

# MERTHYR TYDFIL COUNTY BOROUGH COUNCIL REPLACEMENT DEPOSIT LOCAL DEVELOPMENT PLAN 2016 - 2031 FOCUSED CHANGES RESPONSE FORM

We would like your views on the Focused Changes proposed to the Replacement Local Development Plan (LDP) and amended documents which support these (for example the amended Sustainability Appraisal or Habitats Regulations Assessment). This form should be used for all representations (i.e. comments or objections). Guidance notes for completion are provided overleaf. Electronic versions of this form are available at [www.merthyr.gov.uk/ReplacementLDP](http://www.merthyr.gov.uk/ReplacementLDP). Your representations must be received by the Council by Monday 4th March 2019.

## PART 1: CONTACT DETAILS

### Personal Details

Title	<input type="text"/>
First Name	<input type="text"/>
Last Name	<input type="text"/>
Job Title (where relevant)	<input type="text"/>
Organisation (where relevant)	<input type="text" value="Trago Mills Limited"/>
Address Line 1	<input type="text" value="Trago Mills"/>
Line 2	<input type="text" value="Twowatersfoot"/>
Line 3	<input type="text" value="Liskeard"/>
Line 4	<input type="text" value="Cornwall"/>
Post Code	<input type="text" value="PL14 6HY"/>
Telephone No.	<input type="text"/>
Email Address	<input type="text"/>

### Agent's Details (if applicable)

Mr
<input type="text" value="Christopher"/>
<input type="text" value="Tofts"/>
<input type="text" value="Partner"/>
<input type="text" value="Stephens Scown LLP"/>
<input type="text" value="Osprey House"/>
<input type="text" value="Malpas Road"/>
<input type="text" value="Truro"/>
<input type="text" value="Cornwall"/>
<input type="text" value="TR1 1UT"/>
<input type="text" value="01872 265100"/>
<input type="text" value="planning@stephens-scown.co.uk"/>

Please tick if you would prefer correspondence in Welsh ☐

We prefer to correspond by e-mail. Please tick if you would prefer future updates by post ☐

*Please note all comments will be publicly available and cannot be treated as confidential. Your information will be retained on the Council's LDP Database and will only be used in relation to preparation of the Local Development Plan.*

Representor ID Number\* (if relevant)

\*You will have a Representor number if you have made representations at previous stages of the Replacement LDP process or if you have requested to be included on the Council's LDP database. The Representor Number will be indicated on previous correspondence from the Council. Please quote this number, if possible, to assist the Council in identifying you and recording your representation.

### PRIVACY NOTICE STATEMENT




Merthyr Tydfil County Borough Council is committed to upholding your privacy rights. We will only use your personal information for lawful purposes. If you would like to find out more about how we use your personal information please read our privacy notices which are available on our website ([www.merthyr.gov.uk/council/data-protection-and-freedom-of-information/privacy-notices/](http://www.merthyr.gov.uk/council/data-protection-and-freedom-of-information/privacy-notices/)). If you have any concerns or would like to know more about data protection compliance please contact our Data Protection Officer on 01685 725329 or [data.protection@merthyr.gov.uk](mailto:data.protection@merthyr.gov.uk).

#### Guidance notes:


- Please submit your response to the Focussed Changes to the Replacement Deposit LDP, and documents which support the Focused Changes, on this form.
- If you are objecting to a Focussed Change, you should say why you think it makes the Plan unsound, and how the Focussed Change should be changed to make the Plan sound. If you propose a change to a Focussed Change you should consider the implications on the Sustainability Appraisal (SA) and whether any changes would be required to the appraisal. Where proposed changes have significant sustainability effects the representation should include relevant Sustainability Appraisal information.
- Where you are objecting or propose a change to a Focussed Change it would be helpful to make clear which test(s) of soundness you believe it fails. Failing to identify a test will not mean that your comments will not be considered, providing it relates to the Focussed Changes. Before completing the form, please refer to the soundness tests guidance notes in the accompanying Annex at the end of this form. A list of supporting questions has been provided to help identify which tests of soundness may be the most relevant to your representation.. These are a guide only and it is not necessary to answer all supplementary questions provided the most relevant tests of soundness are indicated.
- It would be helpful, but not essential, if separate forms were completed for each comment that you wish to make (for example, for each Focussed Change). Alternatively, a separate Part 2 could be completed for each comment, and securely attached to the main form.
- When making comments please use additional sheets as required, clearly numbering each additional sheet.
- Please note all comments will be made publically available.
- When setting out your representation please include all the information and supporting evidence necessary to support your representation. You will only be able to submit further information to the examination if the appointed Inspector invites you to address matters that he or she may raise.
- Where a group shares a common view on how it wishes the Plan to be changed, it would be helpful for that group to send a single form with their comments, rather than for a large number of individuals to send in separate forms repeating the same point. In such cases the group should indicate how many people it is representing and how the petition has been authorised. The group's representative (or chief petitioner) should be clearly identified.
- Additional representation forms can be obtained from the LDP Team on 01685 726277, 726279, 726220 or 727053, or may be downloaded from the Council's website at [www.merthyr.gov.uk/ReplacementLDP](http://www.merthyr.gov.uk/ReplacementLDP) or you may photocopy this form.
- If you have any questions about responding, please do not hesitate to contact the Planning and Countryside Department, asking to speak with a member of the LDP Team on the above telephone numbers or by emailing [devplanning@merthyr.gov.uk](mailto:devplanning@merthyr.gov.uk).

**PART 2: Your Comments on the Focussed Changes** (Please use one Part 2 section for each comment that you wish to make)

**2a. Before you set out your comments in detail, it would be helpful to know whether you think that as a result of the Focused Changes proposed by the Council the Plan is sound and meets the procedural requirements. If you think that the Plan is unsound, which test of soundness do you think it fails? (Please tick) Further details regarding the soundness tests are provided in the Annex at the end of this form.**

Test 1 	Test 2 	Test 3 
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**2b. Which Focused Change are you supporting or objecting to? (Please use a separate Part 2 for each Focussed Change being commented on)**

Focussed Change (FC) reference number:	Support	Object	Comment
FC27	<input type="checkbox"/>		<input type="checkbox"/>

**2c. Please set out your comments in the space below, using additional sheets if required, clearly indicating which Focused Changes your comments relate to.** If you consider that the proposed Focused Changes will not make the Plan sound, please clearly explain your reasons why and what further changes are required. If you propose a change to a Focussed Change you should consider the implications on the Sustainability Appraisal. Where proposed changes have significant sustainability effects the representation should include relevant Sustainability Appraisal information. Please indicate in the space provided below if you are submitting additional material to support your comments.

FC27 seeks to elevate the Cyfarthfa Retail Centre to an *"edge of centre retail park in close to the Town Centre"* (sic) whilst retaining Trago Mills as an *"out-of-town centre"*. This is contrary to TAN 4 and irrational. No evidence or justification has been provided for such a change and the change will be challenged.

FC27 explicitly relies on the Merthyr Tydfil Retail and Commercial Leisure Study (2017). Two points arise from this: i) the 2017 study refers to the Cyfarthfa Retail Park as *"out-of-centre"* (para 5.20 and 'Threats' on p84) and that *"Future growth should be concentrated in the town centre to address [the Cyfarthfa imbalance]"* (para 6.10J; and ii) the 2017 study states (e.g.) that Trago Mills *"has the potential to further reduce the visitor numbers to the town centre"* and *"Concerns were also raised that Trago Mills could divert trade from the town centre when it opens"* (etc). However, MTCBC Officers reported the opposite (at the Regeneration and Public Protection Scrutiny Committee meeting on Tuesday, 27th November, 2018 2.30 pm (e.g. as reported by <https://www.bbc.co.uk/news/uk-wales-16420872>). E.g. *"Officers said footfall was up by more than a quarter in the 10 weeks after Trago Mills opened on Swansea Road, compared to the 10 weeks before."* It is noted that Figures A9 and A10 of the 2017 study paint a different picture for the Cyfarthfa Retail Park.

To the extent that it is considered acceptable by MTCBC in promoting FC27 to disregard: i) the 2017 study; and ii) the advice in TAN 4; and include of the Cyfarthfa Retail Park as *"edge-of-centre"*, then consideration should be given to the inclusion of the Trago Mills site as *"edge-of-centre"* also, particularly given the findings of MTCBC Officers which were contrary to the 2017 study.

Absent reasoned, evidenced, justification, including Cyfarthfa Retail Park as *"edge-of-centre"* (contrary to the position in the 2017 study) whilst retaining the Trago Mills site as *"out-of-centre"* makes the plan unsound under tests 1, 2 and 3.

We have not seen any SEA of the proposed change of Cyfarthfa Retail Park as "edge-of-centre" (contrary to the position in the 2017 study) from "out-of-centre".

Either: i) Trago Mills should be included together with Cyfarthfa Park as an edge-of-centre facility; or ii) the first tracked change in FC27 should be omitted and the deleted "and *Cyfarthfa Park*" reinstated.

The addition of reference to the Merthyr Tydfil Retail and Commercial Leisure Study (June 2017) should be deleted.

### 'Part 3: What happens next?

At this stage, you can only make comments in writing (these are called 'written representations'), However, everyone that wants to change the Plan can appear before and speak to the Inspector at a 'hearing session' during the Public Examination (which will be held at a later date). You should bear in mind that your written comments on this form will be given the same weight by the Inspector as those made verbally at a hearing session. Please also note that the Inspector will determine the most appropriate procedure for accommodating those who want to provide oral evidence.

**3a. Do you want your comments to be considered by 'written representations' or do you want to speak at a hearing session of the Public Examination? (Please tick)**

I do not want to speak at a public hearing and am happy for my written comments to be considered by the Inspector.

☐

I want to speak at a public hearing.

☒

**3b. If you want to participate in a hearing, indicate below what you want to speak about at the public hearing (e.g. Focused Change X in relation to 'Housing' or 'Transport').**

FC27 and FC28

**3c. If this representation represents a petition, please indicate how many people it represents:**

**3d. If additional documents have been provided to support your representations, please list them below:**

Copy of BBC article on Regeneration and Public Protection Scrutiny Committee meeting on Tuesday, 27th November, 2018 2.30 pm. Copy of minutes of Public Protection Scrutiny Committee meeting on Tuesday, 27th November, 2018 2.30 pm.

Once completed please sign and date your representation form:

**Signed:**

C.TOFTS (for Stephens Scown LLP)

**Dated:**

27February2019

**Thank you for your comments on the Focussed Changes to the Replacement LDP.**

**Please do not forget to enclose any relevant documentation with this form and securely attach any additional completed sheets.**

**Completed forms should be returned to:**

**The LDP Team  
Planning and Countryside  
Merthyr Tydfil County Borough Council  
Unit5  
Triangle Business Park  
Pentrebach  
Merthyr Tydfil  
CF484TQ**

**Or e-mailed to: [devplanning@merthyr.gov.uk](mailto:devplanning@merthyr.gov.uk)**

**Representations must be received by  
12 midnight on Monday 4<sup>th</sup> March 2019.**

**Representations received after this time will not be considered.**

## Annex - Soundness Tests

The Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031 will be examined by an independent Inspector appointed by the Welsh Government. It is the Inspector's job to consider whether the Plan meets procedural requirements and whether it is sound.

In this context 'sound' may be considered within its ordinary meaning of 'showing good judgement' and 'able to be trusted'. The questions or 'tests' which the Inspector will consider in deciding whether the Plan is sound are explained in the table below. More information on the soundness tests and procedural requirements is provided in the Planning Inspectorate's LDP Examinations Procedural Guidance (2015).

If you are making an objection, you should say why you think the Plan is unsound and how the Plan should be changed to make it sound. Where you propose a change to the Plan it would be helpful to make clear which test(s) of soundness you believe the Plan fails and why. This will help the Authority and the Inspector to understand the issues you raise. If your comment relates to the way in which the Plan has been prepared or consulted on, it is likely that your comments will relate to 'procedural requirements'.

Failing to identify a test will not mean that your comments will not be considered, providing it relates to the Plan or its supporting documents. You should include all your comments on the form, using accompanying documents and supporting evidence where necessary.

Soundness Tests	
Test 1	<b>Does the Plan fit?</b> <ul style="list-style-type: none"> <li>Does the plan have regard to national policy?</li> <li>Does the plan have regard to Well-being Goals?</li> <li>Is the Plan consistent with regional plans, strategies and utility programmes?</li> <li>Is the Plan compatible with plans of neighbouring authorities?</li> <li>Is the Plan compatible with other Council strategies and priorities?</li> </ul>
Test 2	<b>Is the Plan appropriate?</b> <ul style="list-style-type: none"> <li>Is it appropriate for the area in the light of the evidence?</li> <li>Is it locally specific?</li> <li>Does it address the key issues?</li> <li>Is it supported by robust, proportionate and credible evidence?</li> <li>Can the rationale behind plan policies be demonstrated?</li> <li>Does it seek to meet assessed needs and contribute to the achievement of sustainable development?</li> <li>Are the vision and the strategy positive and sufficiently aspirational?</li> <li>Have the 'real' alternatives been properly considered?</li> <li>Is it logical, reasonable and balanced?</li> <li>Is it coherent and consistent?</li> <li>Is it clear and focused?</li> </ul>
Test 3	<b>Will the Plan deliver?</b> <ul style="list-style-type: none"> <li>Is it likely to be effective?</li> <li>Can it be implemented?</li> <li>Is there support from the relevant infrastructure providers both financially and in terms of meeting relevant timescales?</li> <li>Will development be viable?</li> <li>Can the sites allocated be delivered?</li> <li>Is the plan sufficiently flexible?</li> <li>Are there appropriate contingency provisions?</li> <li>Is it monitored effectively?</li> </ul>