in decline over many years and is a trend that is expected to continue. The Council has identified means to tackle these problems. In relation to the former, it is pursuing, through the LDP and other initiatives, measures to address the skills deficit that it has identified, including the establishment of the Merthyr Tydfil Learning Quarter (Policy AS13 refers). In terms of the decline in general

industrial activity, the Council has suggested changes to the Plan which would seek to provide a supply of land that better meets the needs of those sectors of the economy with the potential to expand locally over the Plan period.

- 7.3 The Plan’s allocation of employment sites has been informed by its Strategic Objective SO3, which seeks to promote regeneration through the use of appropriate brownfield land rather than greenfield sites. The allocations identify the type of acceptable uses, some are exclusively for B1 uses, and others include B1, B2 and B8 uses. The allocated employment sites are exclusively within the PGA. This reflects the WSP vision that the town should act as one of a network of key settlements which should function as service and employment hubs for smaller settlements. Topographical and other physical features, together with past industrial activities, mean that the town is well placed to supply a sufficient stock of suitable land to meet future need.
- 7.4 In response to recently published national policy²¹ the Council has proposed changes to the Plan’s approach to employment proposals within the countryside. A revision to BW4 would mean that it would adopt a more accommodating approach to rural enterprises and to the expansion of existing employment undertakings in the countryside. This is included in MAC10 which is recommended in Section 11.

Employment land provision

- 7.5 During the course of the examination the Council accepted that there were shortcomings in the submitted Plan’s approach to employment land provision and its supporting evidence. The Council commissioned a review of employment land and future employment growth²² which led to a series of changes to the Plan suggested by the Council.
- 7.6 The ELR has adopted a more sophisticated approach to examining job densities, taking into account floorspace requirements. It also examined a range of other considerations that will influence employment patterns over the Plan period, including the impact of the Plan’s overall strategy which identifies the need to provide new housing, improvements to the environment and to local facilities, as well as improved job opportunities. It includes an assessment of the scale and nature of employment land which will be required as well as an appraisal of the allocated and alternative sites that have been proposed.
- 7.7 The ELR predicts that the overprovision of general industrial land within the Plan area is likely to be exacerbated over the Plan’s life as the sector further contracts. In response the Council has proposed changes to the Plan that would reduce the allocation of general industrial land by about a third. It proposes the deletion of 5 of the 7 sites allocated for employment uses in the submitted Plan: Pengarnddu 1 (E1), Pengarnddu 2 (E2), Pant Industrial Estate (E3), Ffos y Fran (E5), and Dragonparc, Abercanaid (E7). It also proposes the introduction of one new site at the Car Park, Hoover Factory (E8). As a consequence, the overall provision of employment land allocations, as identified

²¹ TAN6: Planning for Sustainable Communities (July 2010)

²² Employment Land Review, Final Report, July 2010 (ELR) [PS004]

in Policy BW14, would reduce significantly from 40ha to 16.3ha. This change is included in the Council's proposed MAC18. However given that, for reasons I set out later in this section, I recommend that one of these sites should be retained, the figures set out in this proposed change should be altered. These alterations, which include a total figure of 27.52ha, have been incorporated in **MAC18** as it appears in Appendix B of this report. In its revised form the change is recommended to ensure coherence.

- 7.8 In reducing the provision of allocated sites the Council has borne in mind that it expects between 1.1 and 3.2ha of employment land to be required for the provision of waste management facilities. The level of allocation remains well above that required which, together with the potential for unallocated sites to be developed, means that the Plan provides flexibility with regard to choice and to accommodate unexpected demand. The nature of the allocated sites means that the extent of over-provision of employment land will not frustrate other beneficial development being established in the area. Moreover, the Council has undertaken to reappraise the situation as part of the formal Plan review process.
- 7.9 To acknowledge the particular importance of B1 uses to the local economy and to ensure that an adequate and appropriate supply of other employment sites is maintained throughout the Plan period, the Council has suggested **MAC42** which would introduce a new policy, AS24. It would provide qualified protection for employment land from other development, including reserving some sites for B1 uses only. This would improve the Plan's effectiveness, in terms of realising its economic growth aspirations, and is recommended.

Employment land allocations

- 7.10 The Council's suggested deletion of 5 of the allocated sites (MAC61) follows its review of potential employment sites and is an attempt to focus attention on those sites that best meet the Plan's objectives and the requirements of the market. With regard to 4 of the sites to be deleted - E1, E2, E3 and E7 - I consider that this accords with the Plan's strategy and to be a sound approach.
- 7.11 The other site which is suggested to be omitted by the Council is at Ffos y Fran (E5) and is the subject of an allocation of 11.22ha in the submitted Plan. It is clear that this site is not likely to be delivered until the latter part of the Plan period because of the on-going operations associated with the nearby land reclamation project. Although the site presently provides a habitat for lapwings this will be lost as part of the approved reclamation scheme, with arrangements secured for replacement habitat provision elsewhere. The site has been identified by the Council as suitable for B1 uses, in particular, high-tech industry whereas the subsequent ELR considers it more suited to B2, B8 or a specialist use outside B-class categories. Although the review identifies the site as scoring poorly in terms of market attractiveness this was confirmed to be on the basis of perceived obstacles to its timely delivery. In response, the site proponent has expressed confidence that the site could be developed within the Plan period.
- 7.12 In terms of attractiveness to the market the site was acknowledged to be similar to E4 which scored highly in terms of marketability. The site offers

direct access to the strategic road network via the A4060 trunk road. In this respect it has similar locational advantages to those identified in relation to allocation E4 which lies on the opposite side of the main road. Given that the Council maintains that allocation E4, is suitable to accommodate some 3.3ha of B1 activity, I see no reason why E5 does not have the same potential to attract light industrial B1 users. Although the site is not well served in terms of public utilities, as the site proponent explains, there is an opportunity to tailor the site to meet the requirements of an end-user as part of the land reclamation works.

- 7.13 Given the strategic growth ambition of the Plan and the locational benefits of allocation E5, in terms of its proximity to a centre of population and the strategic road network, its retention would contribute to the choice of sites suitable for a range of B class uses within the PGA. This would become particularly significant in the event that the Goatmill Road site, which the Council identifies as having the potential to meet the requirements of a large ‘one-off’ employment opportunity, is developed at a relatively early point in the Plan period. Its proposed deletion is not required in the interests of soundness, thus it is not recommended. On the basis of the evidence base it is a change that would run counter to the Plan’s objectives and, thus, is not endorsed. The Council accepts that retaining this site would not have any substantive consequential impact on the Plan. Given the latest evidence produced by the Council and its decision to propose an additional site for B1 use, it is not necessary to restrict the use of this site to B1. In reaching this finding I have taken into account the site’s characteristics and location, and have had regard to the LDP’s SA Report including its site specific assessment²³.
- 7.14 The suggested deletion of allocation E5 is included within several of the Matters Arising Changes proposed by the Council - I have amended MAC32A, MAC42 and MAC61 to reflect the retention of this allocation. I deal with the consequential effect on the Proposals Map in Section 14.
- 7.15 The ELR envisages that office based employment will be the main growth sector over the Plan period. Of the 2 sites identified in the submitted Plan as being suitable for B1 uses, only Rhydycar, E6, is suited to office use. As the other site (E5) occupies a peripheral location relative to the urban centre it is unlikely to attract office accommodation. Whilst Rhydycar has sufficient capacity to meet the vast majority of the predicted land requirement for office uses, the Council is right to avoid relying solely on one site. To do so would unduly restrict choice, especially in the event that E6 is completed relatively early in the Plan’s life. Thus, to encourage the provision of employment opportunities, additional B1 land has been proposed by the Council. The identified site (E8), which is some 1.67ha in area, was last used as a car park at the Hoover Factory. It is a discrete portion of the Hoover works site at Pentrebach, the majority of which closed in 2009. The proximity of this brownfield site to housing and the town centre mean that its use as offices would accord with the Plan’s strategy and is likely to be attractive to potential employers.
- 7.16 The Plan does not seek to make any specific provisions with regard to the remainder of the Hoover site which extends to some 15ha which, with the

²³ Sustainability Appraisal/Strategic Environmental Assessment, Appendix 8 [LDP30]

exception of some warehousing activities, lies vacant. Other than the suggested allocation at E8, the Plan does not seek to allocate or protect the remainder of the site for employment or other activities. The available evidence suggests that the prospects of attracting industrial uses on the whole of the site are not promising, especially given that the likely redevelopment costs would include demolition and site clearance and the failure to allocate this site does not render the LDP unsound.

- 7.17 Subject to the retention of allocation E5, the Council’s suggested changes to employment land allocations means that the Plan would identify an appropriate level of provision which would be suitably distributed throughout the PGA. Thus I recommend **MAC32A** and **MAC61** suitably amended to reflect the retention of E5. There is robust evidence to show that the chosen sites are deliverable and suited to meeting the type of need that is expected to arise over the Plan period. The allocations also seek to maximise the opportunity to re-use brownfield sites, in locations that are well related to the built form and offer good accessibility by means of a range of transport modes. This approach flows logically from the Plan’s strategy and is soundly based.
- 7.18 In addition to revising the list of allocated sites, MAC61 proposes other revisions to Appendix 5 of the Plan. The identified timing is described as an ‘Anticipated Delivery Timetable’, rather than ‘LDP Phasing’. This corrects an impression in the submitted Plan that the LDP sought to influence the timing of the development. To enable the Council to respond in the event that the rate of delivery differs significantly from that which it anticipates, the Council has proposed monitoring targets and triggers to enable it to react.
- 7.19 Given my findings on the suitability of the provision of allocated sites, it follows that it is not necessary to deal with the relative merits of the alternative sites that have been proposed, with the exception of one location, Cwmbargoed. Its accessibility to a railhead facility means that it is distinguishable from all other sites, both those allocated and the proposed alternatives.

Cwmbargoed

- 7.20 The Cwmbargoed Disposal Point site is a railhead complex situated well outside any settlement boundary. It is presently mainly used in association with the open cast mining operation which is part of the Ffos y Fran land reclamation project; excavated coal is washed and sorted before being despatched, primarily by rail and is expected to continue until 2025. The washery and railway sidings, lie mostly within the administrative boundary of Caerphilly County Borough Council whilst much of its surroundings are within the Plan area.
- 7.21 Land in and around the Cwmbargoed washery is the only location within the Plan area which has been identified as providing accessibility to a railhead facility. It is an important asset which has the potential to attract new employment opportunities as well as diverting traffic away from roads and onto the rail network with consequential environmental benefits. The submitted Plan supports development that utilises the railhead facility by means of a specific policy, TB12. It offers in principle support for such development, enabling the specific merits of a proposal to be considered in the context of the Plan’s range

of policies. This approach is compatible with the adjacent land allocation in the Caerphilly LDP and is sound.

- 7.22 Several parcels of adjoining land that lie close to the washery site, which cumulatively extend to some 36ha, have been suggested as alternative sites for employment uses that would benefit from the proximity to the railhead facility. In response the Council has suggested a proposed change (included within MAC67) which would allocate 2 sites, which extend to some 4.16ha in total, within the washery for rail dependent, mixed-use development in accordance with a proposed new policy, AS23 (shown as MAC41 in the Council’s schedule of proposed changes). The policy seeks to encourage the potential use of the railhead as a freight facility limited to minerals handling and dispatch, waste management facilities, and other employment activities dependent on rail freight transportation.
- 7.23 In light of suggested new policy AS23 which is proposed by the Council’s MAC41, and the associated allocations, the Council has also suggested MAC54 which proposes the deletion of TB12. Representations by prospective developers and the existing site operator establish that the size and location of the proposed site allocations would severely limit its development prospects whilst the washery is operational. Although the suggested replacement of TB12 with AS23 and associated allocations was proposed to encourage prospective developers by adding certainty to the Plan, its effect would be to reduce the likelihood that suitable development could be accommodated close to the railhead facility. The Council confirmed at the examination that this was not its intention. As these changes would reduce the Plan’s flexibility, the Council’s suggested MAC41 and MAC54 are not recommended or endorsed.
- 7.24 The Plan, subject to those suggested changes which are recommended, provides adequate opportunity to meet the identified need for employment land. Together with the potential of windfall sites, which would include those sites originally allocated but now to be omitted as well as some of the alternative sites that have been proposed, the provision will ensure significant choice and flexibility. In the context of the Plan’s growth aspirations the extent of over provision of employment land allocation is appropriate. Subject to the recommended changes, the Plan’s approach to this topic meets the coherence and effectiveness tests of soundness.

Recommendation

- 7.25 To make the Plan sound the following changes are required:

MAC18, MAC32A, MAC42, MAC61

8 MINERALS ISSUES

- 8.1 The Plan’s approach to minerals planning matters has been informed by a national and regional context set by MPPW, MTANs and the recommendations in the South Wales Aggregates Working Party Regional Technical Statement

[NAR12]. The Plan acknowledges that there are significant mineral resources with the Plan area, notably coal and sandstone with high polished stone value.

- 8.2 The submitted LDP adopts a restrictive approach in relation to new mineral extraction proposals on the grounds that the area has suffered particularly high levels of environmental harm caused by the extraction of coal in the past. The Council has subsequently accepted that such an approach cannot be justified in the light of national policy which acknowledges the valuable contribution of such resources to the nation’s prosperity. Thus it has suggested **MAC50** which would alter TB8 to permit extraction provided that specific criteria are met. The change would not only better reflect national policy but would also introduce terminology that would be more consistent with other policies. For these reasons this aspect of MAC50 is recommended. A complementary change suggested to the wording of BW4 (see Section 11) would make it clear that mineral extraction would not be subject to its general restriction on development in the countryside.

Buffer Strips

- 8.3 In response to MTAN2, the submitted Plan²⁴ introduces the concept of buffer strips for coal working within which future mineral extraction would not generally be acceptable. It identifies the buffer strips on the Proposals Map but does not propose a policy to give effect to the designation. On further reflection, the Council has proposed its deletion and has suggested an alternative means of dealing with the matter. In MAC50 it proposes the inclusion of a cross-reference to the paragraphs of MTAN2 that deal with the minimum separation distance normally expected to be maintained between coal working and settlements, and the exceptional circumstances that may justify reducing this distance. Thus whilst the proposed deletion of the designation of buffer strips would remove a spatial definition from the Proposals Map, the inclusion of a cross-reference to national policy provides a clear written definition of the concept. The Plan would rely on its general criteria-based development management policies, in conjunction with national policy, to deal with this matter. **MAC50** is recommended in the interests of the coherence and consistency of the Plan. The revised approach pays regard to national policy and local circumstances and is soundly based.

Buffer Zones

- 8.4 Subject to the incorporation of **MAC51**, which is required to achieve consistency with national policy, the Plan’s approach to coal buffer zones is consistent with MTAN2. The suggested change would provide protection to permitted quarrying sites regardless of whether they are presently operating. It also includes several factual corrections. The relevant policy, TB9, provides sufficient flexibility by requiring the decision maker to consider whether there are particular circumstances that would be sufficient to outweigh the generally restrictive approach to development within these zones. The approach is largely reliant on national policy through the introduction of clear cross-references as part of the suggested change, which is recommended.

²⁴ As a result of FPC (i), as further refined in the Council’s response to representations on the FPC [EXAM007]

- 8.5 The Council has applied a pragmatic approach to assessing a site’s suitability to accommodate new housing development even though it is within a buffer zone. The site specific circumstances relating to housing allocations such as H24 and H25 mean that they are deemed suitable for housing development even though they fall within a buffer zone. In contrast, as I describe in Section 5, the Council has proposed the deletion of allocation H10, which also lies within the buffer zone. This follows discussions with stakeholders during the examination regarding the timetable of nearby opencast mining operations. The Plan review stage provides an opportunity to re-define the position of buffer zones in response to changes in circumstance, for instance in relation to progress achieved in the restoration works at Ffos y Fran.
- 8.6 The Council accepts that the full extent of the permitted mineral workings at Gelligaer Quarry is not accurately depicted on the Proposals Map or the amended version proposed by MAC67. Consequently, it has suggested a further change to the map²⁵, which includes a revised buffer zone and safeguarding area. This change is recommended in Section 14.

Safeguarding Areas

- 8.7 To ensure a consistent approach with national policy the Council has proposed that the two Sites of Special Scientific Interest that lie within the Plan area are excluded from the mineral safeguarding areas as depicted on the Proposals Map. This change is incorporated in MAC67. Practical, presentational considerations mean that the revised Map does not show that scheduled ancient monuments are also to be excluded from safeguarding areas. Instead the Council has proposed MAC16 which would introduce an appropriate reference in the supporting text of BW10 to clarify that mineral resources that lie within national designations of environmental and cultural importance are not safeguarded. The change includes a specific cross-reference to the paragraphs in MPPW and MTAN2 which deal with the need to consider pre-extraction. The alterations suggested to this policy and supporting text are necessary to ensure that it will provide its intended degree of protection and to ensure consistency with national policy. For these reasons **MAC16** is recommended.
- 8.8 The Plan seeks to safeguard limestone and sandstone resources. In relation to coal, and in accord with MTAN2, it safeguards primary and secondary resources and does not extend protection to tertiary resources. The spatial definition of the safeguarding areas, which is based on analysis of British Geological Survey resource maps and digital data, is broadly consistent with the corresponding designations in adjoining plan areas. Subject to the incorporation of the proposed changes, the approach to safeguarding areas is soundly based.

²⁵ This suggested change (shown on Gelligaer Quarry Map [PS014]) was the exclusive subject of a consultation exercise at the end of the examination; no objections were received.

Unstable Land

- 8.9 There is no dispute that ground instability caused by historic mining operations is a prominent local legacy, most notably at the Rhydycar West site. The Coal Authority has described the risk to public safety caused by local subsidence within this extensive area of land as ‘unparalleled’ within the country.
- 8.10 There are clear potential benefits to the area from tackling problems associated with this mining legacy, especially in terms of reducing the risk to public safety and securing the beneficial reuse of affected land. However, in the absence of an identified funding source the Plan’s potential influence in this respect is limited. The submitted Plan is virtually silent on this topic. Following further consideration the Council has suggested changes aimed at facilitating the remediation of unstable land. MAC22 proposes the insertion of additional supporting text which would acknowledge the presence of unstable land in the area and explain that development proposals on such land would be assessed against the advice in paragraphs 13.9.1 and 13.9.2 of PPW. It would also explain that known areas of unstable land are identified on The Coal Authority’s Coal Mining Referral Maps, available at the Council’s offices. **MAC22** is recommended to ensure the consistency, coherence and effectiveness of the Plan. In addition MAC10, recommended in Section 11, proposes to alter policy BW4 with the effect that development required for the reclamation or treatment of unstable land would be identified as an exception to the generally restrictive approach to development in the countryside.
- 8.11 As the topic is not the subject of a specific policy or proposal in the LDP, and mindful of the guidance in LDP Wales, it is not necessary to identify these referral areas on the Proposals Map. At one stage during the examination the Council suggested that these areas should be shown on the Constraints Map but its subsequent intention to dispense with this Map has led to its suggested use of specific referral area maps. As I explain in Section 14, the Constraints Map was only intended to accompany the Plan rather than form part of it. Thus, this use of the referral area maps would have no material effect on the status afforded by the Plan to this locally important issue. This amended approach has regard to national policy and is soundly based. That it differs from the approach adopted in the Caerphilly LDP does not render this Plan unsound.
- 8.12 In addition to the generally positive framework provided by the Plan in relation to the remediation of unstable land, the Plan’s targeting of previously developed land in its site allocations would enable instability on some sites to be remedied as part of new surface development. The Council has suggested MAC60 and MAC61 which would introduce specific references to potential stability issues relating to allocated sites in appendices 4 and 5, which are formally recommended in Sections 5 and 7 respectively.
- 8.13 Some representors contend that the Plan should be more proactive and precise in terms of tackling this problem, but there is presently scant evidence to suggest that further changes to the Plan would materially alter the prospects of addressing this problem.

Coal Bed Methane

- 8.14 The Council has revised its position with regard to proposals for onshore oil and gas exploration and development. Having regard to MPPW it has proposed a change to the Plan which explains that such activities will be assessed against Policy TB8. This change, which is included within MAC50, is recommended in the interests of consistency and coherence. A Petroleum Exploration Development Licence has been granted for coal bed methane extraction within parts of the Plan area but, as this is not based on a planning assessment, its spatial parameters are unsuitable for inclusion on the Proposals Map.
- 8.15 The proposed changes to which I have referred in this section also introduce changes to the wording of policies and their justification which would improve clarity and effectiveness. Subject to the inclusion of these changes, the Plan’s approach to minerals is soundly based.

Recommendation

- 8.16 To make the Plan sound the following changes are required:

MAC16, MAC22, MAC50, MAC51

9 WASTE ISSUES

- 9.1 The Plan’s approach is based on the planning framework established by the Regional Waste Plan (RWP)²⁶ and acknowledges the national context set by TAN21: Waste. Reflecting these influences, policy AS7 sets out a hierarchical approach to waste management, which aligns with other Council initiatives, including its Municipal Waste Strategy²⁷.
- 9.2 The Council is working in partnership with Rhondda Cynon Taf County Borough Council to secure the provision of adequate municipal waste management facilities within the neighbouring administrative area. In relation to residual and unavoidable wastes it has established that there is sufficient capacity at the Trecatty landfill site to meet the forecast demand over the Plan period. To meet a local gap in the provision of civic amenity sites, Policy AS8 promotes a new site to the east of Treharris.
- 9.3 The Plan relies on the availability of existing and allocated industrial sites to meet the need for in-building waste management facilities. The extent of the anticipated need is estimated at between 1.1 and 3.2ha, dependant on which of the 7 Preferred Options identified in the RWP Technology Strategy is undertaken. The LDP is consistent with the RWP.
- 9.4 There is an over-provision of B2 sites within the Borough and more generally within the region, and it is likely that this over-supply will increase over the Plan period. Not every existing industrial site is suitable for all waste related

²⁶ South-East Wales Regional Waste Plan, 2004 [NAR15] & South-East Wales Regional Waste Plan, First Review, 2008 [NAR16]

²⁷ The Municipal Waste Management Strategy – War on Waste (2004-2007) [LOC14]

activities because of a susceptibility to flooding; the Council has proposed an additional paragraph to Appendix 7 to make this clear. This change appears as Minor 19 in the Council’s Schedule of Minor Changes. Notwithstanding this potential constraint there are sufficient sites within the identified areas of search to provide a range of sites available to meet the anticipated demand for waste facilities. The choice of sites includes an employment land allocation at Goatmill Road, E4, which has been identified as a potential location for a waste management facility to serve more than one local authority²⁸.

- 9.5 The Council has suggested changes to AS7 and TB10 which are set out in **MAC28** and **MAC52**. The former change makes it clear that waste facilities will be expected to be located within the identified areas of search unless such sites are shown to be unsuitable. To contribute further flexibility in terms of the supply of sites, Policy TB10 is permissive of proposals for all waste management facilities, other than those related to landfill, on sites that lie outside the defined areas of search where this can be justified. The revisions to the wording of the policies and supporting text provide coherence to the Plan by clarifying the relationship of these 2 policies to one another and to the Plan in general. They are recommended.
- 9.6 As a consequence of my decision in Section 7 that allocation E5 should be retained and identified as suitable for B2 and B8 uses, I have modified the Council’s proposed change to the list of areas of search set out in MAC63 to include E5. The final paragraph in this Council-suggested change, which refers to Policy AS23, is deleted on the basis that, for reasons set out in Section 7, I do not recommend nor endorse the suggested change that would introduce this proposed new policy. As **MAC63** is required to ensure the Plan’s coherence in light of other changes to the Plan, it is recommended.

Cwmbargoed

- 9.7 Evidence presented to the examination indicates that the additional land which would be available as a result of the Council’s suggested allocations at this location would fall well below that required for the proposed energy from waste facility. The Plan provides a sufficiently large site at Goatmill Road (E4) to provide a waste facility to serve more than one authority and provides a sufficiently flexible and supportive framework that would enable an application on unallocated land which sought to utilise the railhead facility to be considered on its merits. In this respect the changes proposed by the Council to Policies BW4 (MAC10) and TB10 (MAC52) which, together with TB12, would be broadly permissive of such development, are significant. The former change is recommended in Section 11 of the report, and I have already dealt with the latter in this section. Subject to the changes that I have identified as necessary, the Plan’s approach to this topic would satisfy the tests of soundness.

Recommendation

- 9.8 To make the Plan sound the following changes are required:

²⁸ The RWP identifies a land-take requirement for such a facility of 6ha; allocation E4 is almost 10ha

MAC28, MAC52, MAC63

10 RETAIL PROVISION AND TOWN CENTRE REGENERATION

10.1 The submitted Plan’s approach to retailing was based on the findings of a study undertaken in 2008²⁹ and revised in 2009³⁰. During the course of the examination the Council accepted that further evidence was required to support the Plan and commissioned a Final Addendum to the study³¹. The additional work is a necessary component of the credible and robust evidence base that supports this element of the Plan and which has led the Council to present a series of proposed changes to the Plan.

Retail Hierarchy

10.2 Eight retail centres are identified in Policy AS18 of the Plan. They are arranged in a hierarchy with the ‘regional facility’ of Merthyr Town Centre at the highest level. Below which the submitted Plan identifies Treharris as a ‘district centre’, followed by the remaining ‘local centres’ of Dowlais, Gurnos, Cefn Coed, Brecon Road/Morganstown, Troedyrhiw and Aberfan. The Council has subsequently accepted that, as there is no effective policy distinction between district and local centres, all those below the regional facility should be classed as local centres. This change is proposed in **MAC36** which is necessary to ensure a logical flow to the Plan and, thus, is recommended. Subject to the inclusion of this change, the Plan sets out a clear strategy for retail development. Consistent with the WSP and the Plan’s strategic objectives, it seeks to concentrate retailing activities within the centre of the key settlement, Merthyr. It also recognises the local importance of other traditional shopping centres which serve their neighbourhoods within the town and in other settlements.

10.3 The Plan notes the contribution of other retail locations, including out-of-town retail parks, but does not include these areas within the retail hierarchy. The Plan together with national policy (as is made clear by the insertion of a specific cross-reference in the supporting text which is included within MAC36) provides a sufficiently robust framework to determine any future applications to extend retail provision within these retail parks. To avoid potential confusion the Council rightly suggests the deletion of the identification of out-of-centre retail parks from the Proposals Map (recommended in Section 14), given that such depiction has no policy-based significance. The suggested change would also introduce a specific reference to the sequential test in terms of out-of-centre retail development, in line with national policy.

²⁹ Retail & Commercial Leisure Capacity Study, Final Report, September 2008 [LOC26]

³⁰ Retail & Commercial Leisure Capacity Study, Final Report – Revised Version, January 2009 [LOC27]

³¹ Retail & Commercial Leisure Capacity Study, Final Addendum, May 2010 [PS007]

Retail Allocations

- 10.4 Policy AS20 of the submitted Plan proposes 2 retail allocations: Merthyr Tydfil Central Bus Station (R1) and Swansea Road (R2). The former site lies within the town centre and its redevelopment for retailing use would align with the Plan’s retail strategy. The site occupies a prominent site close to the Primary Shopping Area. It is sufficiently large to accommodate the improvements to the Central Bus Station (Policy AS12 refers) as well as offering sufficient floorspace to meet the envisaged level of retailing growth.
- 10.5 Allocation R2 lies well outside the town centre and is part of a site which is the subject of a long-standing planning permission for a specific mixed use development, comprising retailing and recreation. The permission, which has been commenced, restricts the type of retailing activity which may undertaken, reflecting the typical operation of the identified end user (Trago Mills). It is expected to draw a significant proportion of its shoppers from outside the Plan area. The Council accepts that the general retail allocation proposed by policy AS20 would not be appropriate on this site, and has proposed its deletion in **MAC38**. This change is recommended as it is necessary to ensure that the Plan has a coherent strategy in terms of the protection and promotion of the town centre. It also incorporates alterations to the supporting text that are based on the more robust and updated evidence of the latest retail study.
- 10.6 A change suggested by the Council to Appendix 8 of the Plan (**MAC64**) provides updates and corrections on retail floorspace provision, based on the latest evidence prepared in support of the Plan. As it is necessary in the interests of the Plan’s coherence, it is recommended.
- 10.7 In recognition of the important contribution that certain types of shops and other facilities can make to their communities the Council has proposed to reword Policy BW15 to extend its qualified protection to such locally valuable facilities. As this change ensures consistency with national policy and the Plan’s strategy, **MAC19** is recommended.

Town Centre Regeneration

- 10.8 One of the Plan’s strategic objectives is to promote the role of Merthyr as the main commercial centre for the Heads of the Valleys area. This accords with the Council’s long-standing ambition to secure comprehensive town centre regeneration³². To this end it seeks to promote the growth of retailing activity within the centre. A vibrant town centre is seen as an intrinsic element of the wider growth aspirations of the Plan in terms of attracting and retaining residents and promoting business confidence. The approach offers an opportunity to continue efforts undertaken over recent years to improve the physical fabric of the town which has been funded by both public and private sector investment. In addition, significant public sector funding³³ has recently

³² The Town Centre Regeneration Strategy - The Big Heart of Merthyr Tydfil (2002) [LOC09]. During the examination period the Council produced the Merthyr Tydfil Town Centre Strategic Review (2009) [EXAM34]

³³ In November 2010 WAG announced that £22 million funding had been secured for town centre regeneration

been secured for an extensive programme of regeneration work in the centre. As this was announced during the latter stages of the examination period it has not directly influenced the Plan's policies.

- 10.9 The retail capacity study of the Borough reveals a high rate of expenditure retention in the convenience goods sector. The submitted Plan provides that the anticipated level of growth in this sector can be met by the expansion of existing stores. To provide sufficient flexibility, the Council has included within MAC38 a change to the supporting text to Policy AS20 which includes reference to the provision of a new small supermarket as an alternative means of accommodating the anticipated growth. It maintains its position that no allocation is necessary to meet the anticipated growth in the convenience goods sector.
- 10.10 In relation to comparison goods the study identifies expenditure leakage, particularly to Cardiff. The Council accepts that a degree of leakage to the capital city is inevitable but, in the context of its growth aspirations, it seeks to claw back some of that lost expenditure. The latest capacity study establishes that an expenditure retention rate ranging from constant to a 2 percentage point increase over the Plan period would be realistic. The precise point within this range would be dependant on the aspirations of the Council as embodied in the LDP and the realisation of the envisaged town centre improvements. In response, and mindful of the present economic climate, the Plan's strategy is based on a 1% increase in retention rate.
- 10.11 To enable retail growth to be delivered at a scale that also takes into account the expected improvement in retained expenditure, additional floorspace will be required within the town. The Trago Mills site described above is the subject of an undetermined planning application to extend the retail floorspace. If granted permission this would meet the additional comparison goods floorspace requirement, otherwise the surplus expenditure would require an additional 2,319 m² net floorspace. This could be provided within the Central Bus Station site. Part of this site already has planning permission and has been included as a commitment in the capacity study, the remainder has been estimated to deliver some 2,300m² net floorspace.
- 10.12 In the context of the overall growth aspiration of the Plan and given the likely impact of the recently secured regeneration funding in terms of the prospects of attracting and retaining greater retail presence in the town, it is reasonable to assume that retention rates may improve by more than the predicted 1%. In the event that further additional floorspace is needed the Council has identified a potential town centre site. The Hollies Health Centre site is expected to become available for redevelopment during the mid part of the Plan period with the possibility of the adjacent Central Police Station site also becoming available. Together their capacity has been estimated as capable of providing some 4550m² net floorspace. The present level of uncertainty with regard to the deliverability of these sites means that it would not be appropriate to allocate them. However, policy AS19 provides in principle support for development proposals within the town centre which are compatible with its function, without the need for a specific land allocation. The monitoring framework as proposed by the Council (MAC56) and the plan review process will provide a framework to enable the Council to take action in

terms of allocating further land should this prove necessary. This will enable the effect of the proposed town centre regeneration works to be assessed.

10.13 Policy AS19 of the submitted Plan deals with the town centre of Merthyr, and part of Policy TB3 is concerned with its Primary Shopping Area. As drafted they set out aspirations but do not provide a robust framework for the protection of the retail core. This is a significant shortcoming given the importance attached by the strategy to the promotion of the town’s role as a retail centre. This is addressed by the Council in a series of proposed changes set out in MAC37 and MAC45. The latter proposes the deletion of TB3. In the light of the capacity study the Council suggests that the Primary Shopping Area is redefined on the Proposals Map (MAC67) and MAC37 includes measures to protect the retail function of this area as part of a revised policy AS19. This approach is supported by additional information provided by the Council, and which has been further refined in the light of matters discussed at a hearing session [EXAM064]. In its suggested revised form AS19 would seek to resist the loss of A1 units where it would reduce the proportion of such units within the primary shopping area below its present level. To reflect the particular importance of larger units and those on prominent corner sites, additional protection is afforded to these units. Changes to the justification to AS19 acknowledge the potential benefits that would arise from improved public car parking in the centre. **MAC37** and **MAC45** are recommended to ensure that the Plan is effective and is consistent with national policy.

10.14 The Plan’s aim of improving local shopping centres is supported through a range of initiatives such as the recently completed Gurnos Shops Project, and the Taff Bargoed Regeneration Programme which focuses on Bedlinog, Trelewis and Treharris. The evidence base, as augmented during the examination process, demonstrates that the Plan forms a complementary component of a range of initiatives, involving the plans and strategies of a number of agencies and partnerships, aimed at securing the enhancement of the commercial centres of the Borough’s towns and villages.

10.15 In terms of town centre and retail development matters I find the Plan sound in all other respects.

Recommendation

10.16 To make the Plan sound the following changes are required:

MAC19, MAC36, MAC37, MAC38, MAC45, MAC64

11 HISTORIC, NATURAL HERITAGE AND GREEN WEDGE POLICIES AND DESIGNATIONS

11.1 The Plan contains a set of policies which seek to protect the natural environment and historic heritage features from harmful development, especially in areas most sensitive to change. In response to shortcomings identified during the examination in relation to these matters the Council has suggested a raft of changes to the Plan, both substantive and presentational.

Countryside protection

- 11.2 Policy BW4 adopts a restrictive approach to development within those parts of the Plan area that lie outside settlement limits as defined on the Proposals Map. It aims to protect the countryside, to manage the growth of urban areas and to preserve the identity of communities. The limits have generally been drawn tightly around existing built-up areas. There are a few exceptions to this approach where the boundary follows prominent physical features and this has led to the inclusion within settlements of pockets of undeveloped land on the edge of built-up areas. On the whole these areas are relatively small and their inclusion has represented a logical rounding-off of the built form.
- 11.3 A notable exception to this general approach is the western side of Aberfan. Here the boundary has been drawn tightly along rear boundaries of existing properties for much of its length but then deviates markedly westwards to follow the line of the A470 trunk road. This has the effect of encompassing a substantial area of undeveloped land within the settlement boundary. In acknowledging that there were potential constraints to the site’s development, the Council decided not to allocate it for development.
- 11.4 As the land extends away from the built-up area into a prominent hillside location of particular landscape sensitivity its inclusion within the settlement is at odds with the Plan’s general approach to defining settlement limits which has been influenced by a range of considerations set out in paragraph 3.4.2 of the Plan, which include the existing built form and local topography. The site, most of which is designated as a Site of Importance for Nature Conservation (SINC), is especially significant as it forms part of the Aberfan Cemetery, Garden of Remembrance and Former Tip and Slide Area which has been included within the list of Registered Historic Parks and Gardens in Wales.
- 11.5 The submitted Plan does not acknowledge this historic designation. The Council sought to correct this omission prior to the start of the examination by introducing, as a minor change, an appropriate reference within Appendix 1 of the Plan and its identification on the Constraints Map. In light of this designation it also suggested the realignment of the settlement boundary to closely follow the built-up area thereby excluding the designated land from the settlement. These changes have been refined during the course of the examination. In light of the proposed deletion of the Constraints Map (MAC68) the changes are to be shown on a revised Proposals Map which is proposed by MAC67 and which is recommended in Section 14. This suggested change to the settlement boundary is necessary to ensure that this detailed aspect of the Plan flows logically from its strategy and responds to the up-to-date evidence base.
- 11.6 The Council has proposed 2 other changes to settlement limits. It suggests that the line should be redrawn to exclude the green wedge designation at Heolgerrig which, for reasons given later in this section, is recommended. It also suggests that the boundary at Ffos y Fran is redrawn so that it no longer encompasses allocation E5. For reasons set out in Section 7 I do not support the suggested deletion of E5 and it should remain within the settlement boundary. However, in Section 14 I recommend that the boundary is altered

to exclude the area of land that was proposed as part of allocation E5 in the Deposit Plan but which was subsequently omitted by FPC(iv).

- 11.7 In response to representations made on the Deposit Plan, the Council has suggested several other changes to settlement limit delineations, reflecting site specific considerations such as the boundaries of extant planning permissions. The proposed changes are endorsed on the basis that they are consistent with the Plan's approach to boundary delineation.
- 11.8 Whilst several representors contend that settlement boundaries should be altered, usually to bring sites within settlements, there is no reason to believe that the Plan's approach is unsound in this respect and thus no further alterations are necessary. Subject to the changes identified, the use of settlement boundaries as a mechanism to manage development within the countryside, and their delineation, are coherent and soundly based.
- 11.9 The submitted Plan contains 2 policies (BW4 and TB1) that deal with development in the countryside. BW4 states that outside settlement limits new development will not 'normally be permitted' but then explains that where a proposal is 'considered acceptable in principle', the criteria in TB1 must be met. The Council has subsequently accepted that neither policy establishes the type of development that the Plan considers to be acceptable in principle. This is a serious failing which undermines the Plan's soundness, but can be overcome by a series of changes suggested by the Council.
- 11.10 **MAC10** proposes to reword BW4 to reflect its role as the only policy which would deal specifically with development outside settlement limits. It would provide an indication of the types of development that would be treated as an exception to the generally restrictive stance on development within the countryside, and would ensure an approach that has regard to the latest expression of national planning policy in relation to promoting sustainable rural communities. It is recommended.
- 11.11 As a direct consequence of the suggested re-wording of BW4, which also deals with development within settlements, the Council has suggested the deletion of TB1 and TB2 (**MAC43** and **MAC44**). As both policies add unnecessarily to the length of the Plan and are not consistent with other policies, their deletion is recommended.
- 11.12 Within the Plan area the land identified as being of the highest landscape value using the LANDMAP methodology generally coincide with the areas which the Plan proposes to protect for their historic landscape quality. Most of the northern half of the Plan area falls within one of 2 historic landscapes - the Gelligaer Common Landscape of Special Historic Interest and the Merthyr Tydfil Landscape of Outstanding Historic Interest in Wales. Policy AS4 promotes the protection or enhancement of these designated areas, whilst BW5 deals with natural heritage across the Plan area, and includes the protection of its landscape setting. The Council's decision not to introduce another landscape designation is based on the fact that to do so would have little practical effect. In reaching this decision the Council has had regard to national policy and to the landscape designations proposed in neighbouring LDPs. Its approach reflects local circumstances and is soundly based.

Green Wedges

- 11.13 As an additional protection measure to manage urban expansion, the submitted Plan³⁴ designates certain areas on the periphery of settlements as green wedges. During the course of the examination the Council accepted that its approach to the designation of these areas does not accord with PPW. AS5 states that the designations are intended ‘to prevent coalescence between and within settlements’. The Council subsequently accepted that the inclusion of land which lies within a settlement is at odds with the stated purposes of a green wedge as set out in PPW, and creates internal inconsistency in terms of the Plan’s generally permissive stance to development within settlements.
- 11.14 In response the Council has suggested **MAC26** which would revise the green wedge policy and its supporting text. Its additional work on this issue has also led the Council to propose changes affecting 2 of the designated green wedges. With regard to Heolgerrig/Twyncarmel, as I have already mentioned, it is proposed to redefine the settlement limits so as to exclude the green wedge. The designation covers an area of generally undeveloped land and is intended to prevent the coalescence of 2 distinct communities within an area that has been subject to significant pressure for new housing in recent years.
- 11.15 The only other green wedge which lies within settlement limits is at Quakers Yard. The Council suggests the deletion of this designation from the Proposals Map and, by the introduction of MAC26 and MAC57, it proposes to amend the green wedge policy and the list of designated sites in Appendix 1 accordingly. In its place it proposes to designate the area as Open Space to be Protected. The protection that would be conferred on this open space by BW16 would be particularly apposite given that the Treharris area (including Quakers Yard) is identified as an area of shortage in terms of green space³⁵. MAC62 proposes that the site is added to the list of Informal Recreation Areas at Appendix 6. It also proposes the addition of a site that had been omitted from the list of sports fields. **MAC62** is based on robust evidence and is recommended.
- 11.16 To satisfy the coherence and consistency test of soundness the changes that the Council proposes in relation to green wedges, including the alternative designation at Quakers Yard, are recommended. Subject to these changes, and the consequential cartographic changes, the Plan’s approach to this issue and the designated areas, including at Trelewis/Nelson (which was introduced as a FPC(v)), are soundly based. Its designations have been informed by the approach proposed in neighbouring LDPs. The decision not to designate other land as green wedges does not undermine the Plan’s soundness.

Nature conservation and historic designations

- 11.17 Policy BW5 deals with the protection of the County Borough’s natural heritage, including landscape and nature conservation interests. The Plan identifies 2

³⁴ FPC (v) introduced an additional green wedge designation

³⁵ LDP Background Paper: Play Space Requirements (incorporating open space assessments) [LDP15]

types of local nature conservation designations, which AS6 seeks to protect. It acknowledges the Cwm Taff Fechan Local Nature Reserve designation and proposes to designate a network of 60 SINC. This designation is based on clear methodology and objective scientific criteria which have been prepared jointly on behalf of a group of neighbouring Councils³⁶. Certain SINC designations shown on the submitted Plan’s Proposals Map do not precisely depict the area identified in the supporting study³⁷, this mainly arises from a decision not to show such allocations where they overlap with housing allocations. The Council has subsequently accepted that this approach departs from the evidence base and is inappropriate. It has sought to rectify the situation by suggested changes to the Proposals Map. In light of the impact of land reclamation activities at Ffos y Fran on the nature conservation quality of the Merthyr Common Central SINC, the study found that its designation was no longer justified. The Council has suggested its deletion as **MAC57**, which is recommended. No other changes to the SINC designations are necessary.

11.18 Policies BW5 and AS6 are the subject of changes suggested by the Council. In relation to SINC the amendments to AS6 would ensure that an appropriate balance is struck between their protection and enabling development, in line with national policy on local nature conservation designations. The changes to BW5 would provide a clear framework for dealing with nature conservation interests, whether recognised by a national/local designation or otherwise. Other changes to these policies, which include specific cross-references to relevant national policy, ensure that the Plan is effective and coherent. For these reasons the changes proposed to both policies as set out in **MAC11** and **MAC27** are recommended.

11.19 There is sufficient evidence to justify the identification of certain ancient monuments on the Proposals Map even though they have yet to be formally scheduled. This approach is consistent with PPW. The submitted Plan identifies Sites of Archaeological Importance in Appendix 2 which are also shown on the Constraints Map. For reasons explained in Section 14 I recommend omitting this map in its entirety. The Council has subsequently suggested the deletion of the reference in the Plan to these sites on the basis that there is no available official documentation to confirm the status of these areas. There is no evidence to show that the designation has been based on a rigorous, systematic appraisal across the Plan area and, in any event, in the absence of a specific policy the designation would serve little purpose. Thus, in the interests of the Plan’s coherence, the deletion of the designation proposed by **MAC58** is recommended.

11.20 **MAC58**, which would also update the list of designated conservation areas, would not affect the Plan’s scope to protect archaeological sites given that **MAC12** would extend the protection of Policy BW6 to include ‘other historic, archaeological and cultural features’. This suggested change includes necessary alterations to ensure that the policy is consistent with national policy and reflects statutory duties and is recommended. **MAC25** proposes

³⁶ Criteria for the Selection of Sites of Importance for Nature Conservation in the County Borough Councils of Blaenau Gwent, Caerphilly, Merthyr Tydfil and Rhondda Cynon Taff (Mid Valleys Area) 2008 [LOC16].

³⁷ SINC Survey Summary Report for Merthyr Tydfil LDP, 2008 [LDP21]

changes in the wording of the justification text to AS4, and is endorsed as it would improve clarity.

11.21 A representor has proposed that land, which broadly coincides with the site referred to elsewhere in this report as ‘Rhydycar West’, should be designated as an enlargement of the Cyfarthfa Heritage Park. There is no available evidence to indicate that there is a reasonable prospect of this project being realised within the Plan’s lifetime and the absence of such a designation does not undermine the Plan’s soundness.

11.22 Subject to the recommended changes the Plan’s approach to the protection of natural and historic interests is soundly based.

Recommendation

11.23 To make the Plan sound the following changes are required:

MAC10, MAC11, MAC12, MAC26, MAC27, MAC43, MAC44, MAC57, MAC58, MAC62

11.24 I also endorse the following minor change which the Council wishes to make:

MAC25

12 TRANSPORTATION AND HIGHWAYS ISSUES

12.1 The Plan’s strategic objectives include supporting sustainable transport and promoting social inclusion through improved accessibility. The strategy has been informed by local³⁸ and regional³⁹ transport plans and seeks to improve the area’s self-sufficiency whilst accepting that Merthyr’s role within the Capital Network Zone means that some commuting in and out of the Borough will inevitably continue.

12.2 The Plan contains a range of transport-related policies which seek to deliver its strategic objectives. They include supporting better accessibility, particularly by public transport, cycling and walking, as well as measures to protect important strategic and core highway improvement schemes. During the course of the examination additional background information was provided by the Council and the Plan’s approach to this topic is now supported by a robust and credible evidence base.

12.3 The Council has suggested changes to 5 transport-related policies of the Plan. The proposed rewording of TB11, set out in **MAC53**, would introduce the necessary degree of flexibility in terms of the application of highway standards as well as improving the precision of expression. The change will ensure the Plan’s effectiveness and is recommended. MAC29 proposes the deletion of a supporting paragraph to Policy AS9. It is endorsed on the basis that it

³⁸ Merthyr Tydfil Local Transport Plan, 2000 [LOC18]

³⁹ South East Wales Transport Alliance Regional Transport Plan – Final Draft, 2008 [NAR14]

improves the overall clarity of the Plan. MAC30 and MAC31 would update and improve the clarity of policies AS11 and AS12 and their supporting text, and are endorsed. The Council’s proposed MAC54 suggests the deletion of TB12, which seeks to promote the movement of goods and raw materials by rail, and identifies the potential to increase the use of the Cwmbargoed railhead facility. For reasons I have already set out in Section 9, I neither recommend nor endorse this suggestion.

- 12.4 The Plan acknowledges the important contribution that transportation improvements will play in securing the level of growth identified in its strategy. The Plan’s role in this respect is primarily to accommodate and support such improvements. Its success will be measured by the specific targets set out in the revised monitoring schedule in MAC56. The Plan’s approach has regard to other plans and strategies and forms part of a coherent strategy, and is soundly based.

Recommendation

- 12.5 To make the Plan sound the following change is required:

MAC53

- 12.6 I also endorse the following minor changes which the Council wishes to make:

MAC29, MAC30, MAC31

13 COMMUNITY AND LEISURE FACILITIES

- 13.1 The Plan identifies the improved provision of community and leisure facilities, including for recreation and tourism, as an important element in delivering the enhanced level of growth sought by the Plan. The improvement of such facilities is expected to retain and attract residents to the County Borough and to inspire greater business confidence by enhancing the perception of the area. These facilities are also seen as an important resource in efforts by the Council and other organisations to tackle the high levels of social deprivation and long-term ill-health within parts of the Borough.

Tourism and Leisure Facilities

- 13.2 At a strategic level AS15 seeks to safeguard land at Cyfarthfa Heritage Park and Parc Taf Bargoed to facilitate their development as part of the Valleys Regional Park initiative. These sites have been prioritised by the Council under the Heads of the Valleys Partnership on the basis of their potential contribution to attracting visitors and tourists to the region. Funding has been secured for elements of both projects, and the Plan seeks to ensure that more ambitious elements can be pursued over the longer term. A suggested amendment in MAC33 to the wording of the policy justification is endorsed in the interests of brevity.
- 13.3 At a local level AS17 seeks to ensure that outdoor play and recreational space is provided as part of the development of certain housing allocations. This

approach is justified in the Council’s background paper [LDP15] which includes open space assessments and identifies a local need for such provision. As part of its reappraisal of the expected contributions arising from housing allocations, including leisure provision, the Council has proposed alterations to Appendix 4. These changes in MAC60, recommended in Section 5, together with the suggested re-wording of AS17, which is set out in MAC35, provide the required level of transparency and properly reflect the Plan’s robust evidence base. **MAC35** is recommended. The Council has confirmed that it has commenced preparation of an Open Space Strategy which should be used to inform Plan reviews. It has also undertaken to issue supplementary planning guidance on developer contributions by the end of 2011.

- 13.4 Existing leisure facilities are protected by BW16. The submitted Plan is not clear as to the type of private facilities that the policy would protect thereby undermining its effectiveness. This is addressed by **MAC20** which makes the policy and supporting text effective, and is recommended.
- 13.5 The submitted Plan, at AS16, is supportive of enhancing the leisure potential of 2 allocated sites, at Rhydycar (L1) and Swansea Road (L2). For reasons outlined in the retail section of this report the Council has suggested the deletion of the proposed retail allocation which lies adjacent to L2. As the suggested deletion of L2 would ensure consistency of approach, MAC34 is endorsed.
- 13.6 The Plan provides an integrated approach to the provision and retention of leisure and recreation facilities which is consistent with its overall strategy.

Community Facilities

- 13.7 To facilitate proposed new health care facilities, AS21 allocates a new Health Park at Georgetown (CH1) and a new primary health care centre at Treharris (CH2). These allocations have been informed by the strategies of organisations responsible for local health care provision. This establishes the deliverability of the schemes. A suggested change to the Proposals Map, which is based on the most up-to-date evidence, identifies an amended land allocation for CH1. Subject to this change, which is set out in MAC67 and is recommended in Section 14, the Plan’s approach to the provision of health care facilities is soundly based. The Council has suggested MAC39 which would alter AS21 and its supporting text. As the proposed change would improve the Plan’s clarity it is endorsed.
- 13.8 Policy AS13 allocates 3 sites to facilitate improvements in life-long learning opportunities, which comprise the expansion of the university campus and the provision of new primary schools. The university campus allocation will facilitate its expansion as part of a project to establish a Merthyr Learning Quarter for which significant public funding has been secured. The suggested change in MAC32 to the policy and text would improve clarity and brevity, and thus is endorsed.
- 13.9 These policies seek to tackle the problems of low educational attainment and long-term health problems which are features of the high levels of deprivation

within parts of the Borough. The approach has regard to the strategies and plans of other Council departments and other organisations.

13.10 Policy BW15 seeks to protect existing community facilities. The explanatory text makes clear that it applies to a wide range of uses that serve the community. MAC19 would introduce changes to the policy and is recommended in Section 10.

13.11 Subject to the incorporation of the changes suggested by the Council, the Plan deals with these matters in a coherent way, which is consistent with its strategy and is supported by a credible evidence base.

Recommendation

13.12 To make the Plan sound the following changes are required:

MAC20, MAC35

13.13 The following minor changes proposed by the Council are endorsed:

MAC32, MAC33, MAC34, MAC39

14 OTHER DEVELOPMENT POLICY AND MISCELLANEOUS MATTERS

Land Contamination

14.1 Land contamination as a result of past industrial activities is a notable feature throughout much of the Plan area. Policy BW18 deals with the issue but it is not accompanied by any supporting text. The Council has addressed this deficiency as part of MAC22, which also includes alterations to the policy’s wording which improves its clarity and flexibility. The change has regard to national policy and is required in the interests of the Plan’s coherence and effectiveness, and is recommended in Section 8 of this report.

Drainage and Flood Risk

14.2 After the submitted Plan was prepared 2 important sources of information relating to flood risk within the Plan area were published - revised Development Advice Maps to accompany TAN15: Development and Flood Risk were issued by WAG, and the Environment Agency Wales produced Areas Susceptible to Surface Water Flooding Maps. During the course of the examination the Council undertook a re-appraisal of flood risk in relation to all allocated sites in the light of the latest available information. The evidence it produced⁴⁰ supports the retention of the Plan’s site allocations, subject to changes which the Council has suggested and which have been addressed in earlier sections of this report. Approximately 40% of the allocated sites are shown to be at least partly within areas identified as being susceptible to

⁴⁰ In particular Proforma 4, Volume 1 of Suspension Period Additional Work [EXAM040]

surface water flooding. However, the nature of the risk has been assessed and shows that it is a matter that could be addressed at the detailed design stage for instance by avoiding development on relatively small areas of a site, and/or the introduction of modest mitigation measures.

- 14.3 The submitted Plan does not have proper regard to national policy in relation to its approach to sustainable drainage systems or to its policy position in relation to sites at risk of flooding as identified on Development Advice Maps. These shortcomings are addressed in **MAC14** which would alter policy BW8, and is recommended in the interest of the Plan’s consistency.
- 14.4 Appropriate references to the potential implications of flood risk within the list of housing and employment allocations at Appendices 4 and 5 of the Plan have been suggested by the Council as MAC60 and MAC61. For reasons set out in Sections 5 and 7 these changes are recommended. MAC65 contains several changes to Appendix 9 which deals with flooding. As it improves clarity as well as reflecting other changes to the Plan it is endorsed.
- 14.5 The additional information presented by the Council during the course of the examination means that the Plan’s approach to flood risk is supported by a credible and robust evidence base. It is consistent with national policy and is soundly based.

Energy Related Matters

- 14.6 The Deposit Plan included policy BW9 which dealt with energy and climate change. It was omitted from the submitted Plan by FPC(vi) on the basis that the policy was made obsolete following the publication of TAN22: Planning for Sustainable Buildings. The FPC did not address the policy’s supporting text. The Council has subsequently clarified that it intended that this text should be moved, partly to support policy BW7, and the remainder to support TB7, which is incorporated in **MAC13**, **MAC15** and **MAC49** to give effect to this. They are recommended as they would provide coherence to the Plan, including clarifying its relationship to national policy on this topic.
- 14.7 It is not necessary for the Plan to specify that priority should be given to the benefits of railhead accessibility and the utilisation of combined heat and power technology. Indeed, whilst their potential benefits are recognised, it does not follow that these particular sustainability benefits should be prioritised, as a matter of policy, over others.
- 14.8 Appendix 5 of the submitted Plan includes a reference that specific renewable energy/energy efficiency technologies will be required as part of the development of allocation E4. The Council’s suggested MAC61 proposes to omit the reference, thereby relying on a more general approach to the issue. The deletion proposed by MAC61 would improve the internal consistency of the Plan ensuring that the potential for such technologies to be utilised would apply equally to allocated and windfall sites. MAC61 is recommended in Section 7.

Community Infrastructure Contributions

- 14.9 Policy BW17 deals with community infrastructure contributions. As worded in the submitted Plan it is ineffective. It lacks precision of expression and would prove to be of more limited application than was intended, both in terms of the scale and type of developments that would be subject to its provisions. To address these deficiencies the Council has suggested a revision of the policy and supporting text as MAC21, which would delete a reference that indicates that it would apply exclusively to housing schemes of 20 or more units. The change would also include additional information on the prioritisation of contributions which is to be set out in Appendix 4, and a reference to the introduction of the Community Infrastructure Levy Regulations. To ensure consistency with national policy, in particular Welsh Office Circular 13/97, and to meet the coherence and effectiveness tests, **MAC21** is recommended.
- 14.10 The Council has presented additional details to the examination on the viability implications of the envisaged contributions, which has been informed by the comments of public utility providers and other relevant organisations. This detail has contributed to the reassessment of the contributions that will be sought on particular sites as reflected in MAC60. The additional work which has been undertaken during the course of the examination provides a robust and credible evidence base that supports the Council’s suggested revised approach. The Council proposes to produce supplementary planning guidance that will provide greater detail on the implementation of planning obligations. The revised Monitoring section of the Plan identifies the adoption of this guidance by the end of 2011 as one of its targets.

Miscellaneous Matters

- 14.11 **MAC59** proposes an update to the housing and employment figures in Appendix 3 of the Plan. As this reflects the latest evidence it is recommended.
- 14.12 A number of changes have been suggested by the Council which seek to ensure that the Plan’s content is relevant in anticipation of its adopted status, as opposed to the deposit status to which the submitted Plan refers. These mainly relate to the introductory elements of the Plan. Other changes provide additional information for plan users and updated references to national planning policy that have emerged during the examination and which have informed the Plan’s content. Most of these changes are contained in the Council’s Schedule of Proposed Minor Changes which I endorsed in the opening section of this report. Of those changes that have been presented as Matters Arising Changes, MAC1 to MAC9 inclusive and MAC66 are endorsed on the basis that they aid the Plan’s clarity and brevity.
- 14.13 LDP Wales advises that LDPs should not include policies to cover every eventuality. The policies contained in the borough-wide and topic-based sections of the Plan, when read in the context of the Plan as a whole, will provide a sufficiently robust framework to assess most types of development that could reasonably be anticipated to arise. Any benefits that may arise in terms of greater certainty from incorporating additional policies and/or allocations do not alter my findings that the Plan’s approach is sound.

- 14.14 In response to representations which seek the incorporation of additional information within the written statement, the Council has decided to resist such changes on the grounds that they would add unnecessarily to its length. As these representations do not give rise to issues of soundness they have not been recommended.
- 14.15 There may be occasions where there will be tension between the various objectives and requirements of the Plan. The LDP is intended to be read as a whole and the decision maker will be required to assess a scheme’s performance in relation to all relevant policies before reaching an overall conclusion.

Proposals and Constraints Maps

- 14.16 The submitted Plan included both a Proposals Map and a Constraints Map. In the light of the advice in LDP Wales the Council subsequently confirmed that the latter map was intended to accompany the Plan rather than form part of it. Following discussions during the course of the examination, the Council subsequently suggested **MAC68** which proposes to delete the Constraints Map. Its information would be transferred to the Proposals Map with the exception of Coal Mining Referral Area maps, which I have dealt with in Section 8. The deletion of the Constraints Map would be consistent with national policy as well as ensuring a coherent and consistent approach to the Plan’s spatial identification. It is recommended.
- 14.17 MAC67 proposes a revised version of the Proposals Map [EXAM069]. The most significant alterations in terms of its content relate directly to changes which have already been addressed in earlier sections of this report. To overcome concerns regarding its legibility as a consequence of superimposing the information previously shown on the Constraints Map onto the Proposals Map, the amended version is at a larger scale. This has necessitated producing the Map on 4 rather than 2 pages. This suggested alteration together with amendments to the graphic depiction of annotations and clearer base map information, means that the changes appreciably improve its clarity.
- 14.18 The revised Proposals Map also addresses previous cartographic inaccuracies, for instance in the depiction of a TPO/Ancient Woodland designation. Subject to the provisos detailed in the next paragraph, the changes to the Proposals Map in **MAC67** are based on robust evidence and are recommended in the interests of the coherence and effectiveness of the Plan.
- 14.19 For reasons set out in Section 7 of this report I neither recommend nor endorse the suggested site allocations associated with Policy AS23 or the suggested deletion of employment allocation E5. Both these changes are shown on the revised version of the Map, and should be altered. As described in Section 11 the settlement limit should be altered to recognise the retention of allocation E5. Section 9 recommends that E5 should be included within the Areas of Search for Waste Management Facilities; this should be shown on the Proposals Map. In Section 8 it is explained that the map also needs to be altered to show the correct depiction of Gelligaer Quarry. These amendments are set out in the formal recommendation below.

Recommendation

14.20 To make the Plan sound the following changes are required:

MAC13, MAC14, MAC15, MAC21, MAC49, MAC59, MAC68

14.21 For the same reason **MAC67** is also required but subject to the incorporation of the following alterations:

- i. allocation E5 to be retained on the Proposals Map as shown in Appendix 3 to the Statement of Further Proposed Changes document and to be shown as an Area of Search for Waste Management Facilities, and the settlement boundary to be amended to encompass the allocated land;
- ii. the site allocations and associated references related to suggested policy AS23 are not shown on the Proposals Map; and
- iii. the depiction of the extent of Gelligaer Quarry and its buffer zone and the safeguarding area should be altered in accordance with the Council’s amended extract map, examination document [PS014].

14.22 The following minor changes proposed by the Council are endorsed:

MAC1, MAC2, MAC3, MAC4, MAC5, MAC6, MAC7, MAC8, MAC9, MAC65, MAC66

15 IMPLEMENTATION AND MONITORING

15.1 The Plan distinguishes land allocations and specific schemes that are envisaged to be delivered solely by the private sector from those projects which are dependant on public sector funding. In the latter case, anticipated sources of funding have generally been identified. In instances where there is less certainty in terms of delivery, the Plan has sought to safeguard land to ensure that identified projects are not prejudiced by other development. The evidence base has been refined and augmented during the examination, which has included the submission of additional information on funding sources for a range of envisaged developments. Cumulatively the information provides a credible assessment of the new infrastructure that is required to facilitate identified development and its likely implications on deliverability.

15.2 The Council has provided a list of the supplementary planning guidance documents it intends to produce [EXAM066]. This identifies its priorities and an envisaged timescale for the adoption of the 13 topics to be covered. These will be important documents that will assist in delivering the Plan’s ambitions. Given the need to prepare and consult on the documents, the suggested timescales are reasonable. The revised monitoring framework that the Council proposes identifies a target date for the adoption of some of these documents. These changes add to the Plan’s coherence and effectiveness.

15.3 The LDP does not seek to rely on the Plan review process as an alternative to tackling important issues at this stage. Nevertheless, where there remains a degree of uncertainty regarding the deliverability of certain sites or schemes, the Council has adopted a pragmatic approach which seeks to secure an early adoption of the Plan whilst ensuring that the monitoring framework will enable

a swift, informed response to any significant failure of the Plan to achieve its identified outcomes.

- 15.4 The Council accepts that the submitted Plan’s monitoring section contains significant deficiencies. Some targets are too vague, requiring an ‘increase’ or a ‘decrease’ without indicating the extent of expected change, while some others are unrealistically ambitious, for instance in setting absolute targets such as ‘zero’ or ‘100%’. This latter approach fails to provide a reasonable tolerance against which to measure the success of the Plan. Furthermore, most targets relate to the whole of the Plan period without any intervening milestones or triggers, against which to measure progress. This would hinder the ability of the Council to identify, at a sufficiently early stage, any aspects of the Plan which require review in order that corrective measures can be put in place. Having regard to the guidance in Local Development Plan Manual, 2006, the submitted Plan does not provide a sufficiently clear mechanism for monitoring thereby failing one of the tests of soundness.
- 15.5 In response to these shortcomings, the Council has undertaken extensive additional work in relation to the Plan’s Monitoring section during the course of the examination. My comments on the monitoring framework in preceding sections of this report have been made on the basis of the suggested comprehensive revision to this part of the Plan, which is set out in MAC56. It would ensure that there is a mechanism in place to monitor the success of the Plan against clear targets throughout its life. It identifies a range of core and local indicators of performance in relation to each LDP strategic objective and identifies the relevant policies. The indicators are meaningful and wide ranging, and the targets, which incorporate reasonable tolerances, are realistic and clearly defined. The use of ‘triggers’ set at appropriate stages during the Plan’s life would enable any under-performing strategies, policies or proposals to be identified at an early stage. This information will assist a robust appraisal of the LDP’s performance in the Council’s annual monitoring report. Some of the information that would be gathered will assist in identifying the likely causes of under-performance, thereby informing consideration of whether to undertake an early review of the Plan. The addition of introductory comments to the monitoring section would highlight the significant role that it will play in achieving the Plan’s objectives.
- 15.6 **MAC56** is recommended to ensure that the Plan is sound in terms of mechanisms for implementation and monitoring.

Recommendation

- 15.7 To make the Plan sound the following change is required:

MAC56

16 OVERALL CONCLUSION

- 16.1 I conclude that, with the changes that have been recommended and which are set out in Appendix B of this report, the Merthyr Tydfil Local Development Plan 2006-2021 satisfies the requirements of section 64(5) of the 2004 Act and

meets the procedural, consistency, and coherence and effectiveness tests of soundness in LDP Wales. The other changes set out in Appendix B, together with those in Appendix A, subject to the proviso which I describe in paragraph 1.12, are endorsed. The changes suggested by the Council which have neither been recommended nor endorsed are not authorised.

Hywel Wyn Jones

INSPECTOR

Appendix A: Schedule of Council's Proposed Minor Changes

Appendix B: Schedule of Matters Arising Changes