

Planning and Compulsory Purchase Act 2004

**The Environmental Assessment of Plans and Programmes (Wales)
Regulations 2004**

**The Town and Country Planning (Local Development Plan) (Wales)
Regulations 2005**

MERTHYR TYDFIL

LOCAL DEVELOPMENT PLAN 2006 -2021

ADOPTION STATEMENT

MAY 2011

1.0 Introduction

- 1.1 When a Local Planning Authority adopts its Local Development Plan (LDP), it is required to produce and publish an adoption statement in accordance with Regulation 25(2) of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005. Regulation 16 of The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 also requires the production and publication of a strategic environmental assessment / sustainability appraisal statement as part of the LDP adoption process. This document has been produced in order to satisfy the requirements of both regulations and has been structured to address each in turn below.

2.0 LDP Statement of Adoption

(Regulation 25(2) of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005)

- 2.1 The Merthyr Tydfil County Borough Local Development Plan (LDP) was adopted, and became operative on 25th May 2011. The adopted LDP forms the development plan for Merthyr Tydfil County Borough (excluding the area within the Brecon Beacons National Park) and will be the basis for decisions on land use planning in this area. The adopted LDP replaces the Mid Glamorgan (Merthyr Tydfil County Borough) Replacement Structure Plan (adopted 1996), the Merthyr Tydfil Borough Local Plan (adopted 1999) and the Mid Glamorgan (Merthyr Tydfil County Borough) Minerals Local Plan for Limestone Quarrying (adopted 1999).
- 2.2 Copies of the adopted LDP, the Inspector's binding report, the finalised sustainability appraisal report (incorporating the environmental report), the consultation report and this adoption statement are available for inspection free of charge at the Town Planning Division, Ty Keir Hardie; and at Merthyr Tydfil Central Library, Dowlais Library, and Treharris Library. They are also available on the Council's website at www.merthyr.gov.uk.
- 2.3 A person aggrieved by the LDP who desires to question its validity on the ground that it is not within the powers conferred by part 6 of the Planning and Compulsory Purchase Act 2004 or that any requirement of that Act or any regulation made under it has not been complied with in relation to the adoption of the LDP, may, within six weeks from 9th June 2011, make an application to the High Court under Section 113 of the 2004 Act.

3.0 SA/SEA Statement

(Regulation 16 of The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004)

- 3.1 Regulation 16(4) identifies 6 matters that need be addressed within the SA/SEA Statement, namely:

- a) how environmental considerations have been integrated into the plan;
- b) how the environmental report has been taken into account;
- c) how opinions expressed in response to public statutory consultations have been taken into account;
- d) how the results of any transboundary consultations have been taken into account;
- e) the reasons for choosing the plan as adopted, in light of the other reasonable alternatives dealt with; and
- f) the measures that are to be taken to monitor the significant environmental effects of the implementation of the plan.

3.2 Each of these matters is addressed below. It should however be noted that a substantial amount of information relating to these matters is contained within existing documents, such as the LDP SA Report, the LDP Consultation Report and the Inspector's Report. In accordance with paragraph 8.5.2 of the Local Development Plan Manual (June, 2006), rather than duplicate this material, appropriate cross-references are made to relevant documents.

3.3 HOW ENVIRONMENTAL CONSIDERATIONS HAVE BEEN INTEGRATED INTO THE PLAN

3.3.1 The LDP has been subject to a Strategic Environmental Assessment (SEA) in order to consider the potential impact of the Plan on the environment and to improve the Plan's environmental performance. The SEA and Sustainability Appraisal (SA) processes have been undertaken in parallel and integrated within the Sustainability Appraisal Report and other SA/SEA related documents. A Habitats Regulations Screening Assessment has also been undertaken, which concluded that the LDP will not have a significant effect on European sites. The relevant environmental information is contained within existing published SA/SEA and Habitats Regulations documents which are listed below under their examination document reference:

SA/SEA Scoping Process

- Sustainability Appraisal/Strategic Environmental Assessment Scoping Report, April 2006 (**LDP04**)
- Sustainability Appraisal/Strategic Environmental Assessment Scoping Report, incorporating July 2006 amendments (**LDP05**)

Pre-deposit Consultation Stage

- Preferred Strategy, April 2007 (**LDP07**)
- SA/SEA Initial Sustainability Appraisal Report, April 2007 (**LDP09**)

- SA/SEA Initial Sustainability Appraisal Report: Non-technical Summary, April 2007 (**LDP10**)

Deposit Consultation Stage

- SA/SEA Sustainability Appraisal Report, September 2008 (**LDP23**)
- SA/SEA Sustainability Appraisal Report: Appendix 3, December 2006 (**LDP24**)
- SA/SEA Sustainability Appraisal Report: Appendix 4, December 2006 (**LDP25**)
- SA/SEA Sustainability Appraisal Report: Appendix 5 – SA of Preferred Strategy 2007, September 2008 (**LDP26**)
- SA/SEA Sustainability Appraisal Report: Appendix 6 – SA of Development Proposals by Merthyr Village LTD 2007, September 2008 (**LDP27**)
- SA/SEA Sustainability Appraisal Report: Appendix 7 – SA of Deposit Plan 2008, September 2008 (**LDP29**)
- SA/SEA Sustainability Appraisal Report: Appendix 8 – SA of Deposit Plan Site Allocations 2008, September 2008 (**LDP30**)
- Habitats Regulations Assessment Screening Report, August 2008 (**LDP20**)

Submission, Examination and Adoption Stage

- Sustainability Appraisal (2) of Development Proposals by Merthyr Village Ltd, May 2009 (**LDP28**)
- Addendum to the Deposit Plan - Statement of Focussed Proposed Changes, 2009 (**LDP39**)
- Addendum to the Deposit Plan – Further Statement of Focussed Proposed Changes, October 2009 (**LDP44**)
- Comparative Strategic Sustainability Appraisal, 2010 (**EXAM040**)
- Programme of Further Work – Sustainability Appraisal of Changes to the LDP, March, May and July 2010 (**EXAM041**)
- Sustainability Appraisal of Further Proposed Changes following the October 2010 Examination Hearing Sessions, December 2010 (**EXAM067**)
- SA/SEA Final Sustainability Appraisal Report, May 2011

3.4 HOW THE ENVIRONMENTAL REPORT HAS BEEN TAKEN INTO ACCOUNT

- 3.4.1 The SA/SEA process has been fully integrated into the plan making process and the LDP has been appraised against the devised sustainability appraisal framework at key stages of its preparation. The findings of these appraisals, which have been documented in the published Sustainability Appraisal Reports, have been used to inform and influence the final content of LDP.
- 3.4.2 The Initial Sustainability Appraisal Report was prepared by independent sustainability consultants, Enfusion Ltd, and was consulted on alongside the LDP Preferred Strategy. The Initial SA Report included, amongst other things, a compatibility analysis of the spatial strategy options, the vision, the strategic objectives and the strategic policies using the devised sustainability appraisal framework. Where there were any potential adverse effects predicted for sustainability or opportunities identified to improve the sustainability of the Preferred Strategy recommendations were made. These recommendations, along with consultation responses, were considered further as part of the plan preparation process and appropriate revisions were incorporated into the Deposit LDP.
- 3.4.3 The Deposit LDP was developed subject to a further SA/SEA by Enfusion Ltd, which appraised revised strategic objectives and plan policies against the SA framework. A detailed appraisal of plan allocations was also undertaken using refined SA framework objectives and decision-aiding questions. The findings of the SA/SEA were presented in the SA Report and were subject to public consultation alongside the Deposit LDP. As a result of public consultation on the Deposit LDP, the Council considered it necessary to recommend a number of Focussed Proposed Changes to the Plan. The changes were subject to SA/SEA screening, with appraisal being carried out where changes were considered to be significant. The findings of the SA/SEA appraisal were published and submitted to the Examination.
- 3.4.4 Throughout the course of the Examination the Council considered it necessary to make further refinements to the LDP and a Schedule of Proposed Matters Arising Changes (Examination document - **EXAM070**), which served as a consolidated list that identified all further proposed changes, was submitted for the Inspector's consideration. All further proposed changes were subject to SA/SEA screening and appraisal where necessary. The findings of the SA/SEA appraisals were published and submitted to the Examination. The Inspector acknowledges in his report that: *"All subsequent changes put forward by the Council during the examination process have been tested where necessary for any impacts they have upon the SA and SEA"* (Inspector's Report, April 2011(Examination document – **EXAM072**)).

3.5 HOW OPINIONS EXPRESSED IN RESPONSE TO STATUTORY PUBLIC CONSULTATIONS HAVE BEEN TAKEN INTO ACCOUNT

- 3.5.1 A number of consultation exercises have been undertaken in relation to the SA/SEA process. The public, interested stakeholders and the Environmental

consultation bodies, namely the Countryside Council for Wales, Environment Agency and Cadw, were consulted on each occasion.

- 3.5.2 In accordance with Regulation 12 (5 & 6) of The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004, an SA Scoping Report was published in April 2006 for a 5-week consultation period. Responses to the scoping consultation and how they were taken into account are reported in Appendix 2 of the SA/SEA Sustainability Appraisal Report, September 2008 (Examination document – **LDP23**). As a result of the comments the SA Scoping Report was revised in June 2006 and sent to all those who had participated in the consultation.
- 3.5.3 In accordance with Regulation 15 of The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005, the SA/SEA Initial Sustainability Appraisal Report (April 2007) was then placed on public consultation alongside the LDP Preferred Strategy for 6 weeks between May and June 2007. A summary of the main issues raised and how they were taken into account are presented in the Initial Consultation Report, October 2008 (Examination document – **LDP22**). Representations received during the consultation were considered for inclusion in the Deposit LDP.
- 3.5.4 In accordance with Regulation 13 of The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 and Regulation 17 of The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005, the SA/SEA Sustainability Appraisal Report (October 2008) was placed on public consultation alongside the Deposit LDP for 6 weeks between October and December 2008. A summary of the main issues raised and how they were taken into account are presented in the Consultation Report, July 2009 (Examination document – **LDP38**). Individual representations raised together with the Council's response and recommended change where appropriate can also be found in Appendix 6 of this document.
- 3.5.5 The Council recommended a number of changes in response to representations received on the Deposit LDP and further proposed changes were also recommended during the course of the LDP Examination. Both the proposed changes to the LDP and the accompanying SA/SEA appraisals were subject to 6-week public consultation exercises and the representations received were duly considered. The relevant SA/SEA consultation documents are identified in section 3.3 above and the Council's response to the representations received can be found in the following documents:
- Council's Response to Representations Received on the Addendum to the Deposit Local Development Plan, 2009 (**LDP46**);
 - Council's Response to Representations Received on the Further Addendum to the Deposit Local Development Plan, 2009 (**LDP48**);
 - Council's Response to Representations Received on the Post-Suspension Proposed Changes, 2010 (**LDP53**); and
 - Council's Response to Representations Received During Consultation on the Further Post-Suspension Proposed Changes, 2011 (**LDP55**).

3.6 HOW THE RESULTS OF ANY TRANSBOUNDARY CONSULTATIONS HAVE BEEN TAKEN INTO ACCOUNT

3.6.1 The SA/SEA process did not indicate that the LDP is likely to have significant effects on the environment of another EU Member State. As such, no transboundary consultation was entered into under Regulation 14 of The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004.

3.7 THE REASONS FOR CHOOSING THE PLAN AS ADOPTED, IN LIGHT OF THE OTHER REASONABLE ALTERNATIVES DEALT WITH

3.7.1 Alternative spatial strategies, development allocations and policies have been considered as part of the LDP preparation and SA/SEA process. These three aspects are considered separately below.

3.7.2 With regard to alternative spatial strategies, the Initial Sustainability Appraisal Report considered three Strategy Options: The Non-intervention Strategy; The Moderate Growth Strategy; and the Enhanced Growth Strategy. Each strategy was assessed against the SA framework and as a result, The Enhanced Growth Strategy was found to have the greatest potential to become the most sustainable option provided there are stringent policies in place to minimise environmental impacts associated with increased levels of development.

3.7.3 The Enhanced Growth Strategy was presented at pre-deposit consultation as the LDP Preferred Strategy and at this time included, amongst other things, an urban extension of up to 200 hectares on the south-western flank of the Merthyr Tydfil Basin. As a result of the representations received to the LDP Preferred Strategy and further assessments undertaken through SA/SEA process, The Enhanced Growth Strategy was modified replacing the urban extension with multiple smaller scale development sites which seek to deliver the identified level of growth while minimising local environmental impacts and encouraging sustainable patterns of development. Relevant SA/SEA documents demonstrating that the modified Enhanced Growth Strategy is the most sustainable option are listed in section 3.3 above.

3.7.4 In respect of alternative development allocations, a three-stage site assessment methodology was used to assess potential sites. Viable and compatible sites screened in the initial stages 1 and 2 were then subject to a stage 3 assessment using a detailed site assessment proforma matrix. The relative merits of the various sites were compared and the most appropriate sites have been incorporated into the plan as development allocations. The relevant site assessment documents are listed as follows:

- Candidate Site Assessments – Stage 1: Screening Proformas, October 2008 (**LDP32**, **LDP33** and **LDP34**)
- LDP Deposit Plan Written Statement (Appendix 11b) – Stage 1: Summary Matrix, October 2008 (**LDP11**)

- LDP Deposit Plan Written Statement (Appendix 11c) Stage 2: Summary Matrix, October 2008 (**LDP11**)
- SA/SEA Sustainability Appraisal Report: Appendix 8 – SA of Deposit Plan Site Allocations 2008, September 2008 (**LDP30**)
- Candidate Site Assessments – Stage 3: Compatibility with SA Objectives (Sites not resulting in allocations), October 2008 (**LDP35**).

3.7.5 Finally, policy options have been progressively developed and considered from pre-deposit stage through to the completion of the LDP Examination. As discussed above, all proposed policies have been subject to an SA/SEA assessment where appropriate and it is considered that the Plan's policies provide an effective and sufficiently tailored framework to help facilitate Merthyr Tydfil's sustainable development.

3.8 THE MEASURES THAT ARE TO BE TAKEN TO MONITOR THE SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE IMPLEMENTATION OF THE PLAN

- 3.8.1 Regulation 17 of The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 requires that the significant environmental effects of implementing the LDP are monitored in order to identify unforeseen adverse effects and if necessary, to identify the need for remedial action. An SA monitoring framework has therefore been developed as part of the SA/SEA process, which covers social and economic as well as environmental aspects. The SA monitoring framework sets out targets and indicators against each SA Objective and sources of information are also identified.
- 3.8.2 Since no representations relating to the framework were received after its publication in the Sustainability Appraisal Report in September 2008, no changes have been made to that version of the framework, and it is replicated within Section 7 of the SA/SEA Final Sustainability Appraisal Report, May 2011.
- 3.8.3 Regulation 37 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 also requires the production and publication of an Annual Monitoring Report (AMR) to track the progress of the Plan's implementation. Government guidance indicates that the findings of SA monitoring should be included within the AMR alongside the findings of LDP monitoring (see Section 6 of the LDP Written Statement for monitoring framework). An integrated approach to monitoring the implementation and significant environmental effects of the Plan will therefore be undertaken on an annual basis and the AMR will be published each October.