

**Merthyr Tydfil
Local Development Plan 2006 - 2021**

FINAL CONSULTATION REPORT - MAY 2011

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Introduction

This Final Consultation Report has been prepared to accompany the adopted version of the Merthyr Tydfil Local Development Plan (LDP) as means of conveying the nature and extent of stakeholder engagement that has occurred in the plan preparation process since the publication of the LDP Consultation Report in July 2009.

Alongside this Final Report, and to accord with both the Town & Country Planning (Local Development Plan) (Wales) Regulations 2005 and the Local Development Plan Manual (2006), the Council has finalised the Sustainability Appraisal Report, and has also produced an LDP Adoption Statement. All documents are available for public inspection at the Town Planning Division and at the County Borough's libraries, as well as being displayed on the Council's website.

In order to clarify the context of this Final Report, an explanation of LDP consultation carried out and reported on thus far is set out below:

Initial Consultation Report

The Initial Consultation Report was published in conjunction with the Deposit LDP in October 2008. The main purpose of the report was to identify the issues that arose through consultation on the Preferred Strategy in May /June 2007, and assess any implications of these issues on the Deposit Plan.

A copy of the Initial Consultation Report is included in the LDP Examination Library as document LDP22.

LDP Consultation Report

In July 2009, the Council published the LDP Consultation Report, which considered matters arising from:

- consultation on the Deposit LDP between October and December 2008;
- consultation on Site Allocation Representations (SARs) between January and March 2009, including the Sustainability Appraisals subsequently submitted by site proponents.

The document contains a record of all organisations and individuals invited to participate at the various stages of the LDP process as well as a record of all representors. However, the majority of the LDP Consultation Report comprises the Council's responses and recommendations on the representations received to the Deposit Plan (with all responses also containing a brief summary of each representation made).

A copy of the LDP Consultation Report can be found in the LDP Examination Library as document LDP38.

Final LDP Consultation Report – see following pages

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The following pages, which comprise the Final LDP Consultation Report, cover all public consultation that has taken place since the LDP Consultation Report was published in July 2009 and include details of consultation on:

- Focussed Proposed Changes (Doc ref: LDP39 in the Examination Library)
- Further Focussed Proposed Changes (LDP44 in the Examination Library)
- Post Suspension Proposed Changes (PS001 in the Examination Library)
- Further Post Suspension Proposed Changes (PS012 in the Examination Library)
- Additional Further Post Suspension Proposed Changes (PS014 in the Examination Library)

Focussed Proposed Changes

The Addendum to the Deposit Plan: Statement of Focussed Proposed Changes was placed on public consultation between 6th August 2009 and 18th September 2009 (Doc ref: LDP39 in the Examination Library). Eight representors responded to the consultation on the Addendum submitting sixteen separate representations. One representation was late and another was considered invalid as it failed to relate to any of the focussed changes being proposed.

With the exception of the deletion of housing allocation H15 and corresponding extension to community hospital allocation CH1, all focussed proposed changes attracted representations. The main issues raised by these representations are outlined below:

- Several representations both supporting and objecting to the use of Mineral Buffer Strips.
- A number of representations on Affordable Housing. These representations either sought further clarification on how the plan addresses the identified need, or questioned the robustness of data included in the LDP Background Paper on Affordable Housing.
- A representation questioning the deliverability of employment allocation E5.
- An objection to the proposed Green Wedge at Trelewis.
- Representations both in support and objecting to the addition of a policy on Contaminated Land.

Annex 1 of this Final LDP Consultation Report contains the Council's responses and recommendations in respect of all the representations received as part of the above consultation.

Further Focussed Proposed Changes

As a result of discussions that took place at the LDP Examination Pre-Hearing Meeting in October 2009, it was necessary that a schedule of Further Focussed Proposed Changes was placed on public consultation. This consultation took place between 22nd October and 12th November 2009 (Doc ref: LDP44 in the Examination Library)

The consultation attracted comments from 14 individuals or organisations, and resulted in a total of 52 representations being made. The main issues raised by these representations are outlined below:

- Further clarification was sought on various issues pertaining to Affordable Housing.
- Representations in relation to Mineral Safeguarding and the flexibility of certain Mineral policies.
- Representations both supporting and objecting to the reduction in employment land provision.
- Representations both supporting and objecting to the removal of 3 sites of archaeological importance.
- A representation objecting to the removal of land at Bryntaf, Aberfan from within settlement limits.

Annex 2 of this Final LDP Consultation Report contains the Council's responses and recommendations in respect of all the representations received as part of the above consultation.

Post Suspension Proposed Changes

As a result of work that was undertaken by the Council during the suspension period of the LDP Examination, a number of changes to the Plan were proposed. These changes were placed on public consultation between 22nd July and 2nd September 2010 (Doc ref: PS001 in the Examination Library).

The consultation attracted comments from 15 individuals and organisations, with a total of 86 representations being made. The main issues raised by these representations are outlined below:

- Representations regarding the level of employment land provision in the Plan, particularly in light of the Employment Land Review that the Council commissioned during the suspension period.
- Representations pertaining to the LDP's policy framework on Waste, with representors requesting that added flexibility be included in waste policies.
- Representations raising concerns that the LDP does not sufficiently deal with the issue of unstable land.
- The clarity of the LDP's policy on Planning Obligations was questioned.
- Representations challenged the LDP's approach to land at Cwmbargoed Washery.
- The Affordable Housing Viability Study was questioned with regard to its realism.

Annex 3 of this Final LDP Consultation Report contains the Council's responses and recommendations in respect of all the representations received as part of the above consultation.

Further Post Suspension Proposed Changes

During the additional LDP Hearing Sessions held in October 2010, it transpired that limited further work was required, and the changes proposed as a result of this work were placed on public consultation between 16th December 2010 and January 27th 2011 (Doc ref: PS012 in the Examination Library).

The consultation received responses from the Countryside Council for Wales, the Theatres Trust, the Coal Authority and Hanson Aggregates.

The only significant issue arising from this consultation was notification of a factual error regarding the physical extent of Gelligaer Quarry as delineated on the LDP Proposals Map.

Annex 4 of this Final LDP Consultation Report contains the Council's responses and recommendations in respect of all the representations received as part of the above consultation.

Additional Further Post Suspension Proposed Changes

In order to correct the aforementioned mapping error at Gelligaer Quarry, a further consultation exercise took place between 10th February and 24th March 2011 (Doc ref: PS014 in the Examination Library)

No representations were received as part of this consultation.

**Merthyr Tydfil
Local Development Plan 2006 - 2021**

**Council's Response to Representations Received on the
Addendum to the Deposit Local Development Plan
(consulted on between 6th August 2009 and 18th
September 2009)**

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INTRODUCTION

This document has been prepared to provide an overview of, and the Council's response and recommendations on, the representations received to the Addendum to the Deposit Plan, which was placed on public consultation between 6th August 2009 and 18th September 2009.

The main body of the document provides the overview of the representations in terms of how many valid representations were received, which focussed change they related to and whether the change is supported or opposed. The appendix provides a summary of the each valid representation and the Council's response to, and recommendations on, the representation.

OVERVIEW OF REPRESENTATIONS RECEIVED

Eight representors responded to the consultation on the Addendum to the Deposit Plan submitting sixteen separate representations. One representation was late and another considered invalid as it did not relate to one of the focussed proposed changes. These have not been considered by the Council. The full list of individuals and organisations that responded to the consultation on the Addendum to the Deposit Plan is provided at Appendix 1.

All focussed proposed changes, apart from the deletion of housing allocation (H15) and the extension to the community hospital allocation (CH1) at Upper Georgetown Plateau, received representations. An overview of these representations is provided below.

i) Minerals

Both representations of support and objection have been received in relation to this focussed proposed change. In respect of the latter, the use of buffer strips in relation to aggregates is considered to conflict with national minerals policy and a specific buffer strip policy is considered necessary with clear justification and exception tests. It is also considered that the terminology and the additional designation on proposals map causes confusion.

ii) Affordable Housing

One representation of support has been received in relation to this focussed proposed change. Other representations received either seek further clarification on how the policy addresses the need identified in the Local Housing Market Assessment (2009), or question the detail in the affordable housing background paper or the policy's flexibility.

iv) Amendment to Employment Allocation E5 (Ffos-y-Fran)

On representation of objection has been received in relation to this focussed proposed change indicating that there is no certainty that the site is deliverable given that it is a

proposed after-use of a reclamation scheme that is not programmed to be fully completed until 2025. Moreover, it is considered that the site should continue to provide habitat for lapwings.

v) Creation of Green Wedge between Trelewis and Nelson

One representation of objection has been received in relation to this focussed proposed change which considers the green wedge designation inappropriate and the site suitable for housing development.

vi) Deletion of Policy BW9: Climate Change

One representation of objection has been received in relation to this focussed proposed change indicating that the policy should have been replaced rather than deleted in order to address the issues associated with climate change that are not addressed by the MIPPS on Planning for Sustainable Buildings (01/2009) and Technical Advice Note 12: Design (2009).

vii) Addition of Policy BW18: Contaminated Land

Both representations of support and objection have been received in relation to this focussed proposed change. In respect of the latter it is argued that, at the very least, the policy includes reference to unsafe and dangerous land.

ANNEX 1 - APPENDIX 1

Representor Number	Title	Initial	Surname	Position	Company/ Organisation	Representing on behalf of	Number of representations
6	Mr	S	Pound				Invalid - not considered
21	Mr	A	Muir		Harmers	Mr A Green	1
53	Mr	G	Williams	Senior Associate Director	NLP	Merthyr Village Ltd	2
69	Miss	G	Beynon		Environment Agency		2
73	Mr	M	Newey		Welsh Assembly Government		5
75	Mr	J	Byrne		RSPB		1
76	Mr	R	Price		HBF		2
77	Miss	R	Bust		The Coal Authority		2
105	Mr	A	Bromley		Minerals Product Association		1
106	Mr	S	Baldwin		Heads of the Valley Regional Housing Enabler		Late - not considered

ANNEX 1 - APPENDIX 2

Representor 21 - A Green (Harmers)

Issue:

Objection to proposed green wedge designation (Policy AS5: Green Wedges).

Council response:

An explanation of, and justification for, the proposed green wedge between Trelewis and Nelson is provided in the addendum (page 8) of the background paper entitled 'Green Wedges'.

In respect of Council's justification for designating the green wedge, the objector mistakenly believes that the green wedge has been designated to protect the setting of Llancaich Fawr. Whilst this important issue has been considered as part of the broader sustainability appraisal site assessment, it is not referred to in the green wedges background paper as it does not form part of the justification for the green wedge designation. The purpose of the green wedge, as identified in the background paper, is to prevent the coalescence of the settlements of Trelewis and Nelson and to protect the setting of these urban areas.

In relation to preventing the coalescence of Trelewis and Nelson, the objector has attached an alternative plan showing a reduced housing site that limits the southward expansion of the Trelewis settlement. Whilst the alternative plan would allow a physical gap to be maintained between the settlements, the Council considers the revised boundaries to be contrived as they do not follow identifiable physical features on the ground. Moreover, the Council is of the opinion that the small strip of land that would remain south of the housing site would be susceptible to incremental development without the protection of green wedge status, which would ultimately lead to the coalescence of the settlements.

With regard to protecting the setting of the urban areas, the green wedge is characterised by fields enclosed by hedges, trees and fencing which provides a rural setting for the settlements. This rural setting is particularly apparent when the settlement of Trelewis is approached from the south via Nelson along the B4255. Whilst the alternative plan showing a reduced housing site would limit the immediate impact along the frontage of B4255, the site is visually prominent and the replacement of these fields with built development would have an urbanising effect and give the impression of a continuous settlement. It remains the Council's opinion that built development on the site would have an unacceptable impact on the rural setting of these urban areas and would blur the visual boundaries between these two distinct settlements.

The objector also contends that the proposed green wedge and the green wedge identified as 'West of Nelson' in Caerphilly's Deposit Local Development Plan are not contiguous. The Council disagrees with this assertion and is of the opinion that the proposed green wedge in

Merthyr Tydfil forms a logical eastward extension of Caerphilly's green wedge which prevents coalescence between Nelson and Quaker's Yard. The Council recognises that Caerphilly County Borough Council has not identified adjacent land in the vicinity of Lancaiach Fawr; however, this is not considered essential to support the proposed green wedge designation in Merthyr Tydfil. A similar situation exists with Caerphilly's 'West of Nelson' green wedge with no reciprocal green wedge designation to the south west of the Quakers Yard settlement identified within the Merthyr Tydfil Deposit Local Development Plan.

Finally, the objector argues that the land is not of particular landscape quality and has not been included in a special landscape designation. Firstly, no special landscape areas have been identified in the County Borough as other policies for landscape management and protection are considered sufficient. Secondly, the land is currently designated as a landscape protection area in the extant Merthyr Tydfil Local Plan 1994 - 2006 (adopted May 1999), and is considered a visually important landscape that should be safeguarded.

Recommended changes:

None.

Representor 53 – Merthyr Village Ltd. (NLP)

Issue:

No policy has been proposed to set out the justification for mineral buffer strips or the exception tests for these designations.

Council response:

The Focussed Proposed Changes document proposes mineral buffer strips to be introduced to the LDP. These buffer strips are intended to protect the amenity of residential areas that lie in close proximity to those mineral resources safeguarded for possible future use. The buffer strips take forward the principles embodied in MTAN2: Coal to protect communities from the adverse effects of mineral working.

Buffer strips are of a similar concept to buffer zones and are defined 200 metres and 500 metres from the settlement boundary for aggregates and coal respectively. The similarity of the designations has influenced the Council's decision to include reference to buffer strips in the supporting text to Policy TB9 (Mineral Buffer Zones). A separate policy on buffer strips is not considered appropriate for the LDP as it would serve to repeat the provisions of national guidance.

National planning policy requires that development plans should give as much guidance as possible to indicate where it is environmentally acceptable for resources to be worked and that policies should state where operations would not normally be acceptable. In this respect, it is considered that the buffer strips shown on the LDP proposals map adequately address this requirement and whilst more locally specific information may be forthcoming with detailed and specialist survey and analysis, the most appropriate and realistic means for this information to come forward is through the planning application process, allied to specific development proposals.

The Council is therefore of the opinion that no additional policy is needed and that the criteria of national guidance will serve to influence decisions taken on any future proposals for mineral working in buffer strips and, particularly, where exceptions might apply.

If the Inspector is of the opinion that the above causes the LDP to be unsound, the Council's preference would be for the concept of mineral buffer strips to be deleted entirely from the LDP rather than for an additional policy to be introduced.

Indeed, the Council suggests that the concept of aggregate buffer strips should not now be taken forward owing to the fact that in Merthyr Tydfil, a land bank which provides for more than 20 years of aggregate extraction has already been identified and that further extraction should not be permitted save in exceptional circumstances.

Recommended changes:

It is recommended that the buffer strip for aggregates is not taken forward as part of the focussed proposed changes but that the proposal for a buffer strip for coal is maintained without a specific policy that relates.

Representor 53 – Merthyr Village Ltd (NLP)

Issue:

An objection is made to the wording of Policy BW18: Contaminated Land and it is requested that, at the very least, it is re-worded to include reference to unsafe and dangerous land.

Council response:

The Council is of the opinion that the policy issues of unstable and contaminated land should be considered separately as an amalgamation of the two would lead to an overly complex and confusing policy. This is reflected in Planning Policy Wales (2002) where each policy issue is considered separately in terms the aspects to be taken into account in preparing development plans.

In respect of the general objection to the omission of any reference to the public safety issues encountered at the Rhydycar West site and the inclusion of policies to address such issues, the Council is of the opinion that this objection does not directly relate to the focussed proposed change and is a repeat of the original objection made to the deposit Local Development Plan 2006-2021. In light of no new evidence/information being raised, the Council's response and recommendation provided in the LDP Consultation Report remain appropriate.

Recommended changes:

None.

Representor 69 – Environment Agency Wales

Issue:

Rather than deleting Policy BW9: Climate Change, the policy should have been amended to cover the issues of renewable energy and the impact of climate change on flood risk, habitats and water resources.

Council response:

The Council is of the opinion that the deposit LDP continues to adequately address the issues of renewable energy and the impact of climate change despite the deletion of Policy BW9: Climate Change. Policy BW7: Sustainable design and place making seeks to secure sustainable building standards and the LDP Consultation Report recommends that certain paragraphs of the written justification of Policy BW9 be transferred to Policy BW7 to encourage the incorporation of renewable energy technologies in development proposals. Policy TB7: Renewable energy also takes a positive stance to renewable energy technologies and, again, the LDP Consultation Report recommends that certain paragraphs of Policy BW9 be transferred to Policy TB7 to encourage a wider consideration of technologies, including the utilisation of energy from existing waste facilities.

A number of borough wide policies have also been designed to address the impact of climate change on flood risk, habitats and water resources. Such policies include BW5: Landscape & Biodiversity, BW7: Sustainable design and place making and BW8: Development and the water environment.

Recommended Changes:

None.

Representor 69 – Environment Agency Wales

Issue:

Supports the inclusion of Policy BW18: Contaminated Land.

Council response:

The Council welcomes the respondent's comments in support of Policy BW18: Contaminated Land.

Recommended changes:

None.

Representor 73 – Welsh Assembly Government

Issue:

Whilst no objection is raised to the revised mineral safeguarding areas or a mineral buffer strip for coal, an objection is made to the inclusion of a mineral buffer strip for aggregates as it is not consistent with national minerals planning policy. Missing policy references from the key of the LDP Proposals Map are also highlighted.

Council response:

The Council welcomes the support for the revised mineral safeguarding areas and the mineral buffer strip for coal.

In respect of the proposed mineral buffer strip for aggregates, the objection is primarily based on their function as Areas of Search for aggregates. While not the sole function of the mineral buffer strip, the creation of Areas of Search was considered appropriate in order to provide flexibility if unforeseen circumstances resulted in changes to the supply of aggregates from active mines. It is, however, accepted that given Merthyr Tydfil has a landbank which provides for more than 20 years of aggregate extraction, further extensions to existing sites or new extraction sites should not be permitted over the plan period save in rare and exceptional circumstances. Given the uncertainty that may arise from identification of Areas of Search, the Council accepts that the mineral buffer strip for aggregates should not be taken forward as part of the focussed proposed changes.

With regard to the missing policy references from the key of the LDP Proposals Map, the Council acknowledges that these should be added.

Recommended changes:

It is recommended that the buffer strip for aggregates is not taken forward as part of the focussed proposed changes and the policy references for 'mineral buffer strips' and for 'permitted reserves at active / inactive quarries' be added to the key of the LDP Proposals Map.

Representor 73 – Welsh Assembly Government

Issue:

Para 3.3 of the LDP Background Paper on Affordable Housing lacks clarity when stating the overall need identified in the LHMA.

Council response:

Para 3.3 of the background paper sets out the need for each sub-market area in the County Borough and then states that this translates to an overall need of 17% across the LDP i.e. 17% of the dwellings allocated in the LDP are required to be affordable to meet the need identified in the updated LHMA (678 of the 3990 dwellings allocated should be affordable in order to meet need).

Recommended changes:

None.

Representor 73 – Welsh Assembly Government

Issue:

Revised Policy AS22: Affordable Housing seeks to provide less than 10% of the LDP allocation as affordable housing compared to the overall need of 17%. There is no indication that lowering the threshold (which is not included in the policy wording) or bringing forward new sites has been considered.

Council response:

Whilst the threshold of 20 units is not included in the policy wording, it is clearly set out in the justification text.

Lowering the threshold and bringing forward additional sites was considered during the formulation of the policy, however lowering the threshold would only add a small number of sites that could potentially contribute affordable housing. Additionally, the small sites in the County Borough would be very unlikely to deliver a significant amount of affordable housing due to the viability of smaller sites generally being marginal, particularly with the introduction of the Code for Sustainable Homes (Paras 3.6 and 7.6 of the background paper explain these points in more detail).

It is accepted that the targets in the new policy seek to provide, overall, less than 10% of the LDP allocation as affordable housing compared to the identified need of 17%. In the current economic climate/housing market, these are targets that are considered viable and deliverable. In general, requesting a level of affordable housing over and above these targets would result in developments becoming unviable and no housing being built at all.

In order to meet the need identified in the LHMA, affordable housing will need to be provided by other means. The Social Housing Grant (SHG) programme highlighted in the background paper (para 6.1) will deliver nearly 300 affordable units over the first half of the plan period across the 4 sub-market areas of the County Borough. When added to the targets included in the new policy (approx 370 during the LDP period), approximately 660 units should be delivered during the plan period, which is in line with the need identified by the LHMA.

Recommended changes:

None.

Representor 73 – Welsh Assembly Government

Issue:

Policy AS22: Affordable Housing does not appear to be sufficiently flexible to deliver the appropriate amount of affordable housing over the plan period.

Council response:

Whilst the market alone will not deliver the amount of affordable housing for which a need has been identified, the Council is confident that the policy combined with mechanisms such as the existing SHG programme and the possible future reuse of empty homes will deliver the required amount of affordable housing over the plan period.

With regard to policy itself being sufficiently flexible to take account of differing economic conditions, the Council anticipates that possible future changes in the market can be addressed as part of the 4-year review of the LDP. In the meantime, if the market changes sufficiently to require an updated policy response, it is considered that this can be addressed through the preparation of appropriate Supplementary Planning Guidance.

Recommended changes:

None.

Representor 73 – Welsh Assembly Government

Issue:

Policy BW18: Contaminated Land is arguably more robust than national policy and would benefit from being tested at examination. The LPA should demonstrate what preliminary investigations and what evidence have been used in informing the development of the plan strategy and concluding the need for the policy.

Council response:

Appendix 4 (baseline data) of the Sustainability Appraisal Report (p.60) highlights the fact that there is potentially contaminated land within the County Borough and recommends that the LDP contain policies that require the remediation of land before it is developed.

As part of the LDP Strategy, the use of brownfield land in preference to greenfield sites is highlighted as a key issue and two strategic objectives - SO3: To promote regeneration through the use of sustainable and appropriate brownfield land rather than greenfield sites and SO11: To ensure the continued protection and enhancement of the natural, cultural, built and historic environment - relate to the issue of contaminated land. In order to address the key issue and meet the objectives, the Council considers it necessary to introduce a policy on contaminated land.

The site assessments, which included a Sustainability Appraisal (SA), of the Deposit Plan site allocations have also highlighted a number of sites that could potentially suffer from contamination, making a policy on contamination land both relevant and necessary in delivering a successful plan.

An SA of the policy has been provided within the Appendix of the Addendum to the Deposit Plan, which demonstrates its suitability. The issue of remediation costs and development viability was identified through the SA of the policy. The Council has had regard to impact of contamination on the deliverability of development plan allocations and is of the opinion that all allocations affected by potential contamination are deliverable. Notwithstanding this, the Council does accept that a compromise may need to be made with the amount of community benefits sought in certain circumstances. The phasing of development will also be considered where it assists the deliverability of developments in appropriate instances.

Recommended changes:

None.

Representor 75 – RSPB

Issue:

Maintains objection to employment site E5 (Ffos-y-Fran) being allocated for development based on the need for the site to be retained as habitat for lapwing and the uncertainty over whether the site is deliverable given that it is a proposed after-use of a reclamation scheme that is not programmed to be fully completed until 2025.

Council response:

The objections raised do not differ from the original objections made to the deposit Local Development Plan 2006-2021. In light of no new evidence/information being raised, the Council's response and recommendation provided in the Consultation Report remain appropriate.

Recommended changes:

None.

Representor 76 - HBF

Issue:

The HBF accepts the changes that have been made to proposed Policy AS22: Affordable Housing.

Council response:

The Council welcomes the HBF's support of the new affordable housing policy.

Recommended changes:

None.

Representor 76 - HBF

Issue:

The HBF has some concerns with the detail included in the LDP Background Paper: Affordable Housing.

Council response:

The Council acknowledges the HBF's concerns regarding some of the detail in the background paper, but as the HBF states, there is still uncertainty as to the exact impact the Code for Sustainable homes will have on development costs.

Para 5.2 of the background paper explains how the Council has incorporated the anticipated extra costs associated with the Code for Sustainable Homes into its viability assessments.

If ongoing research projects provide evidence to show that development costs need to change, it is considered that this can be addressed as part of the 4-year review of the LDP or, in the interim, through the preparation of appropriate Supplementary Planning Guidance.

Recommended changes:

None.

Representor 77 - The Coal Authority

Issue:

Generally supports proposed change to mineral safeguarding areas but would also like tertiary coal resources safeguarded.

Council response:

The Council welcomes the respondent's comments in support of the changes to the mineral safeguarding areas. In respect of the respondent's desire for the tertiary coal resource to be safeguarded, this is not a requirement of Minerals Technical Advice Note 2: Coal and as such, is opposed by the Council.

Recommended changes:

None.

Representor 77 - The Coal Authority

Issue:

Supports inclusion of Policy BW18: Contaminated Land.

Council response:

The Council welcomes the respondent's comments in support of Policy BW18: Contaminated Land.

Recommended changes:

None.

Representor 105 – Mineral Products Association Ltd

Issue:

There should only be a designation for mineral safeguarding areas and no buffer zones and buffer strips, otherwise it will cause confusion.

Council response:

The Council is of the opinion that an adequate explanation of mineral buffer zones and mineral buffer strips is provided in the minerals background paper and that the LDP Proposals Map clearly identifies both. However, it is recognised that given Merthyr Tydfil has a landbank which provides for more than 20 years of aggregate extraction, further extensions to existing sites or new extraction sites should not be permitted over the plan period save in rare and exceptional circumstances. The Council therefore recommends that the mineral buffer strip for aggregates should not be taken forward as part of the focussed proposed changes.

In respect of mineral buffer zones, these are a requirement of national minerals policy and should remain.

Recommended changes:

It is recommended that the buffer strip for aggregates is not taken forward as part of the focussed proposed changes.

**Merthyr Tydfil
Local Development Plan 2006 – 2021**

**Council's Response to Representations Received on the
Further Addendum to the Deposit Local Development
Plan
(consulted on between 22nd October 2009 and 12th
November 2009)**

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INTRODUCTION

This document has been prepared to provide an overview of, and the Council's responses and recommendations on, the representations received to the Addendum to the Deposit Plan, which was placed on public consultation between 22nd October 2009 and 12th November 2009.

The following representation were received:

Representor Number	Title	Initial	Surname	Position	Company/ Organisation	Representing on behalf of	Number of representations
21	Mr	A	Muir		Harmers	A Green	2
22	Mr	A	Chaplin		Merthyr Initiative Group		1
26	Mr	A	Muir		Harmers	S & M Jones	1
33		M	Connolly		Rhydyar West Regeneration Partnership		1
50	Mr	S	Hand		CCW		4
51					Geddes Consulting	Centrica Energy	3
53	Mr	G	Williams		NLP	Merthyr Village Ltd	3
55	Mr	B			GVA Grimley	RO Estates	1
66	Mr	L	Fourse		Harmers	G Tuck	4
69	Ms	G	Beynon		Environment Agency Wales		6
73	Mr	M	Newey		Welsh Assembly Government		13
77	Ms	R	Bust		Coal Authority		11
107	Mr	B	Hughes				1
108					Cushman & Wakefield	Hammerson	1

A summary of the issue, the Council's response and any recommended changes are set out overleaf.

Representor 21 – A Green (Harmers)

Issue:

Objects to proposed change 137: amendment to site boundary of H48.

Council response:

The proposed amendment to the boundary of site H48 has been made to reflect field boundaries on the ground, therefore making the site boundary at this location easily identifiable and defensible.

The Council disagrees with the representor's comments that the site boundary amendment undermines the credibility of the site. It is contended that the amendment improves the allocation and provides a robust, easily identifiable and defensible site allocation / settlement boundary in accordance with the principles underpinning the spatial priorities of the LDP (Paras. 2.5.22 – 2.5.27 and Paras. 3.4.3 – 3.4.4 of the Deposit Plan Written Statement refer).

Recommended changes:

None.

Representor 21 - A Green (Harmers)

Issue:

Supports proposed change 142: amendment to settlement boundary of land belonging to Mr A Green at Trelewis.

Council response:

The Council welcomes the support for the amendment to the settlement boundary at this location.

Recommended changes:

None.

Representor 22 – Merthyr Initiative Group**Issue:**

Disagrees with the proposal to remove three Sites of Archaeological Importance (SOAI) from the Deposit Plan Constraints Map (Northern Sector) at Rhydyar West.

Council response:

The Council recognises that there are archaeological features of importance within the Rhydyar West site, other than Scheduled Ancient Monuments, that have the potential to be of national importance. However, no official documentation has been submitted that supports the process of designation of the 3 Sites of Archaeological Importance concerned. For this reason, the Council does not consider it appropriate to show these designations on the LDP Constraints Map.

Recommended changes:

None.

Representor 26 – Messrs S and M Jones (Harmers)

Issue:

Supports proposed change 143 (Winchfawr) - extension to housing allocation H11.

Council response:

The Council welcomes the support for the amendment to the housing allocation boundary at this location.

Recommended changes:

None.

Representor 33 – Rhydydcar Regeneration Partnership

Issue:

Disagrees with the proposal to remove the Scheduled Ancient Monuments (SAMs) and three Sites of Archaeological Importance (SOAI) from the Deposit Plan Constraints Map (Northern Sector) at Rhydydcar West. Also proposes the site is suitable as a World Heritage Site.

Council response:

The respondent is of the opinion that the Council is proposing to remove the Scheduled Ancient Monuments and the Sites of Archaeological Importance from the Constraints Map. However, Further Focussed Proposed Change No. 151 is recommending that only the 3 SOAI are removed.

The Council recognises that there are archaeological features of importance within the Rhydydcar West site, other than SAMs, that have the potential to be of national importance. However, no official documentation has been submitted that supports the process of designation of the 3 Sites of Archaeological Importance concerned. For this reason, the Council does not consider it appropriate to show these designations on the LDP Constraints Map.

Due to the significant archaeological resource present at Rhydydcar West, the Council is supportive of the principle of designating the site (and wider area) as a World Heritage Site. However, the LDP process is not the mechanism through which to pursue such a designation.

Recommended changes:

None.

Representor 50 – Countryside Council for Wales

Issue:

Supports proposed change numbers 9, 10, 11, 12, 13, 14, 15, 16, 26, 27, 30, 31, 32, 33, 34, 36, 38, 39, 40, 41, 42, 43, 55, 56, 57, 58, 67, 68, 72, 73, 74, 75, 77, 139, 140.

Council response:

The Council welcomes the respondent's comments in support of the changes.

Recommended changes:

None.

Representor 50 – Countryside Council for Wales

Issue:

Welcomes the reduced area of land proposed for employment purposes highlighted by way of change numbers 28 and 29 but remains concerned about the Enhanced Growth Strategy of the plan and considers that the 21 hectares of employment land necessary to fulfil the Moderate Growth Strategy more realistic.

Council response:

The Council welcomes the respondent's comments in support of the proposed changes. The Council replied to the respondent's concerns over the growth strategy of the plan in the LDP Consultation Report (document LDP38 in the Examination Library) - representation number 050/03/ALL/CE2 refers.

Recommended changes:

None.

Representor 50 – Countryside Council for Wales

Issue:

The respondent is concerned with the proposal to remove the requirement for new outdoor play space to be provided as part of the development of site allocation H9 (highlighted by way of proposed change number 37).

Council response:

The anticipated planning obligation to provide on-site leisure facilities as part of the development of site H9 has been removed owing to the fact that the LDP Background Paper: Play Space Requirements (document LDP15 in the Examination Library) has identified that the area is well provided with play facilities both at LAP and LEAP and NEAP level and the site also passes accessible natural green space thresholds.

Given the remaining planning obligations for which a need has been identified including affordable housing (and transportation improvements highlighted by way of proposed change number 111) and the necessity to prioritise such obligations within the context of site viability, the Council considers that the leisure obligation on housing allocation H9 is no longer appropriate nor necessary.

The Council does not consider there will be unacceptable impacts upon the Cwmglo and Glyndyrus SSSI as a result of the leisure requirement being removed from this site allocation. At its nearest point, the SSSI is approximately 1050 metres away from H9.

Recommended changes:

None.

Representor 50 – Countryside Council for Wales

Issue:

Welcomes the amendment highlighted by proposed change number 87 but seeks clarification as to whether quantifiable standards will be set in accord with TAN 16.

Council response:

The LDP requires that all new residential development has access to usable open space including formal play space, outdoor sport, major amenity space and natural green space. The aim of the Council will be to meet the benchmark standards set by Fields In Trust (Deposit LDP Written Statement Para 4.17.2) whilst recognising that there may be scope to adapt these provisions to local circumstances using alternative assessment tools.

Whilst this issue will not be considered further as part of the current LDP process, the Town Planning Division has commenced preparation of an Open Space Strategy which will provide opportunities for such consideration to occur and influence future reviews of the LDP.

Recommended changes:

None.

Representor 51 – Centrica Energy (Geddes Consulting)

Issue:

Supports proposed change 69: changes to Policy TB8.

Council response:

The Council welcomes the support for the amendment to Policy TB8.

Recommended changes:

None.

Representor 51 – Centrica Energy (Geddes Consulting)

Issue:

Supports proposed change 70: changes to paragraph 5.8.2.

Council response:

The Council welcomes the support for the amendment to paragraph 5.8.2.

Recommended changes:

None.

Representor 51 – Centrica Energy (Geddes Consulting)

Issue:

Requests additional text to be added to Para. 5.8.2 in accordance with Para. 64 of MPPW (2000) and that this be discussed at Hearing Session 9 – Minerals and Energy.

Additional text to read:

'Coal bed methane can only be developed in areas licensed by the UK Government, known as Petroleum Exploration and Development Licences (PEDLs) such as PEDLS 221 and 223 in Merthyr Tydfil. Within these areas, the Welsh Assembly Government expects authorities to show areas where CBM operations would be acceptable. When more information is available about the potential CBM reserves, future areas of search could be identified in the Plan subject to control exercised by Policy TB8.'

Council response:

Whilst the comments do not relate directly to the focussed change proposed, the Council agrees with the representor that the addition of further text in Para. 5.8.2 can be discussed at Hearing Session 9.

Recommended changes:

None.

Representor 53 – Merthyr Village Ltd (NLP)

Issue:

The reduced 30ha employment allocation figure, now indicated in Policy BW14, is not rooted in sound evidence and concerns are raised about the method by which this figure has been arrived at. Key concerns relate to employment forecasts used, the assessment of land requirement and the proposed allocation 'safety margin'. Finally no evidence is included as to how the 30ha figure was identified and how it is to be achieved on the ground.

Council response:

The evidence base which justifies the revised employment allocation figure is provided in the Addendum to the document entitled 'Merthyr Tydfil LDP Background Paper for the Preferred Strategy: Population, Dwelling & Employment Land Forecasts' (2007) (document LDP08 in the Examination Library). The Council is of the opinion that this provides a robust and credible evidence base for the 30ha employment allocation figure.

Further information on the Council's position in relation to achieving the Plan's Growth Strategy and the delivery of employment development on the ground is provided in Appendix 6 of the document entitled 'Merthyr Tydfil LDP Consultation Report (2009) (document LDP38 in the Examination Library).

Recommended changes:

None.

Representor 53 – Merthyr Village Ltd (NLP)

Issue:

An objection is made to Policy BW18 and associated policy justification paragraph 3.18.1 in particular, on the basis that it fails to address unstable land.

Council response:

The objection raised does substantively differ from the previous objection made to the Focussed Proposed Change consulted on between the 6th August and 18th September 2009. In light of no new evidence/information being raised, the Council's response and recommendation provided in Appendix 2 of the document entitled 'Council's Response to Representations Received on the Addendum to the Deposit Local Development Plan' (document LDP46 in the Examination Library) remains appropriate.

Recommended changes:

None.

Representor 53 – Merthyr Village Ltd (NLP)

Issue:

Supports the removal of 3 sites of archaeological importance.

Council response:

The Council notes the respondent's comments in support of the removal of the 3 sites of archaeological importance.

Recommended changes:

None.

Representor 55 – RO Properties (GVA Grimley)

Issue:

Objects to proposed change 39 (alteration to text within Para. 4.18.2) to remove out of centre retail parks from the retail hierarchy.

Council response:

Planning Policy Wales, Technical Advice Note (TAN 4): Retailing and Town Centres, 1996 does not include retail parks in its list of "types of centre". Therefore, in the Council's opinion, they should not be included in the defined hierarchy.

Further justification for this change is given in the LDP Consultation Report (document LDP38 in the Examination Library) under representations 055/02/WS/CE2, 062/01/PROP/C2 and 063/01/AS18/C2 and also in Merthyr Tydfil County Borough Council's Topic Paper: Hearing Session 5 – Retail Strategy and Policies.

Recommended changes:

None.

Representor 66 – Mr G Tuck (Harmers)

Issue:

Supports change 141 (cartographic correction to SINC boundary) at Y-Goedwig, Treharris, although, considers the SINC boundaries could be further amended to reflect open areas as suggested in respondent's representations on the Deposit Plan (066/04/AS6/CE2 and 066/09/SINC/CE2 refer).

Council response:

The Council notes the respondent's support for proposed change 141.

With respect to further amendments to the SINC boundary to reflect 'cleared areas' at this location, the Council refers back to its comments made in the LDP Consultation Report (document LDP38 in the Examination Library) in respect of representations 066/04/AS6/CE2 and 066/09/SINC/CE2.

Recommended changes:

None.

Representor 66 – Mr G Tuck (Harmers)**Issue:**

Supports change 148 (amendment to settlement boundary to reflect planning consent P/03/0476 at Y-Goedwig, Treharris). The representor suggests the settlement boundary could be further amended to reflect a cartographic error made as part of Harmers representation at Deposit stage and subsequently taken forward by the Council in its proposed changes.

Council response:

The Council welcomes the respondent's comments in support of the proposed change.

With regard to a further alteration to the settlement boundary, the Council can confirm that the boundary previously advanced as a result of representation 066/01/BW4/CE2 is factually incorrect and does not fully reflect an existing planning permission granted at appeal (application P/03/0476 refers). The Council therefore accepts that a further amendment to the settlement boundary should be made to more accurately reflect the area with planning consent.

Recommended changes:

Cartographic correction to settlement limits at the northern boundary of the site to reflect land that has been granted planning permission via appeal (application P/03/0476 refers).

Representor 66 – Mr G Tuck (Harmers)

Issue:

Site should be allocated for housing as it exceeds 2 hectares in size.

Council response:

The Council does not have a minimum size (in terms of area) for the allocation of housing sites, rather, a threshold has been set of 10 dwellings or more. A full explanation for not allocating this site is given in the LDP Consultation Report in response to representation 066/03/AS2/CE2. The site at Y- Goedwig, which currently benefits from outline planning permission for 9 dwellings (application P/03/0476 refers) is considered too small to be classified as a specific housing allocation in the Plan.

Recommended changes:

None.

Representor 66 – Mr G Tuck (Harmers)

Issue:

Further extension of settlement boundary requested to include former spoil tips between SINC / Ancient Woodland and TPO designation at Y Goedwig, rather than 'being left as no man's land'.

Council response:

It is not accepted that the further extension of the settlement boundary as specified above is justified. Reference is made to the Council's comments contained within the LDP Consultation Report (representation 066/10/BW4/CE2 refers).

Recommended changes:

None.

Representor 69 – Environment Agency Wales

Issue:

Supports the inclusion of additional text to Policy BW8.

Council response:

The Council welcomes the respondent's comments in support of the inclusion of additional text to Policy BW8.

Recommended Changes:

None.

Representor 69 – Environment Agency Wales

Issue:

Recommends that Policies TB1, TB2, TB3 and TB10 incorporate additional text relating to enhancement of the water environment.

Council response:

The Environment Agency's recommendation does not relate to the focussed proposed changes for TB1, TB2, TB3 and TB10 which concern nature conservation interests. Moreover, the suggested changes did not form part of the Environment Agency's initial Deposit Plan representations. As such, the Council considers this representation invalid.

Recommended changes:

None.

Representor 69 – Environment Agency Wales

Issue:

Recommends additional text relating to risks to controlled waters to the first bullet point of Appendix 4 (Focussed Proposed Change 108) and an additional reference relating to the potential need for contributions to flood defence infrastructure. Also supports the inclusion of sewage and water infrastructure improvements within second bullet point of Appendix 4.

Council response:

With regard to the additional text relating to risks to controlled waters, the Council recognises that the treatment of past mine workings can affect water sources and flows. However, the Council is of the opinion that this factor falls under the reference to "other risks" within the bullet point and does not need to be explicitly identified.

In respect of the additional reference to the potential need for contributions to flood defence infrastructure, this recommendation does not directly relate to the focussed proposed change as it seeks the introduction of a new factor for consideration. As such, the Council considers this representation invalid.

In relation to the support for sewage and water infrastructure improvements, the Council welcomes the respondent's comments.

Recommended changes:

None.

Representor 69 – Environment Agency Wales

Issue:

Recommends additional text relating to risks to controlled waters to the first bullet point of Appendix 5 (Focussed Proposed Change 133) and an additional reference relating to the potential need for contributions to flood defence infrastructure. Also supports the inclusion of sewage and water infrastructure improvements within second bullet point of Appendix 5.

Council response:

With regard to the additional text relating to risks to controlled waters, the Council recognises that the treatment of past mine workings can affect water sources and flows. However, the Council is of the opinion that this factor falls under the reference to "other risks" within the bullet point and does not need to be explicitly identified.

In respect of the additional reference to the potential need for contributions to flood defence infrastructure, this recommendation does not directly relate to the focussed proposed change as it seeks the introduction of a new factor for consideration. As such, the Council considers this representation invalid.

In relation to the support for sewage and water infrastructure improvements, the Council welcomes the respondent's comments.

Recommended changes:

None.

Representor 69 – Environment Agency Wales

Issue:

Clarification is recommended to Sustainability Appraisal (SA) Objective 5 of the SA of Policy BW18: Contaminated Land to make clear that allocating a site for commercial use will not necessarily result in less stringent remedial targets.

Council response:

The Council notes the respondent's comments.

Recommended changes:

Whilst the Council has no objection to the requested clarification being made within Objective 5, the SA has been prepared independently of the Council and any change would firstly need to be agreed as acceptable with the Council's sustainability consultants.

Representor 69 – Environment Agency Wales

Issue:

In relation to Sustainability Appraisal (SA) Objective 10 of the SA of Policy BW18: Contaminated Land, the Environment Agency identifies the preference for remediation of contaminated land to take place on site.

Council response:

The Council notes the respondent's comments.

Recommended changes:

None.

Representor 73 – Welsh Assembly Government

Issue:

In relation to Further Focussed Proposed Changes 48-54 and 59-66, the Welsh Assembly Government requires clarification on the relationship between affordable housing percentages included in policy and the need identified in the Local Housing Market Assessment (LHMA) and whether the threshold of 20 units has been re-examined (see also the WAG's response to the Council's Initial Focussed Proposed Changes and the WAG's Statement of Evidence for the relevant Examination Hearing).

Council response:

The threshold and targets set in the LDP have followed national guidance and taken development viability into consideration when being formulated. As a consequence of this, there is a difference between the need identified in the LHMA and the level of affordable housing being sought through policy. The Council considers that there are other mechanisms in place to help address this difference (such as the Social Housing Grant programme) and that these mechanisms combined with policy will help to deliver the need identified in the LHMA. For further information see Merthyr Tydfil County Borough Council's Topic Paper: Hearing Session 3 - Affordable Housing & Community Infrastructure Contributions and the LDP Background Paper: Affordable Housing (document LDP14 in the Examination Library).

Recommended Changes:

None.

Representor 73 – Welsh Assembly Government

Issue:

Whilst the Welsh Assembly Government appear to be generally satisfied with the Proposed Changes in respect of Policy BW10: Mineral Safeguarding, there remains a concern that the changes do not address the need to consider extraction prior to development for proposed development within the coal safeguarding areas.

Council response:

The need to consider extraction in advance of development for proposed development within the coal safeguarding area does not form part of the further focussed proposed changes under public consultation. This issue can most appropriately be considered at the minerals hearing session. Further information on the Council's position in respect of this matter can be found within Merthyr Tydfil County Borough Council's Topic Paper: Hearing Session 6 – Minerals Strategy and Policies.

Recommended Changes:

None.

Representor 73 – Welsh Assembly Government

Issue:

In relation to Focussed Proposed Change Numbers 69-73, the Welsh Assembly Government refers to their response to the Statement of Focussed Proposed Changes consulted on between the 6th August 2009 and 18th September 2009 and their statement for the examination hearing session.

Council response:

The Council's response to the Welsh Assembly Government's representations to the Statement of Focussed Proposed Changes can be found within Appendix 2 of the Council's Response to Representations Received on the Addendum to the Deposit Local Development Plan (document LDP46 in the Examination Library). Further detail on the Council's response to these matters can also be found in the Council's mineral topic papers.

Recommended Changes:

None.

Representor 73 – Welsh Assembly Government

Issue:

In relation to Further Focussed Proposed Change 71, the Welsh Assembly Government requires the mines with planning permission to be shown on the LDP Proposals Map.

Council response:

The Council proposes to identify the inactive mineral sites and their associated buffer zones on the LDP Proposals Map. Plans identifying the mineral sites were included in the Statement of Focussed Proposed Changes consulted on between the 6th August 2009 and 18th September 2009 and in the Further Statement of Focussed Proposed Changes currently being consulted upon.

Recommended Changes:

None.

Representor 73 - Welsh Assembly Government

Issue:

The Welsh Assembly Government is satisfied that Further Focussed Proposed Change 72 adequately clarifies where mineral operations may not be acceptable.

Council response:

The Council welcomes the Welsh Assembly Government's comments in respect of this matter.

Recommended Changes:

None.

Representor 73 – Welsh Assembly Government

Issue:

The Welsh Assembly Government is satisfied that Further Focussed Proposed Changes 26, 27, 74, 75 and 144 address the matters raised in its deposit representations in relation to Policy TB9: Mineral buffer zones.

Council response:

The Council welcomes the Welsh Assembly Government's comments in respect of this matter.

Recommended Changes:

None.

Representor 73 – Welsh Assembly Government

Issue:

The Welsh Assembly Government suggests that a Further Focussed Proposed Change should have been introduced in light of its deposit representations to clarify how infrastructure and funding sources can be linked to mechanisms for implementation and monitoring of the Plan.

Council response:

This issue does not form part of the further focussed proposed changes under public consultation and can most appropriately be considered at the relevant hearing session. Further information on the Council's position in respect of this matter can be found within Merthyr Tydfil County Borough Council's Topic Paper: Hearing Session 1 – Plan Preparation, Content and Strategy.

Recommended Changes:

None.

Representor 73 – Welsh Assembly Government

Issue:

The Welsh Assembly Government suggests that in relation to Further Focussed Proposed Change 17, the first block of proposed additional text to Para 3.8.3 should have been more strongly worded to reflect the WAGs deposit representation and to make clear that there needs to be a proven over-riding imperative for any development that falls within the C2 flood plain.

Council response:

The Council does not offer any objection to the requested change being made and suggests new text to improve the robustness of the paragraph as set out below.

Recommended Changes:

Delete the following text:

"Unforeseen changes in local circumstances may result in the need to consider land which lies within the flood plain for development. In such circumstances, exceptions to the general approach of flood plain avoidance might apply where a detailed flood consequence assessment....."

And replace with:

"Exceptions to the general approach of flood plain avoidance will only be considered where there is a proven over-riding imperative for development to occur and in such circumstances a detailed flood consequence assessment....."

Representor 73 – Welsh Assembly Government

Issue:

The Welsh Assembly Government whilst noting Further Focussed Proposed Changes 28, 29, 80, 85 and 86 and the reasons for them, does not consider it sufficiently clear whether employment land forecasts are based on gross forecast demand by sector or a net assumption (as originally queried in its deposit representation).

Council response:

This issue does not form part of the further focussed proposed changes under public consultation and can most appropriately be considered at the relevant hearing session.

Recommended Changes:

None.

Representor 73 – Welsh Assembly Government

Issue:

The Welsh Assembly Government is satisfied that Further Focussed Proposed Changes 11, 92, and 149 fully address the matters raised in its deposit representations in relation to Policy BW6 and Appendix 1.

Council response:

The Council welcomes the Welsh Assembly Government's comments in respect of this matter.

Recommended Changes:

None.

Representor 73 – Welsh Assembly Government

Issue:

The Welsh Assembly Government is partially satisfied that the Focussed Proposed Changes and minor editorial changes address the matters raised in its deposit representations in relation to the consistency of:

- local landscape designations and
- minerals safeguarding areas

with the plans of neighbouring councils.

Council response:

The Council welcomes the Welsh Assembly Government's comments in respect of this matter and draws attention to Merthyr Tydfil County Borough Council's Topic Papers for Hearing Session 1 (Plan Preparation, Content and Strategy) and Hearing Session 6 (Minerals) which provide further information in this regard.

Recommended Changes:

None.

Representor 73 – Welsh Assembly Government**Issue:**

The reasoned justification of Policy BW18 should be clear on how the information referred to in paragraph 3.18.3 would be available to assist developers (Further Focussed Proposed Change 33 refers).

Council response:

Records of potentially contaminated land are held by the Council and these are available from the Public Health Department. Developers are however required to pay a fee to gain access to these records.

The Council is of the opinion that paragraph 3.18.3 adequately informs developers that records on potentially contaminated land are available from the Council and considers the inclusion of further detail on how the information is available unnecessary.

Recommended Changes:

None.

Representor 73 – Welsh Assembly Government

Issue:

Further Focussed Proposed Changes to Policy TB11 and the reasoned justification have led to weakening of the clarity of the policy.

Council response:

The Council accepts that Further Focussed Proposed Changes 78 and 79 have weakened the clarity of the policy. Consequently, the Council suggests that Further Focussed Proposed Change number 78 should not be taken forward as it unnecessarily affects the criteria identified in the second bullet point of the policy.

The Council does however wish to continue to pursue Further Focussed Proposed Change number 79 based on the reasons set out in Appendix 6 (pages 195 – 196) of the LDP Consultation Report (document LDP38 in the Examination Library). This will be a relevant consideration when determining the suitability of development proposals accessed via non-adopted roads.

Recommended Changes:

That Further Focussed Proposed Change number 78 is not taken forward.

Representor 77 - The Coal Authority

Issue:

Supports alteration of text to Para. 3.4.2 to include minerals development as appropriate development within the countryside (Focussed Proposed Change Ref: 10).

Council response:

The Council welcomes the respondent's comments in support of the changes.

Recommended changes:

None.

Representor 77 - The Coal Authority

Issue:

Supports changes and addition of text to Policy BW18 (Focussed Proposed Change Ref: 31/32/33/34).

Council response:

The Council welcomes the respondent's comments in support of the changes.

Recommended changes:

None.

Representor 77 - The Coal Authority

Issue:

Supports change of wording to Policy TB8 (Focussed Proposed Change Ref: 69).

Council response:

The Council welcomes the respondent's comments in support of the changes.

Recommended changes:

None.

Representor 77 - The Coal Authority

Issue:

Supports addition of text to final sentence of Para. 5.8.2. (Focussed Proposed Change Ref: 70).

Council response:

The Council welcomes the respondent's comments in support of the changes.

Recommended changes:

None.

Representor 77 - The Coal Authority

Issue:

Supports addition of text to final sentence of Para. 5.8.3. (Focussed Proposed Change Ref: 71).

Council response:

The Council welcomes the respondent's comments in support of the changes.

Recommended changes:

None.

Representor 77 - The Coal Authority

Issue:

Supports alteration to Para. 5.8.4. (Focussed Proposed Change Ref: 72).

Council response:

The Council welcomes the respondent's comments in support of the changes.

Recommended changes:

None.

Representor 77 - The Coal Authority

Issue:

Have 'no strong views' on the change of views to Policy TB9 (Focussed Proposed Change Ref: 74).

Council response:

The Council welcomes the respondent's comments in respect of this change.

Recommended changes:

None.

Representor 77 - The Coal Authority

Issue:

Supports inclusion of reference to permitted underground mines in Para. 5.9.1. (Focussed Proposed Change Ref: 75).

Council response:

The Council welcomes the respondent's comments in support of the changes.

Recommended changes:

None.

Representor 77 - The Coal Authority

Issue:

Supports deletion of text in Para. 5.9.4. (Focussed Proposed Change Ref: 76).

Council response:

The Council welcomes the respondent's comments in support of the changes.

Recommended changes:

None.

Representor 77 - The Coal Authority

Issue:

Supports addition of text to Appendix 4 (Focussed Proposed Change Ref: 108).

Council response:

The Council welcomes the respondent's comments in support of the changes.

Recommended changes:

None.

Representor 77 - The Coal Authority

Issue:

Supports addition of text to Appendix 5 regards ground stability for employment sites (Focussed Proposed Change Ref: 133).

Council response:

The Council welcomes the respondent's comments in support of the changes.

Recommended changes:

None.

Representor 107 – Mr B Hughes

Issue:

Objection to proposed change number 149 in order to seek the continued inclusion of land at Bryntaf, Aberfan within settlement limits.

Council response:

The respondent's site was put forward following the Council's call for candidate sites in March 2006 (candidate site 65 refers). Other than the aforementioned submission, the respondent has not been engaged in the LDP process and is therefore regarded as a new representor at the Further Focussed Proposed Changes stage.

Following the candidate site's consideration as part of the LDP's 3-stage site assessment process, an extension to existing settlement limits was considered appropriate as part of the Deposit Plan. No specific housing allocation was made on the basis that the site raised potential sustainability issues regarding landscape and biodiversity, although it was considered these could potentially be addressed through a visual impact assessment and appropriate mitigation (see LDP Candidate Site Assessments, Stage 3: Compatibility with SA Objectives - Sites not resulting in allocations (document LDP35 in the Examination Library))

As part of representations received to the Deposit Plan in December 2008, comments from the Welsh Assembly Government advised of the designation of the Aberfan Cemetery, Garden of Remembrance and Former Tip and Slide Area as a Registered Historic Park and Garden. The land at Bryntaf, Aberfan falls within this area.

In light of the comments from the Welsh Assembly Government, the Council's response outlined in the LDP Consultation Report (document LDP38 in the Examination Library) recommends that the proposals of the Deposit Plan to extend the settlement boundary no longer be pursued in light of their potential to adversely affect the setting of the newly designated Historic Park and Garden (representation 073/17/MISC refers).

A planning application for residential development on the site was refused by the Council in October 2009. Amongst several reasons for refusal are that the site lies outside the settlement limits as defined on the adopted Merthyr Tydfil Borough Local Plan and also outside the settlement limits of the Deposit LDP taking into account the recommended changes outlined in the LDP Consultation Report.

Recommended changes:

None.

Representor 108 – Hammerson (Cushman & Wakefield)**Issue:**

An objection is made to the removal of Cyfarthfa Retail Park from the hierarchy of centres as set out in paragraph 14.8.2.

Council response:

The respondent has not been engaged in the LDP process thus far and is therefore regarded as a new representor at the Further Focussed Proposed Changes stage.

The Council considers the removal of Cyfarthfa Retail Park, which is an out of centre retail park, to be consistent with national policy and the recommendations made within the Merthyr Tydfil County Borough Retail and Commercial Leisure Capacity Study (document LOC27 in the Examination Library). This focussed proposed change is therefore considered to meet the tests of soundness C2 and CE2.

Further justification for this focussed proposed change can be found in Appendix 6 of the Merthyr Tydfil Local Development Plan Consultation Report (July 2009) (document LDP38 in the Examination Library).

Recommended Changes:

None.

Merthyr Tydfil Local Development Plan 2006 – 2021

Council's Response to Representations Received on the Post-Suspension Proposed Changes (consulted on between 22nd July and 2nd September 2010)

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INTRODUCTION

This document has been prepared to provide an overview of, and the Council's responses and recommendations on, the representations received to the LDP Post-Suspension Proposed Changes, which were placed on public consultation between 22nd July and 2nd September 2010.

The following representations were received:-

Representor Number	Title	Initial	Surname	Company/ Organisation	Representing on behalf of	Number of representations
22	Mr	A	Chaplin	Merthyr Initiative Group	-	3
23	Mr	N	Maylan	The Glamorgan Gwent Archaeological Trust	-	1
24	Mr	L	Powell	RPS Group Plc	Covanta	5
26	Mr	A	Muir	Harmers Ltd	S&M Jones	1
50	Mr	S	Hand	CCW	-	30
51	Mr	S	Salter	Geddes Consulting	Centrica Energy	1
53	Mr	M	Hockaday	NLP	Merthyr Village Ltd	2
64	Mr	D	Jones	Hyder Consulting Ltd	Little & Co Development Services	1
69	Miss	G	Beynon	Environment Agency	-	11
70	Mr	C	Palmer	WYG	National Grid	4
72	Mr	R	Leek	Leek & Weston /RPS	Miller Argent	9
73	Mr	M	Newey	Welsh Assembly Government	-	6
74	Miss	E	Powell	Redrow Homes	-	1
76	Mr	R	Price	Home Builders Federation Ltd.	-	3
77	Ms	R	Bust	Coal Authority	-	8

A summary of the issue, the Council's response and any recommended changes are set out overleaf.

Representor 22 – Merthyr Initiative Group

Proposed change: 223

Issue:

Opposition to the removal of Sites of Archaeological Interest from the Planning Constraints Map and Appendix 2 of the LDP Written Statement - Schedule of Townscape and Built Heritage Designations.

Council response:

The representor has previously raised objection to three such sites being removed from the Planning Constraints Map - see representations received to the Further Statement of Focussed Proposed Changes (document LDP47 in the Examination Library). A response was advanced by the Council in document LDP48, and therefore, the Council does not intend to offer further response in relation to these sites.

In respect of the remaining sites proposed for removal as part of post-suspension change 223, the Council recognises that there are archaeological features of importance within the County Borough, other than Scheduled Ancient Monuments, that have the potential to be of national importance, and the Council is grateful to the representor for the provision of pertinent information within its submission.

However, no official documentation has been submitted that supports the process of designation of any of the Sites of Archaeological Importance concerned. For this reason, the Council does not consider it appropriate to show these features on the Planning Constraints Map.

Recommended changes:

None.

Representor 22 – Merthyr Initiative Group

Proposed change: 225

Issue:

The allocation of land for 3960 dwellings as part of the LDP is over optimistic and undeliverable.

Council response:

The allocation of land for 3960 dwellings is in line with the overall strategy of the LDP which generates a requirement of 3800 dwellings up to 2021. The over allocation is intended to give flexibility in the sites that actually come forward.

The representor correctly states that 863 units have been completed since the start of the plan period at an average rate of 203 units per annum. Whilst this rate does not meet the 253 units a year that would equate to the required 3800 dwellings over 15 years, the rate of 253 units a year is a crude average across the entire plan period.

The primary aim of the LDP is to stabilise the population of the County Borough by 2011, with 10 years of growth being sought thereafter. The Council considers it reasonable to assume that the level of completions required to stabilise the population is likely to be less than is required for the population to grow. Analysis of the latest population data (2009 Mid Year Estimates – StatsWales) shows that the required stabilisation has already taken place with the strategy being fulfilled as necessary. These figures also show that since the start of the LDP period, there has been an increase in the population of the County Borough from 55,289 to 55,657 after many years of consistent population decline.

It is accepted that the level of completions required to fulfil the LDP strategy is ambitious, however, the Council considers this strategy to be both realistic and deliverable. The last two years have seen completions of 191 and 202 units, which are approximately a third higher than the average over the last 15 years, despite the current economic climate. If the County Borough has been able to maintain this level of house building during a recession, then a completion rate of 270 units per annum would seem to be entirely realistic over the remainder of the plan period.

The overall rate of house building and the wider housing strategy of the Plan will be closely monitored via the housing indicators and milestone targets contained within the monitoring framework.

Recommended changes:

None.

Representor 22 – Merthyr Initiative Group

Proposed change: 226

Issue:

The representor contends the LDP's employment projection figures are too high and therefore unsound, as in their view, the population of Merthyr Tydfil is likely to decline over the next ten years. Additionally, it is contended that the employment projections are based on the population details contained within the MTCBC Background Paper dated April 2007, which does not take account of recent and anticipated economic activity.

Council response:

The Council considers that the alterations proposed to the LDP employment figures and allocations are more appropriately considered against proposed changes 225 and 227 rather than 226 as indicated by the representor.

Notwithstanding, the alterations are allied to changes proposed to Policy BW14 and Policy AS14 (post-suspension changes 59-68 and 126-127 respectively) and result from work undertaken as part of the Council's Volume 3 submission of additional work in July 2010 (Proforma 10 refers). This included the undertaking of an employment land review (ELR) by Roger Tym and Partners and the subsequent preparation of a comprehensive report for the Council – see document PS004 within the LDP Examination Library. The ELR provides further and more up-to-date information from that previously published within the LDP Background Paper: Population, Dwelling & Employment Land Forecasts (April 2007).

The main purpose of the ELR was to provide additional research on future employment growth using demand-led job numbers, and to consider more robustly a labour supply based indication of the amount of employment land that is required in the LDP over the Plan period following the enhanced growth strategy. The ELR states that it is an important point to note that in carrying out the analysis, the concern was with both past trends and future forecasts; *'Therefore the recent downturn in the national economy will have a short-run cyclical impact but should not unduly influence planned provision for dwellings and jobs over a 15-year period'* (Paragraph 1.6).

The ELR report does acknowledge that there has been a historic decline in the population of Merthyr Tydfil over a period of time and that the number and type of jobs within the County Borough has also changed (Paras 3.5 – 3.51). Despite the decline in population, latest population data shows that in the previous two years, the decline in population numbers has actually halted, with a small net increase of 100 residents per year being recorded (Para. 7.3).

As a result of the research conducted for the ELR, the number of allocated employment sites within the County Borough has reduced from 7 to 3; additionally the nature/type of employment sites has been modified to reflect the ELR conclusions that within the life of the LDP the demand for industrial/warehousing employment land will decrease, whilst the demand for office based employment land/jobs will increase. An explanation

for the final choice of employment allocations is provided within Chapters 6 & 7 of the ELR.

It is acknowledged within the report (and by the Council) that there is an over allocation of employment land within the County Borough in the Deposit LDP, although a degree of over allocation is seen as necessary to provide choice and flexibility to the market. It is therefore important to strike a balance and not lose too much land, nor hold on to too much land that is unlikely to come forward.

As part of the monitoring of the LDP in future, the Council will monitor the take up of employment allocations to ensure that any over allocation is not restricting the optimal functioning of the employment space market to the detriment of the County Borough. Adjustments can be made through the 4-year review if necessary and appropriate.

Recommended changes:

None.

Representor 23 – Gwent Glamorgan Archaeological Trust

Proposed change: 23

Issue:

The phrase "and their setting" should be restored to the bullet points referring to Scheduled Ancient Monuments and Registered Historic Parks and Gardens.

Council response:

The effect of revised Policy BW6 in respect of the need to consider the impact of development on the settings of Scheduled Ancient Monuments and Registered Historic Parks and Gardens remains unchanged from the original policy. The second sentence of the revised policy contains the phrase "and setting of any of the following" which includes Scheduled Ancient Monuments and Registered Historic Parks and Gardens. The impact of development on the settings of Scheduled Ancient Monuments and Registered Historic Parks and Gardens therefore continues to be a material consideration under revised Policy BW6, which fully accords with paragraphs 6.5.1 and 6.5.25 of Planning Policy Wales (Edition 3, 2010).

Recommended changes:

None.

Representor 24 – Covanta (RPS)

Proposed change: 227 (site E4)

Issue:

Covanta Energy object to the deletion of the requirement for renewable energy/energy efficiency technologies from site allocation E4 (Goatmill Road) at Appendix 5 of the LDP. It is contended that in doing so the LDP is no longer consistent with National Policy nor the Wales Spatial Plan.

Council response:

The Council is of the opinion that the deletion of the requirement for renewable energy/energy efficiency technologies within Appendix 5 has not affected the soundness of the LDP in respect of it's consistency with National Policy and the Wales Spatial Plan. Any proposed development on E4 will be determined in relation to the wider policies of the Plan. Policy BW7, which relates to sustainable design, will ensure that a sustainable approach to built development on the site is followed, including the incorporation of renewable energy technologies. Any proposal will also have to meet the sustainable building standards set out in paragraph 4.11.4 of Planning Policy Wales (Edition 3, 2010).

The technologies identified in Appendix 5 originated from work undertaken as part of the Renewable Energy Capacity Study (2008) and these continue to be reflected, though more generically, within paragraph 3.7.4 of the policy justification of Policy BW7. Paragraph 3.7.3 of the policy justification also indicates that feasibility studies for low and zero carbon technologies submitted in support of development proposals will be considered against the findings of the Capacity Study.

In respect of minimising carbon emissions associated with heating, cooling and power systems, the Council recognises the potential sustainability benefits of the Brig y Cwm EfW project in providing an efficient energy supply system for future development at E4. As such, a reference to the need for a revised development brief at this site has been inserted into Appendix 5 in order to maximise these benefits if the Brig y Cwm EfW project were to be granted planning permission.

Consequently, the effect of the Plan in encouraging and securing sustainable built development, including the incorporation of renewable energy technologies on E4, remains unfettered by the proposed change and no further changes are recommended.

Recommended changes:

None.

Representor 24 – Covanta (RPS)

Proposed change: 227 (site E5)

Issue:

Covanta Energy object to the removal of site allocation E5 (Ffos-y-Fran) on the grounds that the site will no longer be able to benefit from efficient energy supply provided by the Brig y Cwm EfW project.

Council response:

Whilst the Council recognises the benefits of co-locating energy suppliers with potential users, it is not considered that this single issue provides sufficient justification for the continued allocation of E5 in the LDP. E5 has been removed from the Plan based on the findings of the Employment Land Review Report (Roger Tym & Partners, July 2010 – Examination Document PS004) which recommends that the site be removed based on the current over allocation of industrial/warehousing land and the outcome of the individual site assessments (see Table 6.1, page 56) where the site was found to have poor market potential and deliverability compared to other sites. Continuing to allocate E5 in the Plan would further increase the over allocation of industrial/warehousing land (N.B. the site was deemed unsuitable for B1 uses by Roger Tym) which increases the likelihood of too much land being held that is unlikely to be developed over the Plan period.

Notwithstanding the above, a number of potential energy users still exist through the housing allocations at H25 and H26 and the employment allocation at E4. Moreover, the potential also remains for new energy suppliers to connect to existing developments.

Consequently, the Council contends that the LDP continues to be consistent with National Policy, including TAN 22: Planning for Sustainable Buildings and TAN 8: Planning for Renewable Energy, and meets the test of soundness C2 and C3.

Recommended changes:

None.

Representor 24 – Covanta (RPS)

Proposed change: Not specified – Policy AS7 refers

Issue:

Covanta object to the policy on a number of grounds. Firstly, the policy does not seek to take advantage of the opportunity to cater for waste management needs by rail. Secondly, the land requirement within the policy is arbitrary, restrictive and not based on a sound evidence base. Thirdly, the policy fails to take account of the opportunity presented by Policy AS23. Finally, the Plan does not propose a policy specifically aimed at facilitating a combined heat and power plant within the County Borough.

Council response:

Unfortunately, Covanta have not made focussed representations on the proposed changes to Policy AS7 and the Council is of the opinion that not all of the points made by Covanta warrant a detailed response.

In respect of the need for an additional policy aimed at combined heat and power plants, this is a separate matter to the proposed changes of Policy AS7 and as such warrants no further discussion.

With regard to the land requirement (up 3.2 hectares) identified within Policy AS7, this requirement, which is taken directly from the Regional Waste Plan 1st Review (2008) (Examination Document NAR16), has remained consistent throughout the Examination of the LDP and has not been revised as part of the Post-Suspension Proposed Changes. The amount of actual B2 land identified as 'areas of search' is much higher than the requirement and the Council has provided detailed information on this matter previously through the LDP Consultation Report (Examination Document LDP38) and the Waste Hearing Topic Papers (Examination Documents EXAM013-8). A revised Appendix 7 (Post-suspension changes no. 230) provides updated details on the availability of land.

In terms of taking advantage of the existing rail infrastructure within the County Borough, the LDP has consistently sought to promote an increase in its usage. This was initially through Policy TB12 which has now been replaced by Policy AS23. The change from a topic based policy to an area specific policy reflects the realisation that only the Cwmbargoed railhead has the potential over the plan period to increase its usage. Policy AS23 specifically identifies, amongst other uses, waste management facilities as being a potentially acceptable use at Cwmbargoed railhead and to further promote the use of rail as means of transporting waste in Policy AS7 would add no benefit to the Plan as it has already been catered for in the former policy.

Covanta contend that the failure to reflect the benefits of rail transport within Policy AS7 make it unnecessarily restrictive and unsound. However, the final statement of the policy provides applicants with the opportunity to demonstrate why the identified B2 'areas of search' are not suitable for a particular waste management proposal, providing a degree of flexibility.

In summary, the Council is of the opinion that only the Cwmbargoed rail line has the potential to increase its capacity over the plan period and the opportunity for this has been captured through Policy AS23. In addition, although Policy AS23 is an exception to

the general B2 'areas of search' approach, Policy AS7 does not restrict its implementation. As such, the Council is of the opinion that the LDP remains sound.

Recommended changes:

None.

Representor 24 – Covanta (RPS)

Proposed change: Not specified – Policy AS23 refers

Issue:

Whilst Covanta has no inherent objection to the Policy AS23, it cannot deliver a waste management facility serving the needs of more than one local authority during the lifetime of the LDP. As such, the LDP fails to meet Soundness Tests CE2 and CE3.

Council response:

The purpose of Policy AS23 is not to deliver a waste management facility capable of serving more than one local authority. This is a mixed-use allocation which limits development to minerals handling and despatch, waste management facilities and other acceptable employment activities which are dependent on rail freight as the main source of transportation for movement of goods or materials associated with the development.

As previously highlighted in the Statement of LDP Cross Boundary Policy Co-ordination between Merthyr Tydfil CBC and Caerphilly CBC (Examination Document EXAM028), and confirmed by Miller Argent, between 2 to 4 ha of land can be made available over the plan period within the Cwmbargoed Disposal Point. It is the opinion of Merthyr Tydfil Council that this area of land is sufficient to accommodate development relating to any of the above uses, including smaller-scale waste management facilities.

In respect of the need to deliver waste facilities at the site, the Council is satisfied that sufficient land has already been allocated elsewhere in the Plan which is capable of accommodating facilities with the capacity to meet the needs of the local authority area and/or more than one local authority area. Detailed information on this matter has previously been provided through the LDP Consultation Report (Examination Document LDP38) and the Waste Hearing Topic Papers (Examinations Document EXAM013-8). Policy AS23 therefore affords further over-provision of land providing greater choice and flexibility to the waste management industry.

It is therefore the Council's opinion that development, other than a waste management facility capable of serving more than one local authority, can be delivered on the site during the plan period, meeting Tests of Soundness CE2 and CE3.

Recommended changes:

None.

Representor 24 – Covanta (RPS)

Proposed change: Not specified – Policy TB10 refers

Issue:

Policy TB10 should include additional criteria which give a sequential preference to rail access and combined heat and power (CHP) facilities.

Council response:

Whilst it is acknowledged that National Policy encourages the movement of waste by rail, there is no requirement in National Policy to apply a sequential test with preference given to the movement of waste by rail over other modes of transport. Moreover, such a policy approach could result in unintended consequences given the nature of the rail infrastructure within the County Borough.

Only the Cwmbargoed railhead has the potential to increase its usage over the plan period and this facility is located in a countryside location separate from the main urban area. The sequential approach suggested would direct new waste management facilities to this site at the expense of more sustainable locations which are found in close proximity to the local population and existing services and infrastructure. The Cwmbargoed site is not currently served by other sustainable modes of transport, such as public transport, and pedestrian and cycle routes, and it is possible that unrestricted development at this site would increase the levels of car-borne commuter traffic, limiting the benefits gained by transporting waste by rail.

In addition, such a policy approach would limit the potential benefits of CHP facilities as new energy producing waste management facilities would be directed away from existing B2 industrial estates which contain existing businesses that could use the waste heat generated.

In respect of giving priority to waste management facilities that incorporate CHP, the Council recognises and supports the energy efficiencies associated with such an approach. However, the Council is of the opinion that it already seeks to facilitate CHP schemes through Policy BW7 which would be applied to all built development, including new waste management facilities. This approach is preferred as Policy TB10 is restricted to waste management facilities, some of which do not involve the generation of energy from waste. Many of these waste management techniques sit above the generation of energy from waste within 'The Waste Hierarchy' and to apply a sequential preference to waste management facilities which incorporate CHP, which is not a national requirement, would actually conflict with this principle.

In conclusion, the Council is of the opinion that Policy TB10 and the LDP as whole meets Test of Soundness C2 and C3.

Recommended changes:

None.

Representor 26 – S&M Jones (Harmers)

Proposed change: M26

Issue:

Objection to the removal of land covered by SAR 29 from within the settlement boundary. The representor draws attention to previous submissions, which referred to an insufficient range and choice of housing sites in the Primary Growth Area, and requires the settlement boundary to be redrawn to include the land concerned.

Council response:

The changes proposed to the LDP Proposals Map are allied to changes proposed to Policy AS5 (post-suspension change 104 refers) and result from tasks undertaken as part of the Council's Volume 2 submission of additional work in May 2010 (Proforma 26 refers).

The proposed change is made in light of the LDP's established stance, which considers that in order to help prevent future coalescence of the distinct communities of Heolgerrig and Twyncarmel, the land remains appropriate for designation in the LDP as a green wedge. This is owing to the fact that continued development pressure in this part of Merthyr Tydfil (as evidenced by the submission of the site as part of the alternative sites process) has led to a situation whereby normal planning and development control policies may not be sufficient to provide an adequate response.

However, in order to fully comply with the purpose of a green wedge as set out at Para 2.6.3 and Para 2.6.10 of Planning Policy Wales (2002) and Para 4.7.3 and Para 4.7.10 of Planning Policy Wales (Edition 3- July 2010), the relationship between the designation and the nearby settlement boundary needs to be clarified. Proposed change M26 is intended to provide this clarification with the result that the green wedge is now located in the countryside where there is a general presumption against development and where development proposals are subject to strict assessment under Policy BW4. In this way, the LDP now offers a more consistent statement of policy, which fully complies with the national planning policy framework.

The Council is not offering a response to the issue raised by the representor in respect of the range /choice of housing sites in the Primary Growth Area. The post-suspension proposed change relates only to the relationship between the LDP's green wedge designations and defined settlement limits and not to any housing allocations.

Recommended changes:

None.

Representor 50 – Countryside Council for Wales

Proposed change: Editorial changes to Paras 1.1.5; 1.1.6; and 1.2.3

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: Editorial change 1.1.13

Issue: Concern that the Proposals Map does not include designated areas such as SSSIs to illustrate that relevant policies apply to designated sites in the Plan area.

Council response: Such matters were discussed at the recent LDP Progress meetings and the Council envisages there will be further discussion at the remaining LDP hearings.

Recommended changes: The Council does not object to making changes to the LDP proposals map as necessary and appropriate but owing to the amount of information that could potentially be included, and the need for clear interpretation by the reader, it is recommended that two proposals maps are created (A&B). The first could contain the information included on the existing Proposals Map, and the second could include information currently displayed on the Planning Constraints Map (such as SSSIs) to which LDP policies apply. This being the case, Para 1.1.13 should be amended accordingly.

Proposed change: 5

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 9-14 inclusive

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 15-18 inclusive

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 19

Issue: Supports and also suggests reference to TAN 5.

Council response: Noted.

Recommended changes: Additional reference to be added to the second sentence of LDP Para 3.5.4 ([section 5.4, TAN 5 \(2009\)](#))

Proposed change: 20

Issue: Supports and also suggests reference to TAN 5.

Council response: Noted.

Recommended changes: Additional reference to be added to the first sentence of LDP Para 3.5.5 ([chapter 6, TAN 5 \(2009\)](#))

Proposed change: 21

Issue: Change suggested to Para 3.5.6 to reflect concern that the Proposals Map does not identify designated areas such as SSSIs.

Council response: Such matters were discussed at the recent LDP Progress meetings and the Council envisages there will be further discussion at the remaining LDP hearings.

Recommended changes: The Council does not object to making changes to the LDP proposals map as necessary and appropriate but owing to the amount of information that could potentially be included, and the need for clear interpretation by the reader, it is recommended that two proposals maps are created (A&B). The first could contain the information included on the existing Proposals Map, and the second could include information currently displayed on the Planning Constraints Map (such as SSSIs) to which LDP policies apply. This being the case, Para 3.5.6 should be amended accordingly.

Proposed change: 23

Issue: Supports and also suggests the policy (BW6) should make reference to Landscapes of Special Historic Interest.

Council response: Noted.

Recommended changes: None - Policy AS4 deals specifically with the protection, conservation and enhancement of Landscapes of Historic Interest. To add reference to BW6 would constitute unnecessary duplication within the Plan.

Proposed change: 27-31 inclusive

Issue: Supports, but also refers to previous comments on Policy BW7 (bullet point 6) made during deposit consultation.

Council response: Various definitions of green infrastructure are known to exist but in the absence of definitive guidance (preferably at a national level), it will be for users of the plan to investigate the matter further. As stated in its response to the representor's previous comments (see LDP Consultation Report - document LDP38 in the Examination Library), the Council does not consider that a local interpretation of green infrastructure would add to the soundness of the plan.

Recommended changes: None

Proposed change: 44

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 45-49 inclusive

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 59-61 inclusive

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 83-84 inclusive

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 86

Issue: Supports, but expresses concern about the proposed wording "on developments of 10 units or more" as it is inappropriate within the wider context of the policy.

Council response: The Council notes the representor's concern and proposes to change Policy BW17 as set out below. The change removes specific reference to a residential threshold within the policy wording and helps to clarify the Council's intention for the policy to apply to a wider variety of development types including employment, retail and commercial. In addition, Para 3.17.4 will be completely revised in order to cross reference to the relevant paragraph in PPW (July 2010), which indicates where planning obligations should be sought. There will also be a minor amendment to Para 3.17.5 to reflect the fact that obligations will not be sought exclusively on residential development.

Recommended changes: Second sentence of Policy BW17 to be amended to read:
In order to address the impacts of particular developments, the Council will seek to secure community infrastructure benefits through planning obligations ~~on developments of 10 units or more~~. Such obligations may relate to:.....

Para 3.17.4 to be amended to read:

~~The LDP sites that are expected to generate planning obligations are those housing allocations of 10 units or more included in the schedule of housing sites at Appendix 4. It should be noted however, that obligations may not solely be limited to allocated sites.~~
Planning obligations will only be sought where they satisfy the criteria set out in

Paragraph 3.7.2 of Planning Policy Wales (July 2010).

First sentence of Para 3.17.5 to be amended to read:

Individual Council departments will be responsible for stating the precise level and nature of their requirements as part of the planning application process with obligations only being sought where there is an identified need ~~as outlined in Appendix 4.~~

Proposed change: 89

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 103

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 104

Issue: Supports, but expresses concern at the deletion of the Green Wedge designation at Quakers Yard.

Council response: The reasons for the deletion of the Green Wedge at Quakers Yard are set out in the Council's Volume 2 submission of additional work (Proforma 26 refers). The primary reason for the designation's removal relates to non-compliance with national planning policy – an issue that was discussed at the first LDP hearing session on 24th November 2009, and which helped to inform the subsequent programme of additional work.

Whilst the Council has concluded that the green wedge may not be appropriate at this location, a protectionist designation nevertheless remains necessary, as development pressure still exists in the area. The site is one of the few remaining parcels of land available locally following an intense period of development activity in this part of the County Borough during the 1990s. It is therefore of particular amenity value, and being traversed by several footpaths, experiences considerable use for informal recreation. For this reason, the site lends itself to being allocated as 'open space protected for informal recreation and amenity' and, this being the case, will become subject to the provisions of Policy BW16.

Recommended changes: None.

Proposed change: 106

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 107

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 110

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 111

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 137-140 inclusive

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 189

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 191

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 194; 196; 197; 198; 199

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 205-209 inclusive

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 217-220 inclusive

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 221

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 226

Issue: Refers to previous comments on site allocation H33 made during deposit consultation.

Council response: A development brief for this site will be prepared as part of a programme of supplementary planning guidance to be devised following the LDP's adoption. The brief will recognise the locally important habitats present and will aim to steer development in a manner that is sensitive to the site's biodiversity characteristics, allowing their future management in accord with the provisions of the wider development plan policy framework.

Recommended changes: None.

Representor 51 – Centrica (Geddes)

Proposed change: 196

Issue:

Neighbouring planning authorities are adopting development control policies with reference to onshore oil and gas exploration and development, including coal bed methane. This is in line with Minerals Planning Policy Wales (2000) paragraph 64.

Council response:

Whilst the matter of coal bed methane (CBM) has already been considered as part of the LDP process and was subject to discussions at the initial LDP hearings, the Council recognises that, in the meantime, the progression of other LDPs has occurred and that the matter of CBM has been the subject of discussions at the LDP hearings in both Caerphilly and Rhondda Cynon Taf. In both these instances, the intention of the authorities concerned is to refer to coal bed methane within the wider context of onshore oil and gas operations. This accords with the approach of Minerals Planning Policy Wales (2000), which recognises CBM to be only one form of a wider range of onshore oil and gas operations which may prove acceptable in policy terms.

Therefore, in order to afford parity with the emerging plans of neighbouring authorities and to provide closer adherence to national planning policy, the Council recommends that a minor amendment to the LDP is undertaken which includes reference to coal bed methane within the wider context of onshore oil and gas operations, which by implication, would also fall to be considered under the relevant policy (TB8).

Recommended changes:

That the final sentence of paragraph 5.8.2 be amended to read as follows:-

The above policy is applicable to new or extended mineral workings and associated development, including aggregate recycling facilities; review of existing operations; and onshore oil and gas exploration and development, including coal bed methane.

Representor 53 - Merthyr Village Limited (NLP)

Proposed change: 95-96

Issue:

The representor acknowledges the introduction of a reference to unstable land within the Plan, but considers that it does not overcome the concerns they have previously expressed in relation to this issue. In addition, whilst the representor supports the Council's recognition of Coal Mining Referral Areas, concern is raised that they are included on the Constraints Map and not the Proposals Map.

Council response:

Paragraphs 3.19.1 and 3.19.2 have been introduced to the LDP to recognise the fact that areas of potentially unstable land are known to exist in the County Borough and that proposals affecting such land will be assessed against paras 13.9.1 and 13.9.2 of Planning Policy Wales (2010). The representor considers that a specific policy would be more appropriate and draws a comparison with the fact that the LDP already includes a policy on development on contaminated land.

The Council wishes to clarify that a specific policy on contaminated land is included owing to the fact that the matter was raised at the very outset of the LDP process (the SA Scoping Workshop) as a pertinent issue for the Plan to address. The issue of unstable land was not raised at that forum, or subsequently, until deposit consultation.

A specific contaminated land policy is also included because the Plan is more explicit than national policy and requires that where suitable remedial measures are agreed with the authority, these must be completed before development commences. The policy's supporting text goes on to recognise that a phased approach to decontamination may be necessary.

The Council considers that a specific policy on unstable land remains unnecessary due to the fact that the LDP relies entirely on the approach set out in national policy and a clear cross reference to PPW is provided at Para 3.19.2 of the Plan. To include policy wording along the lines suggested by the representor would merely serve to repeat what is already included in the national policy framework and would represent unnecessary duplication of an established position.

In recognition of discussions that took place at the earlier LDP hearings, Coal Mining Referral Areas have now been added to the Planning Constraints Map and Para 3.19.1 of the LDP draws attention to these as areas where potentially unstable land is known to exist and where the developer will be required to consult with the Coal Authority. As mentioned above, Para 3.19.2 cross references to the context provided by national policy in dealing with development proposals in such areas.

With no specific policy on unstable land in the Plan, the Council considers it entirely appropriate that such areas are shown on the Constraints Map, rather than on the LDP Proposals Map as suggested by the representor. Liaison with the Coal Authority has ensured that these areas, whilst not necessarily exhaustive, are defined according to the best information available; indeed, all development proposals in the areas concerned

are automatically referred to the Coal Authority as a matter of course under a pilot initiative currently being pursued in conjunction with the Council.

It will be noted that consultation on the LDP post-suspension proposed changes, resulted in broad support from the Coal Authority on the aforementioned matters (representor 77 refers).

Recommended changes:

None.

Representor 53 - Merthyr Village Limited (NLP)

Proposed change: M28

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: M34 and 43-54

Issue:

The representor considers that all Primary and Secondary Coal Resources should be shown on the LDP Proposals Map irrespective of any national environmental and cultural designations.

Council response:

The additional work undertaken in relation to Proforma 32 included an agreed task to *"consider revising the mineral safeguarding areas through the removal of all national designations of environmental importance....."*

The Council recognises the importance of safeguarding minerals as set out at Para. 13 of Minerals Planning Policy Wales (2000). It also recognises Para 37 of Minerals Technical Advice Note 2: Coal (2009) which states that "where Coal Resource Zones are present, the MPA should exclude from these Resource Zones, International and National Designations of environmental and cultural importance, and Settlements."

Recommended changes: None.

Representor 53 - Merthyr Village Limited (NLP)

Proposed change: Background information - Proforma 15

Issue:

The representor considers that the Proforma work does not adequately address the concerns of the Inspector in coming to a view on whether the inclusion of Rhydycar West would be as likely to realise the Enhance Growth Strategy as the urban expansion approach.

Council response:

The proforma work referred to by the representor was submitted as part of the Council's Volume 1 submission in March 2010. Though none of the pertinent issues were discussed at the LDP Progress meetings, and the Council does not wish to presume the views of the Inspector in any way, sufficient information appears to have been submitted to the Examination in this regard. Reference to the Inspector's Note Following the First Progress Meeting confirms this (Examination document Exam046 refers).

Notwithstanding, the Council wishes to reiterate that at no stage in the LDP process has the representor submitted adequate information to either the Council or the Examination that explains in sufficient detail what intentions there are for the site in terms of after-uses. This being the case, the Council has had no option than to make assumptions about the development of the site based on the previous planning applications that did not gain planning consent, a very basic submission at alternative sites stage, and a brief note of some potential contributions that was submitted on request during the course of the Examination Hearings. The vagueness of the latter was drawn attention to by the Council and other parties at the relevant hearing session.

The Council's analysis is therefore considered to be as detailed as possible given the paucity of information provided by the site proponents on how Rhydycar West is proposed to be taken forward. Even at this late stage, no information has been offered by the proponents (that would accord with the approach and the level of detail that they, themselves consider necessary) in order to demonstrate the site would be an appropriate and realistic contributor to the strategy of the Plan.

It is the Council's view that if the site had been included as a development option in the Deposit LDP, the delivery of the Plan would now be seriously jeopardised, as circumstances have not progressed any further forward in terms of a satisfactory resolution to the various matters surrounding Rhydycar West. On the contrary, the Council considers that the strategy set out in the Deposit LDP (as amended) is already being achieved and is helping to deliver tangible benefits that will assist in Merthyr Tydfil's future economic, social and environmental wellbeing.

Recommended changes:

No further work to justify Rhydycar West's omission from the LDP is considered necessary by the Council.

Representor 53 – Merthyr Village Ltd (NLP)

Proposed change: Background information - Proformas 17,18,19 and 27

Issue:

Approximately 60% of housing allocations in the Primary Growth Area already have planning permission and were therefore negotiated in the absence of this further information. This raises significant questions regarding the ability of this LDP to maximise the required affordable housing. The Rhydycar West site could indeed offer up valuable contributions in this regard.

Council response:

The representor is correct in saying that approximately 60% of the allocations in the Primary Growth area have planning permission, and there is also a similar level of allocated sites with planning permission in the remainder of the County Borough. Some of these sites are under construction, or in some cases, complete. The sites that make up this 60% of allocations will contribute approximately 2000 units towards the overall dwelling requirement.

The sites that have consent, are under construction, or are completed have contributed various planning obligations despite being negotiated in the absence of the further information referred to in the representor's comments. Appendix 4 of the LDP Written Statement, as amended by the post-suspension proposed changes, reflects the situation as at July 2010. There have been over 100 affordable houses completed since the start of the Plan period; whilst another 140 affordable dwellings are currently under construction; 130 affordable units are consented on developments yet to commence; and £300,000 has been secured towards affordable housing contributions through Section 106 agreements.

There remain a number of allocations that equate to approximately 1900 units that do not have planning permission, and give scope to maximise affordable housing under the emerging policy framework. These sites are in addition to the contribution expected from Policy TB13: Exception Sites for Affordable Housing in the Countryside, and the contribution of affordable units from other sources such as empty homes being brought back into use through SCIF funding.

In relation to the representor's suggestion that the Rhydycar West site could offer up valuable contributions in regard to affordable housing, the Council raises two fundamental concerns:-

Firstly, there remains considerable uncertainty surrounding Rhydycar West and whether or not it would be able to contribute to the strategy of the LDP in any shape or form. This owes much to the fact that, because of the site conditions, which are well documented in the Examination Library, high development costs are likely to prevail, thus preventing the maximisation of affordable housing provision.

Secondly, even if the site were to come forward, it would surely serve as a replacement for many of the 1900 allocated units that are yet to gain planning permission. As indicated above, these sites are still subject to negotiation under the emerging policy

framework and the Council cannot envisage how replacing a large proportion of these units with the Rhydyar West site will maximise affordable housing provision over and above that which will be delivered through the existing housing allocations.

In light of the points raised above the Council considers that the affordable housing policies contained within the LDP, as much as reasonably possible, maximise affordable housing provision across the County Borough.

Recommended changes:

None.

Representor 53 – Merthyr Village Ltd (NLP)

Proposed Change: 194-201

Issue:

Merthyr Village Ltd maintains their objection to Policy TB8 based on previous representations.

Council response:

The Council has reviewed MVL's previous representations and it appears that the only objection that remains unaddressed through the revisions of Policy TB8 relates to how cumulative effects, which are referred to in the supporting justification, would be assessed.

Appendix G (p.92 -93) of Minerals Technical Advice Note 2: Coal (2009) provides detailed guidance on how cumulative impacts of coal extraction should be assessed. To transpose such information into the policy justification would, in the opinion of the Council, be excessive and goes beyond providing the context of the policy. A cross-reference to MTAN 2: Coal (2009) is also not considered necessary as Appendix G constitutes guidance rather than National Policy.

In conclusion, the Council is of the opinion that the omission of further detail on how cumulative effects would be assessed does not render Policy TB9 unsound and no change is recommended.

Recommended changes:

None.

Representor 53 – Merthyr Village Ltd (NLP)

Proposed Change: 202-204

Issue:

Merthyr Village Ltd (MVL) contend that the Policy TB9 does not provide sufficient flexibility to enable it to deal with changing circumstances and therefore fails to meet test of soundness CE4. In order to meet the test of soundness, MVL request that: the exception tests set out within paragraphs 49-51 of MTAN2 are incorporated within the policy; the policy refers to permitted and proposed coal working and a 500 metre buffer zone is drawn around the Merthyr Village site; the LDP acknowledges buffer zones as a temporary and flexible designation; and the policy should not apply to planning applications relating to existing development in the built up area.

Council response:

It is the Council's opinion that the issue of exceptional circumstances as set out in paragraphs 49-51 of MTAN2 (2009) is adequately addressed through the cross-reference made in paragraph 5.9.4 of the policy justification. The LDP clearly acknowledges that this element of national advice needs to be considered alongside the general requirement for a coal working not to be permitted within 500 metres of settlements and to incorporate a reference into the policy wording would not affect the way proposals are dealt with by the Plan.

Notwithstanding this, the Council has considered other representations and accepts that the references to national minerals policy within paragraph 5.9.4 do not all directly relate to national buffer zone policy and is leading to confusion. As such, it is recommended that paragraph 5.9.4 be transferred to Policy TB8. This amendment would better reflect the relationship with national minerals policy and the Council's approach to considering exceptional circumstances as set out below.

The Council does not consider it appropriate to establish a buffer zone around the Merthyr Village site at this stage for a number of reasons. Firstly, the outcome of MVL's current planning application remains uncertain given the complex nature of the site and the recent decision by the Planning Inspectorate Wales (see Examination Document EXAM014A) to make MVL's appeal for non-determination invalid due to the fact that the Environmental Statement remains incomplete. Secondly, the most appropriate means of determining the extent of a buffer zone on this site is through the planning application process. Only through this means can supporting evidence and the exceptional circumstances as set out in national minerals policy be comprehensively examined, and the actual extent of the buffer zone be determined. The close proximity of the Merthyr Village site to sensitive land uses means that even if planning permission was granted, it would not be possible to incorporate a 500 metre buffer zone, and as such, there appears to be no benefit in establishing a 500 metre buffer zone around the site at this stage.

In respect of the deletion of the word "*permitted*" from TB9, this was considered a minor editorial change and no amendments have been made to the permitted active and

inactive mineral operations and their respective buffer zones on the LDP Proposals Map. The effect of the policy therefore remains unchanged.

With regard to the need for the LDP to acknowledge buffer zones as temporary and flexible designation, there is no requirement for this within national minerals policy and the omission of this acknowledgment from the LDP does not render it unsound. Notwithstanding this, a reference to paragraph 33 of Minerals Technical Advice Note 2: Coal (2009) is recommended within a revised paragraph 5.9.4 (See Council's response to representor 72 for further details).

In relation to the point that the policy should not apply to planning applications relating to existing development in the built up area, it is the Council's opinion that extensions to existing built development would fall under the definition of *"new sensitive development"* and Policy TB9 would apply.

Recommended changes:

The Council recommends that paragraph 5.9.4 be deleted from Policy TB9 and inserted as paragraph 5.8.4 of Policy TB8 as follows:

~~5.9.4 Mineral resources commonly abut the settlement boundary and any proposals to work such resources would be expected to maintain an appropriate separation distance from sensitive land uses. In respect of coal, the principle of coal working not generally being acceptable within 500 metres of settlements as set out in paragraph 29 of Minerals Technical Advice Note 2:Coal (2009) will be adhered to. Where exceptional circumstances are considered to exist, regard will also be had to paragraph 49-51 of Minerals Technical Advice Note 2:Coal (2009).~~

5.8.4 Mineral resources commonly abut the settlement boundary and any proposals to work such resources would be expected to maintain an appropriate separation distance from sensitive land uses. In respect of coal, the principle of coal working not generally being acceptable within 500 metres of settlements as set out in paragraph 29 of Minerals Technical Advice Note 2:Coal (2009) will be adhered to. Where exceptional circumstances are considered to exist, regard will also be had to paragraph 49-51 of Minerals Technical Advice Note 2:Coal (2009).

Existing paragraphs 5.8.4 and 5.8.5 of Policy TB8 become paragraphs 5.8.5 and 5.8.6 respectively.

In addition, the Council recommends that a revised paragraph 5.9.4 be inserted under Policy TB9 as follows:

5.9.4 Policy TB9 will be applied in conjunction with paragraph 40 of Minerals Planning Policy Wales (2000) and paragraphs 32 and 33 of Minerals Technical Advice Note 2: Coal (2009).

Representor 64 – NJW Developments / Little & Co. Development Services (Hyder)

Proposed change: 226 (site allocation H49)

Issue:

Insert the word "possible" before reference to 'transformer upgrade' in the anticipated contributions for this site. Additionally, provide further clarification regarding the contributions likely to be required for transportation improvements.

Council response:

The Council offers no objection to the word "possible" being introduced to the anticipated contributions under site allocation H49 (LDP Written Statement - Appendix 4) in order to provide consistency with the advice of the utility provider on the electricity transformer.

In terms of transportation improvements, the site already benefits from outline planning consent (application P/O6/O447 refers) and the Council is aware that a Transport Assessment and Proposed Junction Access Report have already been undertaken / prepared as part of the application process.

The contribution towards transportation improvements identified by the LDP reflects the fact that junction improvements are required in order to successfully implement the aforementioned planning consent. Whilst the requirement for these improvements was conditioned as part of the granting of consent in 2007, the Council considers it important to include such reference in the Plan to take account of potential future circumstances such as the existing consent not being implemented and /or a further application for development being submitted during the plan period.

Recommended changes:

Minor change to the anticipated contributions against site allocation H49 (Appendix 4 - LDP Written Statement). Namely, the insertion of the word "possible" before 'transformer upgrade needed to accommodate development'.

Representor 69 – Environment Agency

Proposed change: 9

Issue:

Policy BW4 (Settlement Boundaries/ Locational Constraints) does not contain a cross-reference to other relevant policy considerations such as BW8.

Council response:

The first page of the Post-Suspension Proposed Changes Document (PS001 in the Examination Library) includes a section entitled 'General Post-Suspension Proposed Changes'. Within this short section is an explanation of the fact that across the entire plan, policy cross referencing has been added to aid the understanding and use of the LDP.

Although the Proposed Changes document itself does not contain each of the specific cross references that has been added, these minor editorial changes can be viewed in the Post-Suspension Composite Plan (PS003 in the Examination Library), and are located at the end of each policy justification. Cross-referencing is not intended to be exhaustive, but has taken place in order to identify other LDP policies which are most likely to be relevant in common circumstances.

In the case of Policy BW4, which is a settlement boundary policy, the complementary policies listed relate to specific types of development, for which, proposals are likely to require a countryside location. They are, therefore, directly relevant to what Policy BW4 sets out to achieve. Whilst the Council does not contend that Policy BW8 (and other policies of the Plan) could also be relevant in the determination of planning proposals, the policy does not relate to countryside development in the way that the identified policies do.

In addition, the post-suspension editorial change proposed to Para 1.2.3 of the LDP helps to clarify the fact that all policies and proposals contained within the LDP are designed to interact and it is therefore important that the Plan is read as a whole.

Recommended changes:

None. The omission of Policy BW8 from cross-referencing as a complementary policy to Policy BW4 does not affect the soundness of the LDP.

Representor 69 – Environment Agency

Proposed change: 31

Issue:

Paragraph 3.7.4 lists various technologies and measures that can be incorporated into building design to achieve sustainable buildings, one of which is ground sourced heat pumps. The representor considers that such measures may require additional consents, and that additional text should be added to make developers aware of this.

Council response:

The Council is aware that some design technologies require separate consents /licenses granted outside of the planning system. Should such technologies be proposed, the need for separate consents /licenses would be highlighted during pre-application discussions or during the statutory consultation of the application. It would also likely be added as an informative to any planning consent granted.

Whilst the Council does not consider that the omission of specific text within the LDP compromises its soundness, there is no objection to the addition of a further sentence at the end of Para 3.7.4 which recognises the representor's comments.

Recommended changes:

Additional text to be added at the end of paragraph 3.7.4, stating:

It should be noted that some technologies will require separate consents / licences granted outside the planning system.

Representor 69 – Environment Agency

Proposed change: 35, 39, 40, 41

Issue:

EA welcomes addition of text in relation to SUDS.

Council response:

The Council welcomes the EA's support for these changes.

Recommended changes:

None.

Representor 69 – Environment Agency

Proposed change: 87-91

Issue:

The representor is unclear as to how rigid the 10-unit threshold in Policy BW17 will be, and asks whether the policy applies to developments of less than 10 dwellings.

Council response:

The Council notes the representor's concern and proposes to change Policy BW17 as set out below. The change removes specific reference to a residential threshold within the policy wording and helps to clarify the Council's intention for the policy to apply to a wider variety of development types including employment, retail and commercial. In addition, Para 3.17.4 will be completely revised in order to cross reference to the relevant paragraph in PPW (July 2010), which indicates where planning obligations should be sought. There will also be a minor amendment to Para 3.17.5 to reflect the fact that obligations will not be sought exclusively on residential development.

Recommended changes:

Second sentence of Policy BW17 to be amended to read:

In order to address the impacts of particular developments, the Council will seek to secure community infrastructure benefits through planning obligations ~~on developments of 10 units or more~~. Such obligations may relate to:.....

Para 3.17.4 to be amended to read:

~~The LDP sites that are expected to generate planning obligations are those housing allocations of 10 units or more included in the schedule of housing sites at Appendix 4. It should be noted however, that obligations may not solely be limited to allocated sites.~~
Planning obligations will only be sought where they satisfy the criteria set out in

Paragraph 3.7.2 of Planning Policy Wales (July 2010).

First sentence of Para 3.17.5 to be amended to read:

Individual Council departments will be responsible for stating the precise level and nature of their requirements as part of the planning application process with obligations only being sought where there is an identified need ~~as outlined in Appendix 4~~.

Representor 69 – Environment Agency

Proposed change: 93

Issue:

EA supports the inclusion of Policy BW18, but suggests that the supporting text (para. 3.18.2) does not reflect the implications to the environment, and in particular, the water environment, with focus on public health.

Council response:

The Council does not consider that the representor's submission relates sufficiently to the minor change being proposed in this instance and that the representor attempts to make a more general comment on the scope of Policy BW18. This policy and its supporting text were formulated in light of EA's representations at deposit stage and were subject to public consultation during the Focussed Proposed Changes stage and the Further Focussed Proposed Changes stage with no objection to the paragraph concerned being received from the EA.

The Council considers it inappropriate to attempt a re-examination of the policy at this late stage and draws attention to the fact that comments should only relate to changes being proposed as a result of the additional work that has been undertaken during the suspension period.

In this respect, the sole alteration being advanced under Proposed Change 93 is the replacement of the word 'historic' with the word 'built' in reference to the environment. It is considered that implications on the water environment are already embraced under the reference to 'natural' environment mentioned earlier in the same paragraph, and a specific policy elsewhere in the LDP relates to development and the water environment (Policy BW8 refers).

Recommended changes:

None.

Representor 69 – Environment Agency

Proposed change: 110, 111 and 205

Issue:

EA are of the opinion that flood risk should be considered when considering B2 employment sites as "*areas of search*" for appropriate waste management facilities.

Council response:

The Council recognises that certain sites within existing B2 employment areas are found within DAM Zone C2 and are unlikely to be suitable for waste management facilities as they are identified as highly vulnerable development. As such, the Council has not included the amount of existing vacant land/units within the total developable area (approximately 10 hectares) put forward to meet estimated land requirements for in-building waste management facilities (up to 3.2 hectares) at the revised Table 1 of Appendix 7 (Post-Suspension Proposed Change 230 refers). As stated in paragraph 4.7.4 of the LDP, existing B2 employment sites are only identified to provide additional choice and flexibility for the waste management industry.

The Council decided to identify the full extent of the existing B2 employment areas for practical and consistency reasons. Some existing B2 employment areas are not affected by DAM Zone C2, while others are only partially affected. In respect of the latter, the DAM Zone C2 areas do not follow discernable boundaries on the ground making it difficult to accurately refine the "*areas of search*" within existing B2 employment areas. The Council considers it more appropriate for the LDP Proposals Map to be used in conjunction with the Planning Constraints Map to inform prospective developers of which sites within existing B2 employment areas are likely to be suitable for waste management facilities.

The EA query why deleted employment site E7 has been not been removed from the "*areas of search*". In response, the Council refers the reader to the reasons set out above; however, it should be noted that the revised Table 2 of Appendix 7 (Post-Suspension Proposed Change 230 refers) indicates that there is currently no land available within Willows/Dragon Parc. It should also be noted that deleted employment site E2 - Pengarnddu 2, which does not fall within a DAM Zone C1 or C2, has been removed from the "*areas of search*" owing to the fact it constituted an extension to the existing employment area, unlike E7 which comprised vacant land within an existing employment area.

In respect of how flood risk will be considered in relation to new and expanded waste management facilities, Policy BW8, which covers flood risk, will be applied to all new built development, including waste management facilities. The LDP is clear that Policies AS7 and TB10 are complementary, and rather than repeat identical 'development control' criteria, Policy BW8 is cross-referenced under TB10. It is therefore the Council's opinion that the LDP policy framework can appropriately consider flood risk in relation to proposed waste management facilities to prevent such facilities being consented in DAM Zone C2.

Recommended changes:

None.

Representor 69 – Environment Agency

Proposed change: 194

Issue:

The first criterion of Policy TB8 generalises 'environmental impacts' rather than specifying the nature of environmental impact, such as biodiversity, water quality or flood risk.

Council response:

In order to reduce the repetition of identical 'development control' criteria in the Plan, the Council has decided to cover environmental impacts generally within Policy TB8 and also refer the plan user to more detailed policies which relate to specific types of environmental impact such as landscape, biodiversity, historic environment etc. (see complementary policies listed after policy justification).

The impact of development on water quality and flood risk would be considered through the third criterion of the policy, which relates to hydrological factors. Policy BW8, which relates to development and the water environment, could not be relied on in this instance as it relates to proposals for built development.

Finally, the Council chose to elaborate on the second criterion of the policy because the combination of dust and vibration is unique to mineral workings and noise is not addressed by a related policy elsewhere in the Plan.

Recommended Changes:

None.

Representor 69 – Environment Agency

Proposed change: 209 & 221

Issue:

EA indicates that the supporting text of Policy TB10, and the monitoring indicator relating to landfill, is not in line with the Regional Waste Plan (RWP).

Council response:

The RWP (Examination Document NAR16) recognises that there will always be a proportion of waste that cannot be re-used, recycled/composted or used to produce energy. It is also accepted that although the aim is to divert waste away from disposal, there will be a period where landfill will continue to be the main available option. As such, Local Authorities need to ensure that there is adequate landfill capacity in South East Wales (see paragraph 6.5.2, page 30 of RWP for a brief summary).

Paragraph 5.10.4 of the LDP reflects the fact that the Council has appropriately considered the capacity of Trecatty landfill site over the Plan period and demonstrates that this landfill site can continue to fulfil its diminishing role within Council's waste strategy. The related local indicator in the monitoring framework has been included in order to monitor existing, and adequately plan for future, landfill capacity. The Council considers this to be both a reasonable and sensible approach.

The EA enquire as to whether consideration has been given to a target and indicator that would measure diversion from landfill. The Council is of the opinion that the delivery of other new waste management facilities will, in turn, result in the diversion of waste from landfill. As the monitoring framework contains a core target and indicator relating to the delivery of new waste management facilities, no further targets and indicators are considered necessary and the Plan remains sound.

Recommended changes:

None.

Representor 69 – Environment Agency

Proposed change: 221

Issue:

The third core indicator of Strategic Objective 5 could benefit from being clearer.

Council response:

This core indicator is taken directly from the core indicators identified in paragraph 9.5.4 of the Local Development Plan Manual (2006) (Examination Document NAT01). The wording of the indicator is considered to be clear and no change is recommended.

Recommended changes:

None.

Representor 69 – Environment Agency

Proposed change: 221

Issue:

The local core indicator of Strategic Objective 5, which relates to SUDS, should be revised so that the trigger level specifies the size of development and covers a shorter time-scale.

Council response:

The Council recognises that there are a wide range of sustainable drainage options suitable for different scales of development and certain smaller scale measures are now likely to be secured through national sustainable building standards. It therefore seems unlikely that no developments will incorporate SUDS on an annual basis. The main benefit of Policy BW8 will be through securing larger-scale measures such as swales, basins and ponds. The Council therefore recommends that the trigger level be revised to focus on developments of 1ha or more.

In terms of timescale, the Council would not wish to reduce the period of time to one year. Whilst it is recognised that SuDS are versatile, there may be instances where they are not appropriate for practical or environmental reasons. A time-frame of at least two years is considered necessary to prevent an unnecessary review of the policy.

Recommended changes:

The Council recommends that the local core indicator of Strategic Objective 5, which relates to SUDS, be revised as follows:

		Trigger Level	Sources of Information
<u>Local</u> Developments incorporating sustainable urban drainage systems (SuDS)	All developments to include SuDS where appropriate All developments of 1 ha or more to include SuDS where appropriate	No permitted developments incorporating SuDS for 3 consecutive years No permitted development of 1 ha or more incorporating SuDS for 2 consecutive years	Town Planning Division

Representor 69 – Environment Agency

Proposed change: 226 (Appendix 4 - H39, Merthyr Vale).

Issue:

It is noted that the surface water flood assessment will be necessary on this site. However, it should be noted that a Flood Consequence Assessment will also need to be undertaken for each stage of this project, including informing and ensuring adequacy of the flood risk mitigation measures.

Council response:

Outline planning consent for the development of this site already exists following a public inquiry held in September 2007, at which, a comprehensive flood consequence assessment was provided. A detailed application for the provision of services and infrastructure is currently under consideration by the Council having regard to the requirements of the Environment Agency.

Appendix 9 of the LDP Written Statement (as amended by post-suspension proposed change 232) identifies the site as one of 3 allocations in the LDP situated in C2 flood zones, and one that will require further flood consequence assessment in order for detailed development proposals to be considered. This being the case, the Council does not consider that additional reference to a flood consequence assessment is necessary against site allocation H39 in Appendix 4.

However, as noted by the representor, as part of the Council's submission of additional work, the site has also been identified as requiring a surface water flood assessment to help inform the incorporation of appropriate mitigation measures in future. Reference to this requirement is to be added against site allocation H39 in Appendix 4. Post-suspension proposed change 226 is relevant in this regard.

Recommended changes:

None.

Representor 70 – National Grid (WYG)

Proposed change: 9

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: M7

Issue: Draws attention to the location of National Grid assets and the need to consider them in future development.

Council response: Noted.

Recommended changes: None.

Proposed change: M10

Issue: Draws attention to the location of National Grid assets and the need to consider them in future development.

Council response: Noted.

Recommended changes: None.

Proposed change: M15

Issue: Draws attention to the location of National Grid assets and the need to consider them in future development.

Council response: Noted.

Recommended changes: None.

Representor 72 – Miller Argent (RPS)

Proposed change: 2; 126-127, 227; M17 and M18.

Issue:

The Council should continue to allocate site E5 (Policy AS14) as land will be available to accommodate approximately 50 per cent of the original E5 allocation as set out in the Deposit Plan.

Council response:

Site allocation E5 (Ffos-y-Fran) was included in the Deposit LDP as a B1 employment site following its submission by the site proponent as part of the candidate sites process. The site was reduced in size by approximately 50 per cent as part of the LDP Focussed Proposed Changes as it became apparent that there were deliverability issues on some of the land which would affect its availability within the plan period.

The Employment Land Review (ELR) commissioned by the Council during the suspension of the LDP Examination, in making qualitative assessments of all allocated and relevant candidate sites, subsequently identified the site as being unsuitable for B1 uses and suggested it would be more appropriate for B2, B8 or other specialist uses instead.

In taking the ELR's recommendations for all relevant sites into account, the Council considers that the County Borough's B1 and B2 employment land requirements are better met elsewhere, by sites that are more suitably located and/or already benefit from an established level of infrastructure, and which can be delivered in their entirety earlier within the plan period, thus making a genuine contribution to the delivery of the LDP strategy.

The representor's concern that the Council did not allocate the southern part of E5 owing to the site's availability/deliverability may have been misinterpreted. Whilst the ELR indicates that mineral working on the northern part of the site will continue until 2025, it does not dispute the fact that the southern part of site would be available by the end of the Plan period in 2021.

However, paragraph 6.24 of the ELR explains the definition of 'deliverable' and 'developable' for the purposes of classification in Table 6.1 - Site Assessment Grading: For a site to be classified as 'deliverable' it must be 'available with no or only a minor amount of work necessary to bring it forward in the next five years' - site E5 does not qualify on this basis as, being part of an existing reclamation site that, at this location, is not due for completion until the end of the plan period, it clearly has constraints that cannot be fully addressed / remedied within the required timescale.

For a site to be classified as 'developable' in Table 6.1, at least some investment is required to enable the site to come forward within the 15-year lifespan of the Plan. Notwithstanding the aforementioned reclamation work, which is ongoing, future investment in the significant infrastructure provision necessary to bring E5 forward currently appears remote. The Council is therefore of the view that when considered against other available options for employment allocations elsewhere in the Plan area,

there are alternatives that require much less investment and which compare more favourably in this regard.

The Council concludes that the omission of allocation E5 does not make the plan 'unsound', nor would the inclusion of the site improve the soundness of the plan, as the identified need for employment land has been met elsewhere in the County Borough. Though the number of employment sites in the LDP has been reduced as a result of the work carried out during the suspension of the LDP Examination, the remaining allocated sites are closely aligned to the findings /recommendations of the ELR and still constitute a 14.1ha over-allocation compared to the amount of land that is considered necessary to fulfil the LDP strategy. This over-allocation is considered prudent in order to provide flexibility and choice to the market.

Recommended changes:

None.

Representor 72 – Miller Argent (RPS)

Proposed change: 9; 12 and 14

Issue:

Revised Policy BW4 is inflexible as it expressly prohibits development not included in the shortlist of permissible development.

Council response:

The Council notes the comments made by the representor and draws the reader's attention to a minor change that the Council is proposing to make to Policy BW4 as a result of comments received from another respondent (representor 073 refers).

This change is being proposed to reflect the most up to date terminology included in national planning policy, particularly, the definition of rural enterprises included at paragraph 4.3.2 of TAN 6, which states that rural enterprises comprise of "*land related businesses including agriculture, forestry and other activities that obtain their primary inputs from the site, such as the processing of agricultural, forestry and mineral products together with land management activities and support services (including agricultural contracting), tourism and leisure enterprises.*"

By reflecting this important terminology in policy, the Council considers that Policy BW4 can be made as flexible as reasonably possible without undermining the Plan's clear stance against unsuitable development in the countryside of the County Borough.

With regard to the particular developments the representor cites at the Cwmbargoed complex, the Council considers that each of the individual uses stipulated would now fall to be considered comfortably under the newly inserted term 'rural enterprises' into the policy. Furthermore, there is no conflict with the aims of Policy AS23 to increase the potential of the railhead through the location of appropriate uses there.

Notwithstanding, as the representor appears to accept, paragraph 3.4.5 of the policy justification states that the policy is not intended to be exhaustive, but represents the range of development that is most likely to arise in the countryside of the County Borough.

Recommended changes:

The first bullet point of Policy BW4 is proposed for minor amendment as follows:-

- The development is associated with ~~either agriculture, forestry~~ rural enterprises or the winning and working of minerals;

Representor 72 – Miller Argent (RPS)

Proposed change: 15 – 21

Issue:

Suggests a revision to Policy BW5 to reflect national policy in allowing for other material planning considerations to outweigh potential adverse effects on the environment.

Council response:

Development plans often contain exceptions, qualifications and overlapping policies on which value judgements have to be made. It is possible that development proposals can both accord with, and be contrary to different policies.

The Council considers that the inclusion of the suggested text within Policy BW5 is unnecessary as it would simply repeat national development control policy. In this instance, a reference to the appropriate paragraph in PPW (July 2010) in the policy justification would help to assist users of the Plan in making a balanced judgement.

Recommended changes:

Additional text at the end of the first sentence in paragraph 3.5.3 to read:-
Policy BW5 applies to proposals that would, or would be likely to have an impact on landscape and biodiversity interests **and should be read in conjunction with paragraph 5.5.2 of Planning Policy Wales (Edition 3, July 2010).**

Representor 72 – Miller Argent (RPS)

Proposed change: 102 and M1

Issue:

Supports the removal of site allocation H10 from the LDP, and accepts the continued allocation of sites H24 and H25, but considers that explanation is required in the Plan's supporting text as to why the latter two sites are allocated within the 500m mineral buffer zone.

Council response:

The Council welcomes the representor's support for the relevant proposed changes to the LDP.

In response to the representor's suggestion that specific text is included in the Plan to explain the inclusion of site allocations H24 and H25 in the mineral buffer zone, the Council refers the reader to Para. 5.9.3 of the supporting text to Policy TB9 which already recognises this fact, and states:

"Historically, a number of developments have occurred within the buffer zones of the County Borough and it will be noted that certain LDP allocations have also been made in such areas. These allocations either reflect existing but unimplemented planning consents, or alternatively, they reflect topography or the fact that planned operations within the mineral site will incrementally move away from the allocations concerned so as to make the principle of development acceptable over the longer term."

In light of the above, the Council does not consider that the addition of a specific explanation referring to the allocation of H24 and H25 as part of Policy AS1 would improve the soundness of the Plan.

Recommended changes:

None.

Representor 72 – Miller Argent (RPS)

Proposed change: 107 - 109

Issue:

Suggests a revision to Policy AS6 to accord with (representor's) suggested revision to Policy BW5.

Council response:

The Council considers that the insertion of the suggested additional text would be unnecessary as it would repeat national development control policy that is proposed to be cross-referenced in the supporting text to Policy BW5 as a result of the representor's comments in relation to that policy.

Policies BW5 and AS6 are identified as complementary policies in the LDP.

Recommended changes:

None.

Representor 72 – Miller Argent (RPS)

Proposed change:

172-176, 225 & 230. Relating to Additional Work Volume 3 – Proforma 10, Proforma 22, SAR 6 and SAR23.

Issue:

Miller Argent object to Policy AS23 for the following reasons:

1. There is no certainty as to what land can be delivered within the plan period;
2. MTCBC misrepresents the advice in the Employment Land Review – Final Report (July 2010) by failing to identify the benefits of Cwmbargoed;
3. The failure to allocate a large area of land is inconsistent with LDP strategy and objectives, and the approach taken towards employment allocation E4; and
4. The Cwmbargoed site is not a threat to other allocated sites.

Council response:

In respect of the delivery of development on the site, Miller Argent has focussed its representations on the individual areas of land allocated within the administrative area of Merthyr Tydfil CBC. The Council disagrees with this approach as the proposal is a cross-boundary allocation which requires a focus on the delivery of development within the site as a whole. The Statement Of Cross-Boundary Co-ordination between Merthyr Tydfil CBC and Caerphilly CBC (Examination document EXAM028) states that there will be between 2ha and 4ha of land available within the Cwmbargoed Disposal Point as a whole, and representatives of Miller Argent have confirmed this figure in discussions with the Council (see the appendix to Proforma 30 – Examination document EXAM051). It is the Council's opinion that this area of land is deliverable and sufficient to enable an increase in the use of the Cwmbargoed railhead over the plan period.

With regard to the Council's interpretation of the Employment Land Review –Final Report (July 2010), the Council accepts the findings of paragraph 6.17 and has not actively sought to misrepresent them. The reasons for not allocating the site despite the findings of paragraph 6.17 are set out below:

The Employment Land Review, amongst other things, considered the future employment land requirements from a **labour supply balance** position. This identified the number of jobs required to achieve the target employment rate of 80% under the enhanced growth strategy. As there is more than sufficient employment land already allocated to meet the requirement identified, the Council is of the opinion that the enhanced growth strategy will be delivered and the strategic objectives will be met without a larger employment land allocation at Cwmbargoed. Adequate choice and flexibility is provided through the allocation of E4 which can also accommodate a 'one-off' development relating to a large employer looking to locate to the region.

Miller Argent draws parallels with employment site E4 and argues that the same principles should be applied to land at Cwmbargoed. Whilst it is acknowledged that the further allocation of land at Cwmbargoed would provide additional choice and flexibility, a judgement has to be made on the scale of over-allocation within the Plan. The Council

are of the opinion that the current level of over-allocation delivers the right balance, providing sufficient flexibility without falling too far out of sync with the market.

Finally, the Council disagrees with Miller Argent's assertion that the Cwmbargoed site is not a threat to other employment land. The large employment allocation at Cwmbargoed would fulfil a similar function to E4 in terms providing for a 'one-off' development and both sites are considered suitable for specialist industrial uses. Hence, it is possible that these two sites could find themselves in competition over a new employment development.

Recommended changes:

None.

Representor 72 – Miller Argent (RPS)

Proposed change:

215 and 216. Relating to Additional Work Volume 2 – Proforma 22.

Issue:

Miller Argent object to the deletion of Policy TB12 as they consider that Policy AS23 does not afford adequate recognition to the unique potential of the Cwmbargoed railhead to support large-scale employment uses.

Council response:

Policy TB12 has been changed from a topic-based policy to an area-specific policy due to the realisation that, of the rail lines present in the County Borough, only the Cwmbargoed railhead has the potential over the plan period to increase its usage.

The Statement Of Cross-Boundary Co-ordination between Merthyr Tydfil CBC and Caerphilly CBC (Examination document EXAM028) states that there will be between 2ha and 4ha of land available within the Cwmbargoed Disposal Point as a whole, and representatives of Miller Argent have confirmed this figure in discussions with the Council (see the appendix to Proforma 30 – Examination document EXAM051). It is the Council's opinion that this area of land is deliverable and sufficient to enable an increase in the use of the Cwmbargoed railhead over the plan period.

Recommended changes:

None.

Representor 72 – Miller Argent (RPS)

Proposed change:

194 and 195. Relating to Additional Work Volume 3 – Proforma 34

Issue:

Criterion 4 of Policy TB8 appears to be absolute and inflexible, and as such, the word “unacceptably” should be introduced before the word “conflict”. In respect of the policy justification, the second sentence of paragraph 5.8.1 should be revised and a new subheading introduced.

Council response:

With regards to the change proposed to criterion 4 of Policy TB8, the Council is of the opinion that the insertion of the word “unacceptably” before the word “conflict” would not improve effectiveness of the Plan. A value judgement on the conflict with transportation considerations can be made at the planning application stage where regard will be had to the extent of compliance or breach and the importance of other policies which are complied with or infringed. The use of the word “unacceptable” is however considered necessary elsewhere in the policy as it has been used in conjunction with the word “impact”, which requires qualification.

In respect of the policy justification, the Council does not object in principle to the minor changes proposed. However, it is not considered that the changes affect the soundness of the policy and would only have a marginal benefit in terms of clarity.

In conclusion, it is the Council's opinion that Policy TB8 meets the Tests of Soundness and no changes to the policy are necessary.

Recommended changes:

None.

Representor 72 – Miller Argent (RPS)

Proposed change:

204. Relating to Additional Work Volume 3 – Proforma 31

Issue:

Miller Argent are of the opinion that paragraph 5.9.4 relates to areas where coal working would not generally be acceptable and is misplaced in Policy TB9 which deals with buffer zones. In addition, Policy TB9 contains no cross-referencing to those paragraphs of Mineral Technical Advice Note 2: Coal, and Minerals Planning Policy Wales, that relate to buffer zones.

Council response:

The Council has further considered the relationship of paragraph 5.9.4 with Policy TB9 and accepts that the references to national minerals policy within paragraph 5.9.4 do not all directly relate to national buffer zone policy and that this may be leading to confusion. As such, it is recommended that paragraph 5.9.4 be transferred to Policy TB8. This amendment would better reflect the relationship with national minerals policy and the Council's approach to considering exceptional circumstances.

With regard to adding further cross-references to MTAN 2: Coal and MPPW, the Council is of the opinion that elements of paragraph 40 MPPW and paragraphs 32 and 33 would augment Policy TB9 and recommend that a cross-reference be added to the policy justification section. However, paragraphs 52 to 54 of MTAN2 relate to new minerals working which could result in newly drawn buffer zones. As policy TB9 focuses on proposals for new sensitive development within established buffer zones, it is not considered that these paragraphs are complementary.

Recommended changes:

The Council recommends that paragraph 5.9.4 be deleted from Policy TB9 and inserted as paragraph 5.8.4 of Policy TB8 as follows:

- 5.9.4 ~~Mineral resources commonly abut the settlement boundary and any proposals to work such resources would be expected to maintain an appropriate separation distance from sensitive land uses. In respect of coal, the principle of coal working not generally being acceptable within 500 metres of settlements as set out in paragraph 29 of Minerals Technical Advice Note 2:Coal (2009) will be adhered to. Where exceptional circumstances are considered to exist, regard will also be had to paragraph 49-51 of Minerals Technical Advice Note 2:Coal (2009).~~
- 5.8.5 Mineral resources commonly abut the settlement boundary and any proposals to work such resources would be expected to maintain an appropriate separation distance from sensitive land uses. In respect of coal, the principle of coal working not generally being acceptable within 500 metres of settlements as set out in paragraph 29 of Minerals Technical Advice Note 2:Coal (2009) will be adhered to. Where exceptional circumstances are considered to exist, regard

will also be had to paragraph 49-51 of Minerals Technical Advice Note 2:Coal (2009).

Existing paragraphs 5.8.4 and 5.8.5 of Policy TB8 become paragraphs 5.8.5 and 5.8.6 respectively.

In addition, the Council recommends that a revised paragraph 5.9.4 be inserted under Policy TB9 as follows:

- 5.9.4 Policy TB9 will be applied in conjunction with paragraph 40 of Minerals Planning Policy Wales (2000) and paragraphs 32 and 33 of Minerals Technical Advice Note 2: Coal (2009).

Representor 73- Welsh Assembly Government

Proposed change: 4

Issue:

Consider amending first bullet point of Policy BW4 to comply with terminology in PPW 3rd edition 2010 and TAN 6 (2010).

Council response:

A minor amendment to bullet point 1 is proposed to reflect the up to date terminology.

Recommended changes:

Bullet point 1 to read:

- The development is associated with ~~either agriculture, forestry~~ rural enterprises or the winning and working of minerals;

Proposed change: 43

Issue:

Policy BW10 Mineral Safeguarding - the full policy wording has not been included, although it is in the composite document PS003.

Council response:

Part of the policy wording was not included in the schedule due to a technical error, however, as the representor states, the full policy wording is included in the composite document which was issued for consultation contemporary to the schedule of changes.

Recommended changes:

None.

Proposed change: 87-91

Issue:

It would be prudent to reflect in the reasoned justification to Policy BW17 'Securing Community Infrastructure Benefits' the current status in relation to the Community Infrastructure Levy Regulations 2010.

Council response:

An additional sentence at the end of paragraph 3.17.5 is proposed to clarify the Council's position in regard to the Community Infrastructure Levy Regulations 2010.

Recommended changes:

The following text is to be added to the end of Para 3.17.5:-

With regard to the introduction of the Community Infrastructure Levy, the Council will prepare an implementation timetable to accompany the first LDP Annual Monitoring Report.

Proposed change: 220**Issue:**

Paragraph 5.13.3 - suggest consider amending to comply with terminology (affordable housing exception sites) in PPW 3rd edition 2010.

Council response:

Several minor amendments to paragraph 5.13.3 are proposed to reflect the most up to date terminology in PPW (July 2010).

Recommended changes:

Paragraph 5.13.3 to read:

Affordable Housing Exception Sites shall not be larger than 10 units as this accords with the requirements of national planning policy (Para 9.2.23, Planning Policy Wales (Edition 2 3, July 2010)) that ~~rural~~ affordable housing exception sites should be "small" in size. Setting the limit at 10 dwellings also accords with the definition of a small site in both the LDP itself and the Annual Joint Housing Land Availability Study.

Proposed change: 221**Issue:**

Some additional text would assist the plan user in understanding how the monitoring framework will be used.

Council response:

The Council considers that a full explanation of the monitoring framework will be more appropriate to include in the Annual Monitoring Report; however, a reference to this will be added to the section on Monitoring in Chapter 1 of the LDP.

Recommended changes:

Additional text to be added after first sentence in paragraph 1.3.29 as follows:-

In order to do this, the AMR will explain how the various targets and triggers set out at Chapter 6 of the LDP help inform the monitoring and review process.

Proposed change: LDP Proposals/Constraints Maps

Issue:

Conservation areas should be identified on the LDP Proposals Map

Council response:

Such matters were discussed at the recent LDP Progress meetings and the Council envisages there will be further discussion at the remaining LDP hearings.

Recommended changes:

The Council does not object to making changes to the LDP proposals map as necessary and appropriate but owing to the amount of information that could potentially be included, and the need for clear interpretation by the reader, it is recommended that two proposals maps are created (A&B). The first could contain the information included on the existing Proposals Map, and the second could include information currently displayed on the Planning Constraints Map (such as Conservation Areas) to which LDP policies apply.

Representor 74 – Redrow Homes

Proposed change: 226 (site allocation H48)

Issue:

Two separate comments are made. The first highlights the fact that a development brief for H48 has already been produced by Merthyr Tydfil CBC and that Redrow's planning application strongly conforms to it. Secondly, Redrow propose a different delivery timetable to that contained within Appendix 4 of the LDP Written Statement.

Council response:

With regard to the need to produce a development brief for H48, the Council can confirm that a development brief was prepared in 2009, which was three years after the start of the plan period (2006-2021). Hence, it is not technically incorrect for Appendix 4 to state that a development brief for H48 is required. Whilst Appendix 4 could be updated to reflect the change, it is the Council's opinion that this matter does not affect the soundness of the plan and making the change would add little value to the Plan's effectiveness.

In respect of the timescale for the delivery of houses on the site, Redrow estimate that the overall construction period for the proposals will be approximately 8-10 years from 2011 to 2019-2021. Development of the site would be undertaken in two phases with house building beginning at the end of 2011. House building on phase 2 will commence approximately 4-5 years from commencement of phase 1. The actual phasing and rate of development will be influenced by market conditions and is therefore likely to vary from the estimated programme.

Whilst both parties agree on the need for a phased approach, there is a difference in opinion on the anticipated amount of houses to be delivered in each phase. Appendix 4 of the LDP indicates an anticipated delivery of 100 units between 2012 and 2016 and 200 units between 2017 and 2021, while Redrow propose to deliver 200 units between 2012 and 2016 and 100 units between 2017 and 2021.

The Council has taken a more conservative approach to the delivery of housing on the site for the following reason. The current planning application will not be determined until after the LDP has reached adoption, which is not likely to be until early 2011. If consent is granted, a further reserved matters application would need to be submitted and determined. Again, if the latter is approved, physical works, including site clearance, levelling, highways and drainage, would need to be undertaken before house building begins. Consequently, the Council considers the estimated start date of house building on the site in late 2011 to be optimistic and anticipates that more of the housing will be delivered in the second phase (2017-2021).

Notwithstanding the above, the LDP does not seek to control the delivery of housing through a phasing policy and the anticipated delivery timescales provided in Appendix 4 are only indicative. There is sufficient flexibility in the Plan to allow for the faster rate

of delivery proposed by Redrow which can be monitored via the housing indicators and milestone targets contained within the monitoring framework. It is the Council's opinion that this matter does not affect the soundness of the Plan and no change to the LDP should be made.

Recommended changes:

None.

Representor 76 – Home Builders Federation

Proposed change: 27

Issue:

Bullet point 11 in Policy BW7 is restrictive, inflexible and does not accord with national guidance (particularly in regard to the use of renewable energy technologies).

Council response:

The Council considers that the representation relates to bullet point 9 of Policy BW7 rather than bullet point 11.

The Council does not agree that bullet point 9 fails to accord with national guidance as paragraph 4.4.2 of Planning Policy Wales (July 2010) clearly states that planning policies should maximise the use of renewable sources and facilitate development that provides for renewable energy.

By including a requirement for renewable energy within Policy BW7, the Council considers that the LDP accords with the general thrust of national policy which is to secure zero carbon buildings through promoting low and zero carbon technologies (paragraph 4.11.2 Planning Policy Wales, July 2010), of which renewable energy technologies will undoubtedly play a significant role.

The representor suggests that the appropriate level of the Code for Sustainable Homes can be met without incorporating renewable energy technologies. Whilst this is the case at present, as the level of the Code required by national policy becomes higher in future, the probability that renewable energy technologies will be required will also increase.

It is worth noting that many developers are already using renewable energy technologies in order to meet the current requirements of the Code for Sustainable Homes. A significant number of recent developments in Merthyr Tydfil have incorporated renewable energy technologies in their design. Photo-voltaic panels have been installed as part of several housing schemes, both through Registered Social Landlords and private developers, and one of the largest housing sites in the County Borough (site allocation H48) is proposing to use Solar Water Heating technology in order to provide dwellings with renewable energy.

Notwithstanding, the Council recognises the representor's concerns on the flexibility of bullet point 9 as any requirements in policy have to be viable and not act as barriers to development or planned growth. For this reason, a minor change to the policy wording is proposed as set out below.

Recommended changes:

In order to improve the flexibility of Policy BW7, bullet point 9 should be amended to read:-

- Minimise the demand for energy and, **where appropriate**, utilise the renewable energy resource through.....

Proposed change: 167

Issue:

The affordable housing policy is very ambitious and might have a greater impact on development viability than the Affordable Housing Viability Study assumes.

Council response:

See response below

Recommended changes: -----

Proposed change:

Background Information - Affordable Housing Viability Study

Issue:

The affordable housing policy is very ambitious and might have a greater impact on development viability than the Affordable Housing Viability Study assumes.

Council response:

The Council considers that the revised affordable housing policy is as ambitious as possible given the results of the Viability Study, but still remains realistic and deliverable over the plan period. The testing carried out in the Viability Study is high level testing and is intended to give a general indication towards what is an appropriate target/threshold to set in policy. As the justification text of Policy AS22 states, negotiation on a site-by-site basis will be necessary and will be dependent on a variety of factors including development viability.

The representor asks for an explanation of how the figure of £30,000 per hectare for other infrastructure work was arrived at, and in response, the Council refers the reader to the short explanation included at paragraphs 3.18 and 3.19 of the Viability Study.

The Council analysed the development costs of a number of schemes that had submitted such information over the past 3 years. The use of the Development Appraisal Toolkit (DAT) during this time has given a clearer picture of what costs are unaccounted for in the default values of the DAT. An average value per hectare was then calculated for these unaccounted costs over the schemes that were available for the Council to analyse. As the schemes analysed covered a range of site sizes and locations, the Council considers that this has resulted in a reasonable figure being put forward, a point the representor agrees with.

The representor suggests that the Viability Study has underestimated the cost of achieving the Code for Sustainable Homes. The Council reiterates the fact that the Viability Study contains high level testing and realises that negotiation on a site by site basis will be necessary to determine the precise amount and type of affordable housing delivered.

The Council wishes to state that the Affordable Housing policy contained within the LDP does not rely on house price inflation to make it sound and robust. The testing of different scenarios merely indicates that it is appropriate to seek differing levels of affordable housing through the planning system as development viability varies. The Council considers that Policy AS22 is sound and robust as it requires an appropriate level of affordable housing contribution at the present time. There is also a trigger in the monitoring framework of the Plan where a 10% change in average house price across the County Borough will require the policy to be reviewed. Any review of policy would then include carrying out revised viability assessments with both new revenues and costs included.

The Council recognises the representor's concerns with regard to using alternative land use values as benchmarks in the viability assessment, however, it is again worth stressing that these are high level assessments that have been carried out to set a policy target and threshold. The precise amount and nature of affordable housing on any given development will be subject to negotiation.

Finally, the representor raises concerns surrounding the viability of small sites and the figures in the DAT that are also used in Chapter 5 of the Viability Study. The threshold of 10 units for an affordable housing contribution has primarily been set at that level for practical reasons (see Paras. 6.2.4 - 6.2.9 of the Viability Study); however, development viability and site supply have also been taken into account when setting the target. The assessments carried out as part of Chapter 5 are of specific examples using the methodology and data available, and the Council acknowledges that no two developments are the same. The Council considers that setting the threshold at 10 units will not jeopardise the development of smaller sites as, again, all developments that generate a contribution will be subject to negotiation.

Recommended changes: None.

Representor 77 – The Coal Authority

Proposed change: 9

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed changes: 43/44/45/46/50

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 95/96

Issue: Support.

Council response: Noted and welcomed. The Council considers that in proposing changes to the Plan, it has taken full account of the discussions that occurred during the relevant LDP hearing sessions, and since no further work on land stability at Rhydycar West was required as part of the agreed programme of additional work, no further changes are necessary.

Recommended changes: None.

Proposed change: 194/196/197/198

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: 202/203/204

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: M1

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: M28

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

Proposed change: M34

Issue: Support.

Council response: Noted and welcomed.

Recommended changes: None.

The Merthyr Tydfil Local Development Plan 2006-2021

**Council's responses to representations received during
consultation on the further post-suspension proposed
changes 16th December 2010 - 27th January 2011**

Representor 50: Countryside Council for Wales

Issues:

Countryside Council for Wales suggests that a reference to Chapter 6 of TAN 5: Nature Conservation and Planning (2009) should be added to paragraph 3.5.5. In addition, changes to the wording of two nature conservation-related indicators and their associated targets and trigger levels within the monitoring framework are also recommended.

Council response:

In respect of the suggestion for a reference to Chapter 6 of TAN 5: Nature Conservation and Planning (2009) to be added to paragraph 3.5.5, this reference is already contained within the Schedule of Further Post-Suspension Proposed Changes dated December 2010 (see proposed change to paragraph 3.5.5).

With regard to the wording changes proposed to the two nature conservation-related indicators and their associated targets and trigger levels, the Council is of the opinion that the alternative wording suggested by CCW would not have an effect on the way in which the nature conservation-related LDP policies are monitored. Both forms of wording seek to monitor the potential effect of a development proposal on nature conservation interests, and it is the Council's opinion that the current phrase, "*cause harm to*", is more appropriate as it reflects the terminology used within Policy BW5: Natural Heritage. Finally, the trigger level for the SINC/LNR-related indicator is less stringent than the trigger level for the SSSI-related indicator due to their non-statutory and statutory statuses respectively. Notwithstanding this, the Council will investigate any policy that fails to meet its target, and as such, it is possible that a full review of the related LDP policy could be undertaken as a result of just one development causing harm to the overall nature conservation value a SINC of LNR.

Recommended changes:

None.

Representor 58: The Theatres Trust

Issue:

Definition of 'community facility' within Policy BW15.

Council response:

The Council considers that The Theatres Trust representation does not relate to the current consultation documentation, and therefore, relevant debate surrounding such matters has already occurred.

The nature of the representation appears to relate to the previous consultation on Post-Suspension Proposed Changes (document PS001 in the Examination Library).

However, the representation was accepted by the Council and forwarded to the Examination in the interests of completeness and transparency.

Recommended changes:

None.

Representor 77: The Coal Authority

Issues:

Supports the clarification of policy criteria that had previously been omitted through technical error.

Supports amendments to Mineral Buffer Zones Policy TB9, and Paras. 5.8.4 and 5.9.4

Objects to the deletion of the Planning Constraints Map on the basis that Coal Mining Referral Areas will not be delineated as part of the LDP.

Council response:

This representation was received late and was sent to the wrong email address, but was accepted by the Council and forwarded to the Examination in the interests of completeness and transparency.

The Council notes The Coal Authority's indication of support on the first two issues.

With regard to the single point of objection, the Council considers that a full debate surrounding the issues of Coal Referral Areas and the Planning Constraints Map has already occurred as part of the Examination process.

At the LDP hearing sessions, it was confirmed that the Planning Constraints Map (when still in existence) did not constitute part of the Plan. Therefore, it seems of little consequence whether the information on Coal Referral Areas held within the Council is included on a Planning Constraints Map, or whether it is included on a Coal Referral Areas Map. Both maps would lie outside the LDP process.

Recommended changes:

None.

Representor 103: Hanson Aggregates

Issue:

The representor comments in relation to certain permitted reserves at Gelligaer Quarry not being shown on the LDP Proposals Map, and requests that the map be updated to rectify this factual omission.

Council response:

Given that the LDP should be as up-to-date and as accurate as possible, the Council considers that the LDP Proposals Map should be updated as requested by the representor. Specifically, it should take into account the area of land granted planning consent in as part of planning application P/97/0120 in 1997 and, by implication, the extent of the associated Mineral Buffer Zone.

In order to facilitate this change, and to demonstrate transparency in the LDP process, the Council acknowledges the need for further public consultation and envisages that this will be undertaken at the earliest opportunity.

Recommended changes:

Changes to the LDP Proposals Map as stipulated above.