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Dyddiad/Date:

9th May 2019

Ein Cyf./Our ref.: EXAM01

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Dear Mr Selby;

Local Development Plan Examination: Initial questions to the Council

Further to your letter dated 25th April 2019 requesting further information the Council has considered and responded to the points raised. These are addressed in turn below and document enclosures have been included where necessary.

Infrastructure Schedule

A schedule has been produced that identifies the necessary infrastructure without which the development of allocated sites contained in the Replacement LDP could not take place. The document contains two lists; the first comprises of site-specific infrastructure that is required in order for the housing and employment allocations of the Plan to come forward; the second list contains additional infrastructure items that are identified or safeguarded in the Plan.

The schedule also contains indicative costs of providing the required infrastructure, indications of the parties responsible for delivering the infrastructure and indicative timescales for delivery.

Sustainable Drainage Systems (SuDS) viability and deliverability

The new regulatory regime for surface water drainage for new development came into effect on 7 January 2019 following the publication of statutory guidance produced under Schedule 3 to the Flood and Water Management Act 2010. This requires that all new development (of more than 1 dwelling or where the construction area is 100 sqm) obtain SuDs Approval Body (SAB) approval for the proposed drainage system before construction takes place. Applicants for SAB approval must demonstrate how they have complied with the sustainable drainage principles or provide justification for any departure. The principles are supplemented by a number of design standards that will need to be applied to the proposed drainage system. The regime is relatively new with no approvals having progressed through the local authority SAB approval process as of May 2019. This is due to transitional arrangements that exempt new development proposals where a valid planning application had been received but not determined by 7 January 2019.

Details of the Council's site assessments are contained in the Site Assessment background paper (Submission Document SD46). The site assessments undertaken for the Deposit Plan, and consequently site allocations, were undertaken in accordance with the previous surface water drainage consenting regime under the planning and building control systems. In accordance with national policy, at that time contained in Planning Policy Wales (PPW) Edition 9, site assessments considered opportunities for future development proposals to include features that would provide effective adaptation to, and resilience against, the current and predicted future effects of climate change. For example, though the incorporation of green space to provide sustainable drainage systems to reduce run-off (PPW Edition 9, paragraph 4.12.3). Furthermore, preparation of the Deposit Plan has also had regard to national policy which advises that local planning authorities should encourage the use of sites where existing water supply and/or drainage provision problems can be solved and seek to avoid the use of sites where adequate water supply and/or drainage provision is unlikely to be achieved (PPW Edition 9, paragraph 12.4.1, and PPW Edition 10, paragraph 6.6.12).

Consequently, as part of the site assessments, physical constraints and opportunities for SuDS, open space and biodiversity enhancement on individual site allocations has been considered and new development has been located in areas where existing drainage infrastructure or watercourses are available. Reference to these opportunities has been included in the Site Allocation details at Appendix 1 of the Deposit Plan Written Statement.

Whilst opportunities for SuDS and green infrastructure improvements have been considered as part of site assessments, the new requirement for SAB approval establishes a separate consenting regime and formalises the prioritisation of sustainable drainage features. In particular, it requires developers to justify the choice of runoff destination (Standard S1 – the hierarchy standard) and requires developers to demonstrate how they have addressed the overarching SuDS principles or to provide justification for any departure.

There are 5 prioritised levels for identifying surface water runoff designations. These are: surface water harvesting for non-potable water use (level 1), infiltration to ground (level 2), discharge to a surface water body (level 3), discharged to a surface water sewer, highway drain, or another drainage system (level 4) and finally, discharge to a combined sewer (level 5). Level 1 should be met to the maximum extent possible, with lower levels used where required and where justification can be provided. Different levels may be suitable for different parts of a site, and more than one level may be required to sufficiently drain the site. The sustainable drainage features proposed will also need to satisfy Standards S2 – S6 which set out the design criteria that all sustainable drainage features should satisfy for their construction, operation and maintenance.

Ground conditions, site characteristics, on-site opportunities and detailed development proposals will all determine which sustainable drainage features will be appropriate or possible on each site. With limited detailed ground investigations and development proposals available at the Plan preparation stage there will therefore be a limit to which the land area requirements for SAB approval can be predicted as much will depend on the surface water retention features proposed (such as surface water harvesting) and ground conditions.

The Sustainable Drainage Statutory Guidance advises that strategic planning provides for sustainable drainage systems by ensuring space within development so that surface features, which are more likely to provide multiple benefits, can be accommodated and compromises avoided (paragraph 2.18). In addition, PPW Edition 10 states that in guiding new development the planning system should ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area. At a development plan level PPW Edition 10 advises that there will be considerable advantages associated with developing

collaborative approaches which, drawing on evidence obtained through green infrastructure assessments, integrate SuDS as part of growth strategies for particular areas (paragraph 6.6.18).

In this respect, the Sustainable Drainage Statutory Guidance suggests that an opportunity mapping exercise by the local authority and SAB could help identify the best location and opportunities for SuDS (paragraph 2.21). For example, by mapping, amongst other information, development, infrastructure, topography, green space and flood risk to identify where there are greatest opportunities for delivering multiple benefits.

Whilst opportunities for the incorporation of sustainable drainage and other green infrastructure improvements has been identified in Deposit Plan site assessments prior to the publication of this guidance, a detailed opportunities mapping exercise for SuDS for each site has not been undertaken. The potential impact of the sustainable drainage systems standards and SAB consenting regime will therefore require further assessment at site level and consultation with the Local Authority SAB.

Work on this has already commenced and an initial assessment of the site allocations suggests that sustainable drainage systems could be incorporated for the majority of site allocations, either through the site having sufficient physical capacity (i.e. undeveloped areas remaining once net developable areas have been accounted for) or through the suitability of the site to incorporate a less area intensive drainage solutions.

The Council has held initial meetings with internal SAB consultees to consider sustainable drainage requirements at the individual site level and it is proposed that a Sustainable Drainage background paper is prepared that sets out the assessment and any implications. This will be submitted by 11th June 2019. Any site specific recommendations would also be included in the Council hearing statements also due by 11th June 2019.

For large sites, which are likely to involve different companies developing different parcels of land within the same site, the statutory guidance recommends that SuDS are designed with the whole site in mind. In this respect, the Replacement LDP contains one large site allocation at the Hoover Strategic Regeneration Area (HRSA) where such an approach will be required. The requirement for sustainable drainage has been incorporated into the HRSA masterplan layout and LDP Policy SW6 (Green Infrastructure and Open Space requirements). The requirement for SuDS has been incorporated from an early stage and the Council is confident that the level of growth indicated at the strategic site can be achieved whilst incorporating the green infrastructure and sustainable drainage features required under Policy SW6.

With regards to the Plan's policies seeking or promoting SuDS, as the SuDS requirements form part of a new consenting regime the Council considers that only a minor wording change to Policy SW11 is required to ensure the policy is consistent with the new sustainable drainage approval regime. Specifically, changes to criterion 4 of the policy are proposed as set out below:

Policy SW11: Sustainable Design and Placemaking

Development must contribute to the creation of attractive and sustainable places through high quality, sustainable and inclusive design.

New development will be required to:

1. be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;
2. integrate effectively with adjacent spaces, the public realm and historic environment to enhance the general street scene and create good quality townscape;

3. not result in an unacceptable impact on local amenity, loss of light or privacy, or visual impact, and incorporate a good standard of landscape design;
4. contribute to the provision of green infrastructure, including open space in accordance with the Council's standards, sustainable drainage systems ~~where appropriate~~, and ensure that the County Borough's network of green infrastructure is accessible and connected;
5. allow access for the widest range of people possible, and demonstrate that any traffic movements will not have an unacceptable impact on local amenity or highway safety and satisfy the Council's parking standards;
6. incorporate resource efficient/adaptable buildings and layouts using sustainable design and construction techniques;
7. minimise the demand for energy and, where appropriate, utilise renewable energy resources;
8. provide and protect relevant utility services and infrastructure without causing any unacceptable environmental impacts;
9. incorporate measures to improve ground and surface water quality wherever possible;
10. provide adequate facilities and space for waste collections and recycling; and
11. promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour.

In addition, to clarify the new consenting regime and requirement to incorporate SuDS it is proposed that additional supporting text be added to paragraph 6.5.72 under policy SW11 (Sustainable Design and Placemaking) as follows:

6.5.72 Amongst the list of detailed considerations the policy requires the provision and integration of Green Infrastructure, **open space and sustainable drainage** in new development proposals. The integration of Green Infrastructure is important as it can realise other positive benefits to health and wellbeing. This can include for example, the provision of healthy and active environments, flood management, water and air quality improvements, reduced noise pollution, climate moderation, climate change mitigation and food production. Examples of features that can help address these wider objectives can include landscaping, green roofs, grass verges, sustainable urban drainage, open spaces and gardens. **In particular, it should be noted that all new development (of more than 1 dwelling or where the construction area is 100 sqm) is required to incorporate Sustainable urban Drainage Systems (SuDS) that meets the statutory sustainable drainage standards set by Welsh Government. Approval from the SuDs Approval Body (SAB) will be required before construction takes place. Consequently, the provision of SuDS should be considered as an integral part of the design of new development and considered at the earliest possible stage.**

With regards to the Plan's viability assessment (document SD34), and implications of the new sustainable drainage requirements, there is currently limited baseline cost information available due to there being no local examples of approved schemes that have progressed through the system to date. While cost information may become available to incorporate into the viability assessment, these are unlikely to be representative of typical SuDS costs during the Plan period, at least in the short term, whilst developer and design practices in meeting the Sustainable Drainage Standards develop. Furthermore, there is likely to be large variance in scheme costs as these will respond to individual site characteristics and development proposals. For example, the commuted sums required to maintain and/or replace the drainage system will vary dependent on the exact nature of the drainage system proposed.

Notwithstanding this, costs for physical attenuation works have been assumed for half of the case study sites in the viability assessment (6 out of the 12 case study sites) where these were considered necessary due to the characteristics of the site. Page 4 of Appendix 1 of the Viability

Report lists additional infrastructure costs that were considered in the assessments such as attenuation, ground stabilisation works and dealing with ground contamination. The assessments of these sites indicate that where drainage attenuation works would be required the development site remained financially viable.

Equalities Impacts

The Council has prepared a new briefing paper which sets out how the three aims of the Public Sector Equality Duty (PSED) have been addressed in the plan-making process. Copies of the Equalities Impact Assessments (EqIA) that were undertaken at the Pre-Deposit, Deposit and Focused Changes / Submission stages are provided at the appendices of this paper. These EqIA set out how the Plan might affect persons or groups with protected characteristics under the Equality Act 2010 and reference to these assessments is also made in the briefing paper.

Constraints Map and Proposals Map

The Council accepts that the LDP Constraints Map should not form part of the Replacement LDP and proposes to amend the wording of LDP paragraph 1.11 to clarify that it does not form part of the development plan and is a separate supplementary document. The Council can also confirm that the designations delineated on the Constraints Map are designated by other mechanisms or legislation and are not LDP policy designations that are required to be shown on the LDP Proposals Map. The following amendments to paragraph 1.11 would be proposed:

1.11 The **Local Development Plan** ~~‘Deposit Plan’~~ consists of a Written Statement **and**, Proposals Map ~~and Constraints Map~~ dated June 2018. The Written Statement sets out local planning policies, land use allocations and associated justification. It also contains a monitoring framework. The Proposals Map illustrates the land use allocations and planning designations proposed in the Plan. The **Plan is also accompanied by a separate Constraints Map dated June 2018 that** illustrates existing identified environmental designations and other physical constraints. It should be noted that the Constraints Map is correct at the time of publication and **may be updated in the future. It** is for indicative purposes ~~only~~, **and** detailed development proposals should be informed by up-to-date constraints information from the responsible designating authority such as Natural Resources Wales, Welsh Government or Cadw.

Other matters

- **Development Advice Map flood zones**

I can confirm that the Council’s GIS officer has compared the NRW Development Advice Map (DAM) dataset used for the Deposit Plan site assessments (published on 22 January 2018) against the latest DAM dataset available from Lle (published on 21 January 2019). The Council confirms that there are no differences between the two versions of the DAM in the authority area and therefore no changes in the extent of flood zones on sites allocated in June 2018.

Data Source: <http://lle.gov.wales/catalogue/item/DevelopmentAdviceMap2/?lang=en>

- **The Hoover Strategic Regeneration Area (HRSA) Concept Plan**

The Hoover Strategic Regeneration Area concept plan is currently being prepared in consultation with the Welsh Government department purchasing the site and we anticipate including this in our Hearing Statement due by 11th June 2019.

- **Cwm Taf Local Wellbeing Plan**

The Cwm Taf Local Wellbeing Plan 2018-2023 has now been submitted and this is listed in the Examination Library as examination document ED006. In addition, as the Merthyr Tydfil County Borough Council ‘Statement of Wellbeing’ (2017) is also referenced in the LDP Written

Statement this document will also be submitted as an examination document. A copy of this document is attached to this letter.

Renewable energy and minerals policies (as amended by Focussed Changes FC30, FC32 and FCM32)

The Council has been in discussion with Welsh Government officials in relation to any areas of outstanding objection regarding the Plan's renewable energy and minerals policies. As the objections request additional justification the Council will provide this through its hearing statements rather than through a Statement of Common Ground.

The Council's hearing statement will provide the justification for the safeguarding primary coal resources and will explain that the Plan, through the inclusion of LDP Policy EcW13, satisfies the requirements of PPW Edition 10. The Council's position on this is included in the Focused Change Consultation Report (Page 20 of Submission Document SD58) and this is summarised below.

Paragraph 5.10.17 of PPW edition 10 advises that: "the safeguarding of primary coal resources is not required. However, planning authorities, with the exception of National Parks, may wish to safeguard primary coal resources depending on their individual circumstances. Should this be the case, then they would need to include appropriate policies, including those relating to pre-extraction, in their development plans".

PPW edition 10 paragraph 5.14.32 recognises that coal, which has been predominantly used for energy production (now ruled out under paragraph 5.10.14 except in wholly exceptional circumstances), has other specific uses. This includes coal use for industrial purposes in the steel industry, in speciality carbon markets, in the making of concrete and domestic uses. As an example, the coal extracted from Ffos-y-fran is currently used in industry for steel manufacture. Therefore, the Council consider it appropriate to retain safeguarding of primary coal resources in order to protect the finite natural resource. LDP Policy EcW13 (Minerals Safeguarding), which requires consideration of prior extraction, would be applied to consider any development proposals in coal safeguarding areas. As the policy is considered to be in accordance with PPW paragraph 5.10.17 no further changes to the LDP in this respect are proposed.

With regards to the Renewable Energy Assessment, additional evidence and justification will be provided to explain the use of the 2km grid connection distance and why it is an appropriate assumption in the Merthyr Tydfil County Borough Council area. This justification will be provided in the Council's hearing statement rather than through a Statement of Common Ground.

Yours sincerely;

MISS J JONES

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Enclosures:

1. Merthyr Tydfil Replacement LDP 2016-2031 Infrastructure Schedule – May 2019
2. Equalities Impact Assessment briefing paper – May 2019
3. Merthyr Tydfil County Borough Council 'Statement of Wellbeing' 2017