



# **MERTHYR TYDFIL COUNTY BOROUGH COUNCIL LOCAL DEVELOPMENT PLAN 2006 - 2021**

## **ADOPTED PLAN**

## **SUSTAINABILITY APPRAISAL (SA) STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)**

## **Final Sustainability Appraisal Report May 2011**

## **Appendix 10**

**SA (2) of Development Proposals by Merthyr  
Village Ltd  
(published May 2009)**

Prepared by:

*enfusion*



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LOCAL DEVELOPMENT PLAN 2006-2021  
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**Final Sustainability Appraisal Report  
Appendix 10  
SA (2) of Development Proposals by Merthyr  
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(published May 2009)**

*For and on behalf of Enfusion Ltd*

<i>date:</i>	<i>May 2011</i>	
<i>prepared by:</i>	<i>Barbara Carroll Toney Hallahan Liz Payne Alastair Peattie</i>	
<i>checked by:</i>	<i>Barbara Carroll</i>	

*enfusion*   
environmental planning and management for sustainability

Treenwood House  
Rowden Lane  
Bradford on Avon  
BA15 2AU  
t: 01225 867112  
[www.enfusion.co.uk](http://www.enfusion.co.uk)

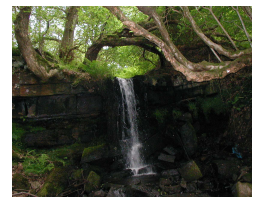
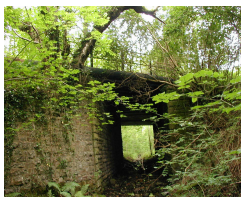
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**MERTHYR TYDFIL COUNTY BOROUGH COUNCIL**

**LOCAL DEVELOPMENT PLAN:**

**Sustainability Appraisal (2)  
of Development Proposals by  
Merthyr Village Ltd**

**May 2009**



*enfusion*



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## **1.0 INTRODUCTION**

1.1 Merthyr Tydfil County Borough Council's Deposit Local Development Plan (LDP) was published for public consultation on 30<sup>th</sup> October 2008 for a six week period ending on 12<sup>th</sup> December 2008. The document has incorporated comments and representations from public consultation on the earlier versions of the plan and now sets out the spatial strategy for development; this no longer includes a 200ha site to the west of Rhyddar.

1.2 Representations were made by Merthyr Village Ltd (MVL) to:

- the omission of this 200 ha site from the Spatial Strategy
- Appendix 6: Sustainability Appraisal (SA) (2007) of development proposals by Merthyr Village Ltd of the Sustainability Report accompanying the LDP

In response to these representations, further SA studies were commissioned by Merthyr Tydfil County Borough Council (MTCBC).

1.3 This SA report (2009) has been prepared by Enfusion Ltd for MTCBC and it takes account of new information since the original SA in 2007, including the Sustainability Appraisal (2008) provided by Nathaniel Lichfield and Partners on behalf of Merthyr Village Ltd in support of the representation. It provides a comparison to the Merthyr Village Ltd SA (2008), which has been carried out in the same format as the original MTCBC SA (2007); it also reports an updated SA of the site in the light of additional information and the current circumstances.

## **2.0 BACKGROUND AND CONTEXT**

### **Planning History of the Site**

2.1 The site has a long history of applications for opencast mining or mixed business/leisure/residential development and these are listed here as background information which sets the context of the more recent proposals.

1966 and 1970 applications were made by the National Coal Board (NCB) for opencast mining. The first was withdrawn and the second was refused at appeal.

1986 - a further application by NCB was refused by the Mineral Planning Authority and a subsequent appeal was withdrawn.

1995 - permission was granted for depositing materials arising from the works associated with the A470 construction.

1998 - an application to extract coal and provide a platform for industrial/employment use was called in and the application

withdrawn before the Public Inquiry. An application by the Merthyr Initiative Group for an educational and recreational facility was dismissed at an appeal against non determination.

2000 - an outline application (ref: P/00/0371) on behalf of Merthyr Village Ltd for leisure, retail, residential and recreational use. No environmental statement, retail impact assessment or Transport Impact Assessment were provided and application was refused in October 2008.

2002 - The site has been the subject of two applications submitted by Merthyr Village Ltd which were the subject of the report which has attracted representations objecting to the soundness of the plan.

- Phase One Application Number 020060 – reclamation of 83 hectares of derelict/despoiled land and the formation of development plateaux
- Phase Two Application number 020260 – Outline planning application for development of land adjacent to the A470 to provide: approximately 9,920 sq.m (100,000 sq.ft) leisure provision; 25,080 sq.m (270,000 sq.ft) non-food retail; 7,430 sq.m (80,000 sq.ft) food retail; 6,968 sq.m (75,000 sq.ft) business units; 1,858 sq.m (20,000 sq.ft) A3 uses; 70 room hotel; football stadium, practice ground and bowls area; approximately 1,750 residential units; country park; associated access; servicing, parking and landscaping.

2.2 In December 2002 MTCBC resolved to support the Phase One application which was referred to the National Assembly for Wales (NAW) as a departure from the provisions of the adopted local plan. On 7<sup>th</sup> March 2003, the Council received direction from NAW that both applications should be referred to the Welsh Assembly for determination. A Public Inquiry was held January/February and June of 2006 by Alwyn B Nixon BSc (Hons) MRTPI who recommended that both applications be refused.

2.3 2007 – In September 2007 an outline application (ref: P/07/0524) was submitted proposing residential development of approximately 650 units on land west of the A470(T) at Rhydycar - a component part of the Merthyr Village Ltd land holding. The site boundary of the application corresponded approximately with employment allocation E13 in the adopted Merthyr Tydfil Borough Local Plan. The application was refused in September 2008.

2.4 2008 - In July 2008 a further application (ref: P/08/2008) was submitted by Merthyr Village Ltd for the "reclamation of land (by means of open excavation, including coal extraction and washing of coal from selected tips) and reinstatement works". To date the application has not been determined and the applicants have appealed against non-determination. The Planning Statement Addendum to this application

illustrates the proposed land use of the site and includes restored amenity land and an area labelled "*potential development subject to emerging LDP*".

### **LDP History and Context**

- 2.5 MT CBC is preparing a new Local Development Plan (LDP) in accordance with the Planning and Compulsory Purchase Act 2004 and this plan will supersede the current development plan framework which comprises the The Mid Glamorgan (Merthyr Tydfil County Borough) Replacement Structure Plan 1991 - 2006 (adopted August 1996) and the Merthyr Tydfil Borough Local Plan 1996 - 2006 (adopted May 1999).
- 2.6 The LDP is being prepared in partnership with local communities and will aim to:
- Help stimulate economic growth
  - Help promote social inclusion
  - Protect the best elements of the environment
- 2.7 The first document to be produced was the Delivery Agreement. This sets out the timetable for the Plan's preparation together with the details of the Community Involvement Scheme which describes how and when stakeholders are able to get involved in the process. The Merthyr Tydfil LDP Delivery Agreement was agreed with the Welsh Assembly Government on 14th February 2006 but revisions to the preparation timetable were subsequently required owing to uncertainties surrounding the deliverability of development on the Merthyr Village Ltd site as part of the LDP's strategy. As a result, a revised Delivery Agreement was agreed with the Assembly Government on 14<sup>th</sup> January 2008.
- 2.8 MTCBC approved the Preferred Strategy of the Local Development Plan in April 2007, for public consultation. The six-week consultation period ended on 29th June 2007.
- 2.9 The Preferred Strategy considered three spatial strategy options in detail. These are summarised below:
- Non-intervention Strategy: The LDP accepts that Merthyr Tydfil County Borough will continue to experience a declining population throughout the plan period (2006 -2021) and will seek to manage this as effectively as possible.
  - Moderate Growth Strategy: The LDP will aim to facilitate a reduction in current levels of out migration from the County Borough so that population levels stabilise by 2016 and a five year period of moderate growth is achieved thereafter.
  - Enhanced Growth Strategy: The LDP will aim to facilitate a reduction in current levels of out migration from the County

Borough so that population levels stabilise by 2011 and a ten year period of moderate growth is achieved thereafter.

- 2.10 The document concludes that despite the Stakeholder Working Groups considering the Enhanced growth Strategy to be over ambitious, the LDP Steering Group felt that this strategy would best reflect the Council's Vision and the LDP objectives. However the document also acknowledges that pursuit of this strategy as currently envisaged will have significant environmental impact.
- 2.11 The Enhanced Growth Strategy proposed an urban extension of 200 hectares on the south western flank of the Merthyr Tydfil Basin and this was the significant difference from the Moderate Growth Strategy and the reason for the report incorporated as Appendix 6 of the Sustainability Report November 2007.
- 2.12 The Deposit Plan (October 2008) omits this site from the enhanced growth strategy and objections to that omission are the reason for this report.

### **Sustainability Appraisal (SA) History and Context**

- 2.13 MTCBC published their Initial Sustainability Appraisal Report of the LDP 2006 – 2021 in April 2007. The report was the next stage of the SA process and followed the publication and consultation on the SA/SEA Scoping Report in April 2006. Enfusion Ltd was commissioned to support and advise the Council in the preparation of those documents.
- 2.14 Enfusion Ltd was first asked to carry out an SA of the three strategic growth options in August 2006 and the appraisal was published in both the Initial Sustainability Appraisal Report of the LDP 2006 – 2021 and the MTCBC Local development Plan 2006 -2021 Preferred Strategy. As appropriate for an SA of Preferred Options, a strategic overview was taken and the author was not in possession of the level of detail which was subsequently provided by the Council to undertake this current appraisal.
- 2.15 Enfusion Ltd was then commissioned to prepare an independent assessment of the detailed proposals put forward by Merthyr Village Ltd in the planning applications submitted to the Council in 2002, as this was the only indication of the developer's long term intentions for redevelopment of the site.
- 2.16 Since then representations have been received during the public consultation period on the Deposit Plan and this report considers the site as now presented by the developers and in the light of new information and the SA provided by the developers in support of the site.



### **3.0 PURPOSE OF THIS REPORT**

- 3.1 The purpose of this report is to provide the Council with an updated independent detailed appraisal of the potential impacts of a development of this scale and nature in this location as now submitted by Merthyr Village Ltd as part of the LDP consultation process. The earlier planning applications and Inspector's report were an appropriate basis on which to undertake the earlier SA of the site, being the best source of information at the time.
- 3.2 This report has revisited the earlier (November 2007) SA Report both in response to the request made by Merthyr Village Ltd and to ensure that MTCBC have the best current information on which to base their decision making process and have behaved reasonably in considering representations to the plan.
- 3.3 The report now considers the following new information:
- Further information from the Coal Authority with regard to the safety of the site
  - Planning application (ref: P/08/2008) which was submitted by Merthyr Village Ltd for the "*reclamation of land (by means of open excavation, including coal extraction and washing of coal from selected tips) and reinstatement works*"
  - The planning and environmental statements accompanying the above planning application which set out broad ideas for "*beneficial afteruse of the site*",
  - The SA prepared by Nathaniel Lichfield and Partners of the alternative site put forward in response to the public consultation on the Local Development Plan – Deposit Draft
  - The confirmation of enlargement of notification of Cwm Glo Site of Special Scientific Interest (SSSI), now known as Cwm Glo a Glyndrys SSSI. (CCW dated 08.04.2009)
- 3.4 This SA report (May 2009) will form part of the Council's evidence at the forthcoming examination later this year.

### **4.0. METHOD**

- 4.1 This SA and report are presented as an independent appraisal to provide further information for the Council. The assessment has been undertaken using the Sustainability Appraisal Framework devised by MTCBC in conjunction with stakeholders as reported in the SA Scoping Report 2006 and the SA Report of the LDP Preferred Strategy 2007.
- 4.2 The SA Framework comprises a set of objectives together with decision-aiding questions to help assess the sustainability of the emerging LDP. The decision-aiding questions have been designed to clarify the sustainability objectives as relevant to land use planning and to make the appraisal specific to Merthyr Tydfil. It is important that the SA

Framework reflects local circumstances that can be influenced by the development planning system.

- 4.3 The framework was prepared from an analysis of the key sustainability issues identified through:
- the environmental topics suggested in the SEA Directive
  - the five aims for sustainable development set out in *Securing the Future – delivering the UK Sustainable Development Strategy* (2005)
  - a review of policies, plans and programmes relevant to Merthyr Tydfil
  - analysis of the baseline data for Merthyr Tydfil e.g. population statistics, designated landscape areas
  - public consultation
- 4.4 Information from a wide variety of sources has been used in the appraisal process providing a clear evidence base. Short term and long term; direct and indirect; beneficial and adverse; cumulative and synergistic impacts are identified along with the potential for reversibility and inter-relationships between factors. This report seeks to incorporate into the appraisal new information including:
- changed intentions for the site
  - the public safety issues presented by the site
  - the newly acquired SSSI status over approximately 90% of the site
  - recent relevant legislation is also introduced as part of the evidence base
- 4.5 The detailed and revised SA is attached to this report as Appendix 1. The method follows Welsh Assembly Government guidance and the matrix sets out for each SA objective: the appraisal, the evidence and reference (where possible), proposed and possible mitigation of any adverse effects. The significance of effects is judged using professional judgment and according to methods and standards relevant to each topic. The key to the appraisal and relative significance of effects is given below.

DG	Development actively encouraged as it would resolve an existing sustainability problem
LG	No Sustainability constraints and development acceptable
B	Neutral effect
Y	Potential sustainability issues; mitigation and /or negotiation possible
O	Problematical and improbable because of known sustainability issues ; mitigation or negotiation difficult and /or expensive
R	Absolute sustainability constraints to development
?	Unknown effect

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- 4.6 The Merthyr Village Ltd SA (2008) submitted in support of the representation to the Deposit LDP has followed the same format and methodology from the earlier SA carried out by Enfusion in November 2007, and includes much of the same information and appraisal work contained in that document.

## **5.0 APPRAISAL**

- 5.1 The following synopsis of the detailed SA (Appendix 1) follows the order of topics appraised as in the SA Framework. Where relevant, comparison with the SA prepared by Nathaniel Lichfield and Partners on behalf of Merthyr Village Ltd is discussed. As noted above, all three documents have the same format but with differing assessment of potential effects reflecting the changes in the development proposed and the information available. This document also draws attention to the differences between this appraisal and the November 2007 appraisal and explains the reasoning behind these revisions.

### **Housing**

- 5.2 There is little doubt that the proposal could significantly assist in meeting the requirement for housing which has been identified by MTCBC under their Enhanced Growth Strategy. To fulfill the objective it will be important that affordable housing is provided in accordance with the proposed policy in the Deposit LDP. However with the information now available, which includes provision of up to approximately 1500 dwellings, concerns are raised over the front loaded costs of this development and the scale and projected time scale and certainty of completion of the development. More immediate short term benefit could be accrued through the development of multiple sites. This issue was also raised by the Inspector at the earlier appeal. However, taking a balanced view, as in the earlier SA, this objective remains rated light green which indicates no sustainability constraints and development acceptable. The SA submitted by Merthyr Village Ltd gives a rating of dark green but does not recognise the problems of the time scale or with implementation and completion of a project of this size.

### **Culture and Heritage**

- 5.3 The site under consideration is part of the Merthyr Tydfil Landscape of Outstanding Historical Interest and is a significant part of the surviving industrial landscape. Within the whole site boundary there are 483 designated archaeological sites of which two are Scheduled Ancient Monuments (SAMs). It is encouraging that the proposal may expose one archaeological feature but unfortunate that so many others will be lost.

- 5.4 The current planning application for reclamation involves extensive cutting and filling across the site, resulting in damage to, or burial of multiple archaeological sites. The Environmental Statement accompanying the current application acknowledges that there will be *"unavoidable significant impact on the cultural heritage resource."* The SA states that it is proposed to *"preserve, relocate or investigate and record, where possible, any affected feature of archaeological interest"* but this will still have an irreversible adverse effect on the cultural landscape.
- 5.5 Also, the Inspector on the previous appeal concluded that *'the proposed development would have a highly severe adverse impact on the Merthyr Tydfil registered historic landscape and on the important archaeological features within it'*.
- 5.6 Given the national historical importance of the site, it is considered that mitigation against this level and density of development will be difficult to carry out a level deemed to be satisfactory to Cadw (Welsh Assembly Government's historic environment division), Countryside Council for Wales (CCW) and MTCBC. Therefore the appraisal concludes that with such significant adverse effects, development is problematical and improbable because of known sustainability issues; mitigation or negotiation is likely to be difficult and /or expensive such that there may be absolute sustainability constraints to development with respect to progressing this objective.

### **Communities**

- 5.7 A site of this size can bring forward economies of scale and a level of planning obligation to meet the needs created by the development that could not be offered by smaller incremental developments. The provision of a large amount of housing with considerable choice in size and tenures will also offer opportunities for young people to stay in the Borough and to encourage people to move to the area. The development should therefore assist in meeting one of the Council's prime objectives to reverse population decline. The proposal therefore does perform well against aspects of this objective although it is acknowledged that there will be no short term community benefit.
- 5.8 The LDP allocates community facilities, education and health facilities to accommodate the needs of the proposed increase in population. Community development on the proposed site would not be particularly accessible to members of the existing population and may stifle the provision of needed facilities within the defined settlement limit. Generally, concerns must be expressed about the integration of the existing community with the proposed development which represents an 8% increase in population of the town on one site. The site is cut off from the town by the A470 and there are no easy links to the existing facilities in the town unless by car. It is acknowledged that this proposal does reduce the level of housing from the earlier planning

applications but it is still considered that there will be a significant adverse effect in the communities that cannot be integrated.

- 5.9 Therefore the projected sustainability outcomes are mixed; whilst the proposal does bring about the required level of growth in homes and employment opportunities which should aid population retention, the issues of integration and access to facilities are more doubtful. It is unlikely that any positive benefits to community cohesion and access will accrue in the short term and these issues must be addressed. Redevelopment of previously developed sites within the town boundary would promote both better integration and access to facilities.
- 5.10 The two aspects, one positive and one raising doubts over integration, are reflected in the split performance rating for this objective, as opposed to the Merthyr Village Ltd SA which does not recognise any sustainability issues. This rating recognises the benefits which could be accrued through planning obligation and the doubts over community cohesion which may be overcome through mitigation proposals.

### **Health**

- 5.11 As noted in the earlier SA, encouraging a healthy lifestyle will have direct and strong synergistic impacts on other objectives including employment and communities. The Merthyr Village Ltd SA acknowledges that health facilities would be required onsite.
- 5.12 The proposal does include a 100ha country park which would be accessible to all and would encourage walking and cycling. It is accepted that public access to the area raises important issues of public safety and it is now considered by all to be necessary to undertake works to manage the instability of the site. In their response to the current planning application the Coal Authority "*confirms its position that the site should be remediated to remove public safety risks arising from former coal mining operations.*" However, whilst these works are now considered to be necessary this does not automatically imply that the site should be developed. There is potential for less intrusive mitigation to be carried out which may not be sufficient to support residential and employment development but which would secure safe public access across the whole site. There are current Rights of Way appeals pending.
- 5.13 However, overall the proposal would progress the aims of this objective and the rating is altered to reflect that it addresses an existing sustainability issue of public safety.

### **Economy and Employment**

- 5.14 The provision of leisure, retail and business development premises will meet the aims of this objective to reduce unemployment and out migration for employment, and to provide diverse employment

opportunities. However the objective also seeks to protect and enhance the existing town centre and neighbourhood retail facilities and it is felt that the proposal conflicts with this latter objective.

5.15 The Council's website informs that:

*"Over the past two decades, more than £55 million has been invested in reclamation, infrastructure and new-build projects. Over 41 hectares of land are now available for indigenous and incoming businesses, together with prime industrial and commercial premises".*

There is also outline planning consent for 150,000 square feet of non food retail space on a site of 29 hectares at Swansea Road. The MTCBC Local Development Plan 2006-2021 Background Paper for the Preferred Strategy: Population, Dwellings & Employment Land Forecasts April 2007 identifies a need for 35 ha of employment land to serve the proposed increase in population envisaged in the Enhanced Growth Strategy and this level of employment land does already appear to be available. Therefore there must be a question about the need for this further level of employment and retail land proposed by Merthyr Village Ltd.

5.16 The current planning application and supporting material now refers to long term provision of retail, leisure and business development on a residential led mixed development. However the LDP allocates land for these uses within the settlement limit. With only this level of detail, existing concerns over the impact on Merthyr Town centre which has been the subject of regeneration work and investment must be maintained. Therefore there are sustainability issues still connected with this proposal but in light of the apparently reduced economic ambitions for the site from the earlier proposals, the SA has been altered from predicted effects being difficult or expensive to negotiate (ie major significant adverse effects) to considering that there are potential minor sustainability issues but that these can be mitigated.

### **Transport**

5.17 The Environmental Statement submitted with the current reclamation application addresses the reclamation phase only and there are no transport impact details available for the proposed development of the site. The site has little connectivity with the existing Merthyr Town and this should be addressed as there is potential for significant adverse effects on this objective.

5.18 As recognised in the earlier SA, the proposal does not progress the objective to reduce travel by the private car and there would be associated adverse effects on air quality and climate. Therefore the appraisal remains the same, recognising that there are sustainability issues but that these effects may be mitigated through mechanisms such as:

- a green infrastructure plan which could incorporate walking and cycling routes
- a site layout which provides for the pedestrian rather than the car and bus routes being extended into site

A commitment to Green Travel Plans for the proposed employment areas would also assist mitigation. Currently it cannot be considered that there are no sustainability constraints in relation to this objective but it is recognised that mitigation is possible.

### **Built Environment**

- 5.19 The impact of this sensitive site cannot be assessed without further detail. Good design can be achieved on all sites and impact will also be dependant on the implementation of relevant policy. However there is potential for high quality design on a site of this scale and all residential developments will have to meet Code for Sustainable Homes (CSH) level 3 after 2010 and those over 5 dwellings from 2009. Commercial development over 1,000 sq m will have to meet BREEAM very good. (Ministerial Interim Planning Policy Statement 01/2009: Planning for Sustainable Buildings) Therefore all development should meet the aims of this objective.

### **Landscape**

- 5.20 The remodelling of the site will have a significant impact on the profile of the site through creating a plateau for development. Doubt must be expressed about how the change to the landform can be satisfactorily achieved because as noted by the Inspector on the earlier applications:  
*"... the large plateau landforms created by the phase 1 works would be seriously at odds with the grain and scale of the existing landscape..."*  
This statement is equally applicable to the single development plateau now proposed.
- 5.21 The long views of the site from the eastern parts of Merthyr which are currently of open countryside and mature trees will be replaced by residential and commercial development which will be visually prominent but to some extent mitigated by planting. The extent of tree cover on the site can be best seen using aerial photography, which when compared with the woodland retention in the indicative site layout, clearly illustrates the overall loss of woodland. This has associated indirect secondary effects on biodiversity due to the loss of habitat.
- 5.22 The change in the landscape form and the associated development combined with the loss of historic character and mature tree cover will have a long term significant adverse effect on the landscape which will be irreversible. Mitigation for the loss of ancient woodland in the

landscape is considered to be problematical and improbable because of known sustainability issues.

### **Biodiversity**

- 5.23 The Merthyr Village Ltd SA acknowledges that there will be significant short term damage which will be negative, cumulative and irreversible due to the loss of 80% of the SSSI. The Environmental Statement deals only with the impact of the remediation works and the area described on one plan as neutral grassland becomes "*development site subject to emerging LDP*" on another plan. Therefore the effects after reclamation have not been considered but the works to be carried out prior to development are acknowledged to have a major irreversible effect. It is also acknowledged that in relation to the loss of heathland, ancient woodland and species of flora, which has been addressed in the ES, there are possibly no compensatory mitigation measures. Importantly CCW suggest a range of measures to address the safety issues which do not involve the level of work implied by the proposals for development.
- 5.24 Merthyr Village Ltd appear to consider that this level is justified by the improvement in public safety, but in terms of this specific SA objective, it is still considered that there will be a significant adverse effect for which there can be no mitigation.

### **Water**

- 5.25 The biological and chemical river water quality in Merthyr Tydfil has improved significantly in the last decade, but is still likely to fail Water Framework Directive objectives. The groundwater in a substantial part of the County Borough is also probably at risk of failing Water Framework Directive objectives.
- 5.26 Since the earlier SA, the Draft River Basin Management Plan, Severn River Basin District, December 2008 (Environment Agency) has been published for public consultation ending in June. This document finds that:
- "Overflows from abandoned mine workings can cause water quality problems, but they do benefit river flows in the summer months. Rivers are vulnerable to diffuse and intermittent point source pollution from urban and industrial development. Proposed actions to tackle the issues in the catchment include improvements to sewer overflows and sewage treatment works...pollution monitoring through local partnerships and habitat improvements."*
- 5.27 This clearly states that there are water issues and proposes actions in order to improve the situation. These issues need to be recognised in the plans for all new development and mitigation will be required to avoid adverse effects.



## **Climate Change**

- 5.28 The predicted impacts of climate change include higher quantities of UV, less rainfall, more extreme temperatures and other unpredictable weather events. MTCBC seeks to minimise and manage the impact of climate change through the reduction of greenhouse gas emissions, flood risk and the provision of habitat routes to allow species to adapt to the changing environment. The impact of vehicle use and its impact on climate change are considered under the transport objective.
- 5.29 A development of this size must inevitably have an impact on carbon emissions which are a key contributor to climate change, but this can be mitigated through the design and construction of buildings and site drainage, and the consideration of a green infrastructure plan for the site which addresses habitat corridors and water links.
- 5.30 As the level of detail which was included in the planning application on which the former SA was based is now not relevant, progression towards the SA objective can be considered to be achievable but with mitigation to address the identified sustainability issues [ie Yellow: minor adverse effects/potential sustainability issues; mitigation and or negotiation possible]. The Merthyr Village Ltd SA reproduces the wording from the Enfusion/MTCBC November 2007 SA but upgrades the appraisal comments to a neutral effect. This is disputed as there are sustainability issues over this level of development but which can be mitigated through sustainable design and construction, drainage management and transport plans. Without this level of mitigation, which must be ensured, there will not be a neutral impact.

## **Energy**

- 5.31 This objective seeks to encourage the supply of renewable energy and a reduction in consumption. This level of comprehensive development must increase the demand for energy significantly but also has scope to incorporate technologies which will sufficiently decrease the need for energy from fossil fuels.
- 5.32 This appraisal, as the earlier appraisal, takes the approach that the site can be required to meet high environmental standards thereby offering acceptable mitigation and minimising the impact of the enhanced growth strategy – and there is potential for significant positive impact if implemented.

## **Land and Soils**

- 5.33 The site has again been put forward as previously developed land but the appeal Inspector was clear that the site does not meet the definition in Planning Policy Wales because the remains of earlier activity have blended in to the landscape over time so that they can reasonably be considered part of the natural surroundings, and that

the nature conservation value of the site outweighs the benefits of re-use of the site. This approach is also supported by CCW.

- 5.34 Therefore the site does not meet the Council's objective of prioritising the use of previously developed land and a sequential approach to the development of this land should be taken. The LDP illustrates that the employment and housing requirements can be met through the development of other existing sites, some of which are previously developed and which are better related to the existing town.

### **Waste**

- 5.35 Such a large development must have implications for waste management but there is great scope for encouraging reduction in domestic waste recycling which can be incorporated in the scheme.
- 5.36 The Code for Sustainable Homes specifies storage spaces for internal recycling and encourages the provision of compost bins in gardens, both of which can be adopted in the development. A scheme of this size could also incorporate a community composting scheme for green garden waste.

### **Minerals**

- 5.37 This objective seeks to increase the percentage use of aggregates from secondary and recycled sources. This site offers no opportunity for on site crushing of waste materials from existing structures so this is harder to achieve.
- 5.38 Although not mentioned in the SA Framework there is also an issue over the sterilisation of mineral resources which this appraisal should address. Various estimates of the amount of coal on the site have been put forward but the last owners estimated that there is a reserve of 900,000 tonnes of economically recoverable material. Several unsuccessful attempts have been made to achieve planning consent for extraction of this material but these decisions were made in accordance with emerging Minerals Planning Policy Wales 2000. There are mixed effects for this SA objective in light of the national guidance; whilst there is recoverable coal here, its extraction would not accord with the key principles set out above, especially to protect heritage areas and limit environmental impact.

## **6.0 DISCUSSION**

- 6.1 Merthyr faces problems of population decline, unemployment and poor health, and scores badly on the indices of multiple deprivation. The Council has considered three potential development scenarios for inclusion in the emerging Local Development Plan, and to date it has been felt that the Enhanced Growth Scenario is best placed to address these issues. Various ways of meeting the requirements of the Enhanced Growth Scenario including the inclusion of the site under

consideration in this report and the exclusion of the site and reliance on smaller more dispersed development within the settlement limit. This analysis does not consider or compare the three options, or the sustainability of the preferred (Enhanced Growth) option; it is an analysis of the sustainability of the current Merthyr Village Ltd development proposal.

- 6.2 The appraisal section above illustrates the inter-relationship between the objectives and the direct and indirect of the potential effects of the proposed development. The key issues with significant effects have been identified through the detailed appraisal process and comprise:
- Health (Public Safety)
  - Cultural Heritage
  - Landscape
  - Biodiversity
- 6.3 The other SA objectives associated with transport, built environment, water, climate change, energy, waste and minerals, are all topics which, if the site location is deemed to be appropriate, can be addressed through the detailed design of a site layout, public transport improvements, building construction techniques and use of renewable energy and water technologies.
- 6.4 In this development proposal the impacts on cultural heritage, landscape, land and soils and biodiversity are synergistic and adverse. The site contains extensive numbers of archaeological sites, including two SAMs, is virtually completely covered by an SSSI designation and covers SINCs to the south. The landscape is of value in its' own right but it is also a product of human industrial activity and is a unique part of the industrial history and archaeology of Wales. The remains of earlier activity have blended in to the landscape over time and can now be considered to be part of the natural surroundings. Areas of ancient woodland and wet heathland and acid grass mosaic, which are UKBAP Priority habitats, have taken over the site and provide the habitat for several protected species including Great Crested Newts.
- 6.5 The current planning application to remodel the site to create a development plateau would have significant adverse effects on all the factors above; archaeological sites would be destroyed or buried, habitats would be destroyed or altered, and the landscape would be reshaped to accommodate development with loss of its form and grain and areas of mature trees. As detailed in the appraisal it is not considered that this site constitutes previously developed land and therefore a sequential approach should be taken to its allocation in the LDP. The proposal will have adverse, long term, synergistic and irreversible impacts on this group of environmental SA objectives. The rating in the SA matrix has remained split between very significant/extremely significant adverse effects. This is to reflect that

negotiation and mitigation for these objectives will be extremely difficult to achieve.

- 6.6 The housing and community objectives are also clearly closely related. These objectives seek to ensure the allocation of sufficient and appropriate land to meet the housing need, to encourage population retention and growth to promote integrated and distinctive communities with opportunities for living, working, socialising for all. The proposed site does bring forward a considerable proportion of the housing need identified and, with implementation of the proposed affordable housing policy, would provide a good mix of housing of differing sizes and tenures and this is reflected in the appraisal. The scale of the site does bring concerns about implementation and completion and could impede smaller or medium sites being brought forward and which would be completed in the short term.
- 6.7 The appraisal also acknowledges that development of this scale can bring about economies of scale and provide community facilities to meet the needs created by the development. However the location of the site does raise concerns about the potential for integration of the site into the existing town and community. The site is cut off from the town by the A470 with only one walking and cycling link which raises the question of whether the site is in the right location to create a cohesive community (since mitigation through increased links would be difficult) and not an urban extension which takes a separate identity. It will be difficult to increase connectivity across such a linear barrier.
- 6.8 The relationship between the proposed site and the town also raises issues under the economy and employment objective. Employment creation is acknowledged and welcomed; however the need for employment development in this location has also been questioned as the Borough has over 41 hectares of land now available for indigenous and incoming businesses, together with prime industrial and commercial premises. The potential for adverse economic impact on the town centre, which is not a robust centre, must be recognised.
- 6.9 Since the earlier (Nov 2007) appraisal of development proposals for this site, significant changes in available information has occurred. The development proposals for retail, leisure and employment uses on the site have been scaled down and only a planning application for coal extraction, washing and remediation works is currently lodged with the LPA. The accompanying SA, Environmental and Planning Statements and transport report deal mainly with the effects of the remediation work and not with the detailed assessment of a development site. As noted above, the supporting information to the planning application contains a Landscape Concept Plan which indicates land as neutral grassland crossed by with oak/ash woodland, wet woodland and existing and recreated ponds, drainage ditches and watercourses but another drawing in support of the LDP representation indicates the same area as development land subject to the emerging LDP.

- 6.10 The main differences in the two SAs carried out on this site are about the influence of the issue of public safety. In the Merthyr Village Ltd SA this issue is introduced under virtually every topic; such 'double counting' influences the outcome of the assessment beyond consideration of interactions/cumulative effects. It is agreed that the land needs remediation but that need does not lessen the significant and irreversible impact on the historic landscape or the considerable biodiversity value of the site and this should be reflected in the SA. Synergistic, direct, indirect and cumulative impacts should be recognised and influence appraisals, such as between landscape and biodiversity, transport and climate change, when the combined effect is greater than the sum of their individual effects. When effects have been assessed, it is then appropriate to put forward and assess mitigation potential rather than offer justification for the assessment.
- 6.11 Responsibility for the public safety of the site lies with the Coal Authority who acknowledges the need for action to be taken in this respect. The Council also acknowledges the need for safety works to the site but this acceptance does not automatically lead to an agreement that the site should be developed for housing and employment uses. Remediation does not imply that development is appropriate. The Coal Authority asserts that fencing the site has not worked but many dangerous or sensitive sites are successfully fenced elsewhere to a level which is legally acceptable. The argument is also put forward that if the site were to be successfully fenced it would be too dangerous to allow access for environmental management and therefore the ecological value of the site would be lost. The supporting documents also imply that the Coal Authority will find it difficult to finance remediation works but any agreements over enabling development are outside the scope of SA/SEA.

## **7.0 CONCLUSION**

- 7.1 Development of the site would cause irreversible environmental damage which the decision makers will need to consider with the need to address public safety issues in this part of the Borough. Whilst the application performs reasonably well against social and economic sustainability objectives, so does the Spatial Strategy now put forward in the deposit LDP.
- 7.2 In consideration of existing available employment land and residential sites (better, or as well, related to the town centre), there appears to be reasonable doubt that implementation of the Enhanced Growth Strategy development needs to incorporate a single site of this scale in this location, or that there can be certainty about its delivery. If the site fails to deliver the required housing in the plan period, this cannot be considered to be the most sustainable option. Whilst the applicants put forward the opinion that this site is the most appropriate way to bring social and economic improvements to the Borough this needs to be illustrated through further studies, detailed proposals, and confirmation of effectiveness of any proposed mitigation.

- 7.3 This SA has identified that mitigation will be difficult and or expensive and that there would be major significant adverse residual effects on landscape, cultural heritage and biodiversity. The SA also recognises that, whilst not specifically an objective or sub-objective included in the SA Framework of objectives for sustainability, there is an underlying issue over the stability of the site which needs to be addressed to ensure public safety. Works to secure the stability of the site as proposed in the current planning application may lead to mitigation which holds long term potential to create new landscapes and biodiversity but this SA does not find the development of the site to be a sustainable proposal.

## **References and Sources of Information**

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## APPENDIX 1: DETAILED Sustainability Appraisal MATRIX

### Key:

DG	Development actively encouraged as it would resolve an existing sustainability problem
LG	No Sustainability constraints and development acceptable
B	Neutral effect
Y	Potential sustainability issues; mitigation and /or negotiation possible
O	Problematical and improbable because of known sustainability issues ; mitigation or negotiation difficult and /or expensive
R	Absolute sustainability constraints to development
?	Unknown effect



SA Objective	Assessment of Effects  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)		Evidence and Reference (where available)	Proposed and Potential Mitigation
1 Housing	One of the sub-objectives of this objective is to ensure the allocation of sufficient and appropriate land to	LG	Policy AS1: Housing allocations in the	Agreements must be secured to ensure the MTCBC Local

SA Objective	Assessment of Effects  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)	Evidence and Reference (where available)	Proposed and Potential Mitigation
May 2009	3/23		Enfusion

SA Objective	<b>Assessment of Effects</b>  <b>Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)</b>	Evidence and Reference (where available)	Proposed and Potential Mitigation
2 Culture and Heritage	This objective takes an holistic view of cultural heritage and its' aim is to protect and enhance features of <div data-bbox="1171 405 1267 499"> <div>○</div> <div>R</div> </div>		Archaeological mitigation is proposed through planning

SA Objective	Assessment of Effects  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)	Evidence and Reference (where available)	Proposed and Potential Mitigation
May 2009	5/23		Enfusion

SA Objective	<b>Assessment of Effects</b>  <b>Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)</b>	Evidence and Reference (where available)	Proposed and Potential Mitigation
3 Communities  Topic area in SEA	The key aim of this objective is to encourage population retention and growth and it is compatible with the growth strategy and the Council's vision for <div> <div>L</div> <div>G</div> <div>Y</div> </div>	"Within the 80 hectares, provision will also need to be	The issue of the relationship between the existing town and the proposed extension must be

SA Objective	<b>Assessment of Effects</b>  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)	Evidence and Reference (where available)	Proposed and Potential Mitigation
May 2009	7/23		Enfusion

SA Objective	Assessment of Effects  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)		Evidence and Reference (where available)	Proposed and Potential Mitigation
4 Health	The over-riding objective under this category is to promote health, services that encourage a healthy	DG	Within the total of 120	

SA Objective	Assessment of Effects  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)	Evidence and Reference (where available)	Proposed and Potential Mitigation
<p>May 2009</p>	<p>9/23</p>		<p>Enfusion</p>



SA Objective	Assessment of Effects  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)		Evidence and Reference (where available)	Proposed and Potential Mitigation
5 Economy And Employment	The enhanced growth strategy seeks to reduce unemployment, increase opportunities for employment	Y	MTCBC Local Development Plan	A strategy is put forward to ensure that the role of Merthyr town is not

SA Objective	<b>Assessment of Effects</b>  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)	Evidence and Reference (where available)	Proposed and Potential Mitigation
May 2009	11/23		Enfusion

SA Objective	Assessment of Effects  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)		Evidence and Reference (where available)	Proposed and Potential Mitigation
<p>6 Transport</p> <p>Topic area in SEA directive: Population and Climatic Factors</p>	<p>This objective has a strategic primary aim to assist in reducing the need to travel and the promotion of sustainable modes of transport. Although a mixed use development is proposed which offers facilities within walking distance, there is a danger that the development will be a satellite of Cardiff with a substantial amount of out commuting. Conversely, with a relatively low skills level in the County Borough, the employment development could lead to in commuting from Cardiff. There is a direct rail link to Cardiff but the station is not within walking distance of the site. Secondary education and primary health facilities will still be in Merthyr town where it is important that they remain to reinforce the town's role in the community.</p> <p>Inevitably this level of development, in whatever location, will generate more traffic which will largely comprise trips in the private vehicle. This will have synergistic long term adverse on air quality and climate change.</p>	<p>Y</p>	<p>There is a net outflow for employment 1,218 (Office of National Statistics, Census 200)</p> <p>26.3% of Merthyr's working population have no qualifications compared to 17.8% in Wales and 15.1% in the UK (Office of National Statistics).</p>	<p>A Green Infrastructure plan for the site should be produced to encourage walking and cycling. . (This has been recommended under other SA headings as part of a mitigation package to alleviate adverse impacts and/or to improve the sustainability performance. Walking offers the greatest potential to replace short trips, particularly under 2 km, and is an important part of journeys undertaken by public transport.</p> <p>All businesses on the site should be required to provide and implement Green Travel Plans for their staff and users to reduce impacts on air quality and climate change and to achieve the aim of the objective. Plans should include safe storage for bicycles and showers/changing spaces for walkers and cyclists and promote and reward car sharing.</p>
<p>7 Built Environment</p>	<p>This objective addresses standards of design, promotion of sustainable construction, protection of</p>	<p>LG</p>	<p>To move towards more sustainable and</p>	<p>Should the site be allocated in the local plan it is recommended that</p>

SA Objective	<b>Assessment of Effects</b>  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)	Evidence and Reference (where available)	Proposed and Potential Mitigation
May 2009	13/23		Enfusion

SA Objective	Assessment of Effects  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)		Evidence and Reference (where available)	Proposed and Potential Mitigation
8 Landscape  Topic area in SEA	This objective seeks to promote sustainable management and use of the landscape, to protect and enhance the character, geology and ecological	○	Merthyr Tydfil Borough Local Plan	Landscape value can be a subjective and emotive issue but the value of this landscape is

SA Objective	<b>Assessment of Effects</b>  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)	Evidence and Reference (where available)	Proposed and Potential Mitigation
May 2009	15/23		Enfusion

SA Objective	<b>Assessment of Effects</b>  <b>Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)</b>	Evidence and Reference (where available)	Proposed and Potential Mitigation
9 Biodiversity	Since the ES referred to in the Litchfield SA, the status of Cwm Glo A Glyndyrys SSSI has been confirmed. CCWs <div data-bbox="1171 405 1267 496"> <div>○</div> <div>R</div> </div>	CCW - Citation 08.04.2009	

SA Objective	<b>Assessment of Effects</b>  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)	Evidence and Reference (where available)	Proposed and Potential Mitigation
May 2009	17/23		Enfusion



SA Objective	Assessment of Effects  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)		Evidence and Reference (where available)	Proposed and Potential Mitigation
10 Water  Topic area in SEA	This objective seeks to ensure the protection and enhancement of the water environment. The site is crossed by several watercourses running west	Y	Code for Sustainable Homes 2006	The level of mitigation should include a commitment to a range of techniques, SUDs, which

SA Objective	<b>Assessment of Effects</b>  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)	Evidence and Reference (where available)	Proposed and Potential Mitigation
May 2009	19/23		Enfusion

SA Objective	Assessment of Effects  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)		Evidence and Reference (where available)	Proposed and Potential Mitigation
11 Climate Change	The predicted impacts of climate change include higher quantities of UV, less rainfall, more extreme	Y		The applicants propose incorporation of amenity space

SA Objective	<b>Assessment of Effects</b>  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)	Evidence and Reference (where available)	Proposed and Potential Mitigation
May 2009	21/23		Enfusion

SA Objective	Assessment of Effects  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)		Evidence and Reference (where available)	Proposed and Potential Mitigation
12 Energy	This objective seeks to encourage the supply of renewable energy and a reduction in consumption.	LG	TAN 8 - Renewable Energy - 2005	The Government and Local Authorities are committed to the

SA Objective	<b>Assessment of Effects</b>  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)	Evidence and Reference (where available)	Proposed and Potential Mitigation

SA Objective	Assessment of Effects  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)		Evidence and Reference (where available)	Proposed and Potential Mitigation
13 Land and Soils  Topic area in SEA	The land is described by the applicants as previously developed but this is firmly refuted in the Inspector's report of the Inquiry held in 2006. The Inspector found	○	Report of the Inspector appointed by the National	The applicants state that no other sites are available that would allow such a comprehensive

SA Objective	<b>Assessment of Effects</b>  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)	Evidence and Reference (where available)	Proposed and Potential Mitigation



SA Objective	Assessment of Effects  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)		Evidence and Reference (where available)	Proposed and Potential Mitigation
14 WASTE	The primary aim is to promote the minimisation of waste, especially to land fill, through re-use of	LG	Nearly 22, 000 households (out of 25,	Advice in TAN 21states that "It is

SA Objective	<b>Assessment of Effects</b>  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)	Evidence and Reference (where available)	Proposed and Potential Mitigation

SA Objective	<b>Assessment of Effects</b>  <b>Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)</b>	Evidence and Reference (where available)	Proposed and Potential Mitigation
15 Minerals	This objective seeks to increase the percentage use of aggregates from secondary and recycled sources.	Y	See comments above re recycled and sustainable materials.

SA Objective	<b>Assessment of Effects</b>  Nature of the predicted sustainability effect (positive/negative, short/medium/long term, cumulative, scale, reversibility, likelihood)	Evidence and Reference (where available)	Proposed and Potential Mitigation

