

Merthyr Tydfil Replacement Local Development Plan 2016 to 2031 Examination Hearings

Hearing 7: Development Management policies Wednesday 3 July 2019

Submission by Friends of Nant Llwynog Park

Background

1. The Friends of Nant Llwynog Park (Participant 288) are concerned primarily, but not exclusively, with Policy SW10. Day 6 of the public examination is dealing with policies and approaches to Development Management processes. It does so within the overall context of assessing the soundness of the Plan, as well as its legal compliance.

2. The need for the Plan to be produced in a positive manner is clear and obvious. The logic of this view must be the likelihood of a beneficial result with an overriding objective of sustainability. Without this being born in mind, the Plan becomes simply a housing site plan and little else. The integration of overlapping elements, including nurturing of the natural environment, must take a significant and prominent role in the forward planning process.

Summary of impacts

3. The need for more and better conservation sites is beyond question. This is the case across the South Wales valleys, and certainly in the borough of Merthyr Tydfil. The choice and designation of these sites must be undertaken with care, and with a view to the long term. The selection of the Bedlinog nature reserve site is a welcome and acceptable intervention. In this regard, the boundaries are also important.

4. A number of changes were made to the proposed site in the Focused Changes to the Plan. The exclusion of the sports fields was a compromise, based on ensuring wider community support. This is a reasonable way forward in the circumstances; though probably this needs to be confirmed through the examination process.

5. Beyond that, the park site at its southern edges contains areas of key conservation value that have been excluded. This needs to be checked, confirmed and justified in land use terms. The concept of a single and integrated park site is important, even if apparently contradictory uses are long established.

Setting of the nature reserve

6. Colleagues have drawn attention to the setting of the nature reserve, and its role in the distribution of wildlife. In particular, they note the provision of a development site at Cwmfelin in Bedlinog for up to 30 houses. It is held that the development of this site would materially affect the movement of wildlife, including a number of mammal and avian species, northward up the valley towards the Nant Llwynog site. This should be seen as a possible threat to the success and practical working of the parks wildlife.

7. In many ways, the existence of the SINC (Site of Importance for Nature Conservation) around Cwmfelin is complementary to the proposed local nature reserve. These connections are relevant. If the Plan is to be sustainable in the long run, then the relevance of these sites and open spaces must also be recognised in the Plan.

8. One of the prime issues in nature protection has been the need to avoid fragmented habitats and landscapes. Fragmentation of landscape types and their component wildlife, by the inconsiderate development of inappropriate sites, including supporting infrastructure, has long been recognised. The success of the welcome designation of the nature reserve site will depend on the viability of its setting and context, and this must not be compromised. Sustainability requirements demand that all aspects of land use planning are weighed in the balance and fully taken into account. This would entail the deletion of the housing site as a prerequisite in the Plan.

9. Besides concerns about wildlife survival, there is the question of public amenity and the improvement of access to natural open spaces. The prior existence of an official public footpath and right of way, from the housing site to the conservation site to the north is also of importance and should not be affected or diminished. Other policies in the Plan, and the aspirations of stakeholder and partner bodies, aim to promote active tourism and leisure facilities within the borough. The nature reserve site is relevant to this. It is the integration of these aims and objectives that will determine the eventual success of the Plan, and which will be the conclusive test of appropriateness at the examination. The existence of two conservation sites within the same valley is a landscape matter that deserves better understanding and recognition.

Soundness of the Plan

10. In terms of conservation significance, the Plan appears deficient as regards a clear regional or sub-regional context and strategy. It purports to contain a shared vision and objectives. These appear to highlight economic opportunities and enterprise aspects, alongside its varied and attractive countryside. The need to enhance the quality of life, across the borough is a Plan objective. While the misapplications or errors of past plans cannot be rectified overnight, greater efforts at sustainable solutions can be imagined. This involves the integration of nature. At this time the opportunity for creative development and deeper insights has been lost.

11. The future needs of more sustainable patterns of development, and more bio-diverse environments, are not apparent. This may also involve a reduced level of natural resource consumption. The soundness of development levels is significant, and this must be assessed against future needs of the region and aspirations of its people.

12. Pressures from outside the borough may grow as a result of leaving the EU. This may be an unexpected result of the need for greater self-sufficiency and resilience. Such acceleration may be difficult to plan for, but its effect and likely impact should not be discounted; it will have positive as well as negative consequences.

13. If the Plan is to be more than a housing plan, important though it is, then it needs to have broad strategic value. The design and location of significant developments is important. A greater emphasis should be placed on quality and practical sustainability. The problems of rural areas need urgent attention, and they must be kept within a framework of sustainable development. Development sites should be located so as to encourage community development, not estate indifference and anonymity.

14. Conservation is important, but so is human satisfaction. Urban concentration can be achieved through good planning, design and layouts. This should not lead to cramped town spaces. It is essential that urban areas incorporate viable green infrastructure and open spaces. Liveability in urban areas is essential, as well as the ability to connect to, and appreciate the rural hinterlands of attractive countryside.

Protecting and Improving Open Spaces

15. Greater recognition of the importance of nature and wild species has become a national concern. The local plan system has a key role to play as a controller of land use practices. Policy SW10 sets out to identify more suitable areas for conservation, which is to be commended. Creating more nature reserves in the borough is worthwhile and desirable, though not always well understood. Too often sites are accepted because they are hidden from view, such as the Cwm Taf Fechan reserve at Vaynor.

16. If conservation is seen to 'get in the way' of other legitimate human activities, it may be less successful. Conservation should be broadly acceptable to all in the community, and be integrated in land use terms. It should also involve the restoration and enhancement of nature, not just the declaration of sites. Such greater 'buy-in' through community engagement should also be an essential part of the process.

Old Colliery Site, Coed-y-Hendre & Nant Llwynog, Bedlinog

17. The Bedlinog former colliery site of Coed-y-Hendre is important as part of a restored landscape valley. It is now a priority open space within the borough council's approach to improve public amenities. It also has a role in the memory of the local resettled community, many of whom can remember the lives and struggles of antecedents. This historic heritage and folk memory of coal mining is an essential part of the valleys of Merthyr and of South Wales generally. That industrial past still casts its heavy shadow over the area, and is an ever present feature of life at a local level.

18. In land use terms, the nature reserve should benefit all parties, visitors and local residents in common. The policy should be clear and easy to understand. This would help ensure clarity on the aims of the plan, and also avoid uncertainties and conflicts as to the meaning of policy on the ground.

Site boundaries

19. Policy SW10 has amended the Local Nature Reserve boundaries on Proposals Map. Nant Llwynog Park is classed as a multi-purpose site, and thus the logic of a nature reserve covering the whole site seemed reasonable. The open space contains a number of uses. These are long-standing and include children's playgrounds and two sports fields. The redrawn boundaries exclude some areas of interest to nature conservation and certain habitats of importance, especially at the entrance to the park.

20. While exclusions can cover the sports fields and play areas, the boundaries need to be revised and drawn with sensitivity to the relevance of the site. The history of the park is noteworthy, as a semi-natural and reclaimed site bordering more natural and undisturbed woodland areas. A site visit by the Inspector would be helpful to pay close attention to its overall value. This would reassure the public, and confirm its status.

Conclusions

21. The Friends of Nant Llwynog Park accepts the Plan must address many aspects of land use. It believes such elements should be integrated where possible. It supports the conservation and enhancement of the Borough's high quality natural and built environments. The designation of this and other sites must take account of all uses and seek to promote conservation as well as practical amenity values within its boundaries.

MATTER 7: DEVELOPMENT MANAGEMENT POLICIES 2 7.1.

Open spaces and Local Nature Reserves (policy SW10)

Inspector's questions

a. Does Policy SW10 apply to all open spaces or only to those identified on the Constraints Map? As the Council has proposed modifications clarifying the non-statutory status of the Constraints Map 46, should these open spaces be identified on the Proposals Map?

Policy SW10 is an overriding policy and for reasons of clarity, should apply to all open spaces in the Plan. There may be exceptions, especially for potential or extended sites where the purposes and status may be unclear.

The statutory definition of 'constraints' may remain in doubt. This applies particularly to sites that have multiple uses. Defining such open spaces as 'non-statutory' is superficially attractive but may raise its own problems in planning terms. This may expose them to challenge in terms of development prospects.

b. Are the open space standards expressed sufficiently clearly in the Open Space Strategy 47 and/or should they be summarised within the Plan itself?

The open space standards, targets and purposes should be summarised in the Plan. This would help by introducing a single reference point, and also by clarifying the status of the open space provision in land use terms. The clarification should relate to the level of protection accorded, and also to the multi-functional aspect of many of the sites.

c. Local Nature Reserves (LNRs) are designated under the National Parks and Access to the Countryside Act 1949.

Nature reserves are designated under the National Parks and Access to the Countryside Act 1949. However, other statutes are also relevant, namely the Countryside Act 1968; the Natural Environment and Rural Communities Act 2006; and the Environment (Wales) Act 2016. While the primary legislation remains the 1949 Act, local authorities have found various means of designation. Whether such designations are statutory or no-statutory is an open question.

The Council suggests a precedent has been set to designate local nature reserves through the planning process via Local Development Plans as local 'non-statutory' designations. This is set out in para 5.4.4 of Planning Policy Wales 2016. While this may suffice in forward planning terms, there is concern as regards Development Management and any testing or challenges that may arise.

The matter of legal status surrounds the issue of constraints. There has been a reluctance to identify 'constraints', in order to leave the matter open for development control decisions to be made without inhibition. Rather than 'constraints', they become 'considerations' or 'material considerations'.

If local authorities have the power, under several Acts, to designate, then it would be preferable if this were done in all or most cases. There may be exceptions for local reasons. None seems to apply in this case, and identification in the Plan together with legal designation under the Act is appropriate and right in this case. Open spaces may have primary and secondary purposes, from creating a 'sense of place' and local well being to fostering nature conservation values or artefacts of historic significance.

The meaning of 'nature reserve' is important. Under both the 1949 Act and the 1968 Act, 'nature reserve' may mean it is managed solely for a conservation purposes. It may mean the land is managed not only for conservation purposes, but also for recreational purposes. This applies where the management of the land for recreational purposes does not compromise its management for conservation purposes.

The local authority has suggested the term Nature Reserve is mainly about improving access. In fact, the 1949 Act does not state this. It lists research and study as well as the preservation of species as primary purposes. Local support for a nature reserve exists in the locality (Friends groups opinion survey in 2017 confirms this). The only issue is the use of sports fields on the Bedlinog site. While this matter may appear resolved, the reasoning and determination of the Inspector would be helpful.

i. In light of this what is the purpose of the second part of Policy SW10?

The second part helpfully identifies 12 sites. The Council suggests the best approach to managing green space is to follow the principles of Green Flag. It should essentially be a welcoming place that invites and draws people to it. Sustainability should also be at its core, with special regard had towards Biodiversity, Landscape and Heritage.

Nant Llwynog Park has applied for Green Flag Award status in 2019. In addition, a Management Plan is in draft, jointly produced by the Wildlife Trust of South Wales and the Friends group, in association with other consultees, including the Council, Natural Resources Wales, Actif Woods and Keep Wales Tidy.

ii. Is there evidence that the proposed LNRs are likely to achieve designation as LNRs under the 1949 Act in terms of qualifying features and land ownership?

For a site to become an LNR it must have natural features of special interest to the local area, as well as the authority having a legal interest in the land. Information and data continues to be gathered on the Nant Llwynog site, and this is recorded by the Wildlife Trust and submitted to the South Wales Biodiversity Records Centre in Pontyclun.

iii. Should LNRs be defined on the Constraints Map rather than the Proposals Map?

LNRs would be better to be identified on the Constraints Map. This would assist the process once the Plan is adopted and avoid any uncertainty or confusion. Conservation is a dynamic process, and attitudes have changed or evolved since 1949. An inclusive approach requires the workings of 'man and nature' to combine to best effect.

d. Are the boundaries of identified open spaces and LNRs justified and defensible?

The matter of boundaries is important. This may relate to land ownership in some cases, but should rightly be concerned with landscape values and net benefit to the purposes of designation as LNRs or priority open spaces.

e. Would monitoring indicator 5.4 assist in evaluating the effectiveness of policy SW10?

Monitoring as specified would assist in assessing the net worth and effectiveness of Policy SW10. The Council provides an annual monitoring report to members. This is in addition to associated Action Plans and other work. Budgetary limitations may apply.