



HEARING SESSION 7  
DEVELOPMENT MANAGEMENT POLICIES 2  
WEDNESDAY 3<sup>RD</sup> JULY 2019

**MATTER 7: DEVELOPMENT MANAGEMENT POLICIES 2 – HEARING STATEMENT**

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## Matter 7 - Development Management Policies 2

### 7.1 Open Spaces and Local Nature Reserves (Policy SW10)

- 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<sup>1</sup>, should these open spaces be identified on the Proposals Map?**

Yes, the policy only relates to Open Spaces identified in the Council's Open Space Strategy (OSS) and currently shown on the Constraints Map. The open spaces identified in the OSS are included in the calculation for the provision of open spaces by ward and are consequently used in considering whether there are surpluses or deficits against standards.

As the policy applies to identified open spaces it is agreed that these should be shown on the LDP Proposals Map to clearly identify the areas that are afforded protection by the policy. A Matters Arising Change is set out below.

#### **Proposed Matters Arising Change**

Transfer the identified open spaces currently shown on the Constraints Map to the LDP Proposals Map and amend paragraph 6.5.63 as follows:

6.5.63 Accordingly, our OSS and associated Action Plans<sup>2</sup> provide a long-term framework to protect and improve the quality and accessibility of our network of 139 open spaces recorded in the OSS. These **open spaces** are shown on the LDP ~~Constraints~~ **Proposals** Map.

- b. **Are the open space standards expressed sufficiently clearly in the Open Space Strategy<sup>3</sup> and/or should they be summarised within the Plan itself?**

Whilst the Council considers that the standards expressed in the extant OSS are sufficiently clear, it is considered that including the standards within the Plan would assist the clarity and usability of the Plan for prospective applicants and decision makers. It is proposed that the standards are included as an Appendix in the Plan. This is set out in a proposed Matters

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<sup>1</sup> Council's Response to the Inspector's Initial Letter [ED007]

<sup>2</sup> Merthyr Tydfil County Borough Council Open Space Strategy Action Plans 2016 (SD48)

<sup>3</sup> Merthyr Tydfil Open Space Strategy June 2016 [SD47]

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Arising Change in the Council's Hearing Statement for Matter 2.3 Planning Obligations (Policy SW9) of Plan Strategy, Delivery and Infrastructure.

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

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

The National Parks and Access to the Countryside Act 1949 enables the designation of Local Nature Reserves to provide opportunities to study and research species, habitats; geological and physiographical features of special interest; and to preserve such features. There is limited up-to-date guidance available on the modern roles of LNRs and the formal process of designation however it is understood that formal consultation with Natural Resources Wales would be required in addition to the preparation of a management plan.

In this respect, the Local Nature Reserves background paper (page 3, SD52) further advised that *“Although, the primary purpose of designation is to protect and manage LNRs for nature conservation ends, they are also for the enjoyment of people and provide opportunities to improve access to and education of nature”*.

Previous iterations of Planning Policy Wales advised that such non-statutory local level designations should be identified in the Local Development Plan, although the explicit reference to this has been removed in PPW Edition 10.

Policy SW10 included reference to the proposed Local Nature Reserves in order to identify those areas which were intended to be designated as Local Nature Reserves and to set out the main policy objectives for those areas (i.e. to conserve, enhance biodiversity and improve access to nature).

However, PPW Edition 10 identifies LNRs as non-statutory local designations and given that such areas would be designated under the National Parks and Access to the Countryside Act 1949 it is not necessary to include reference to proposed areas in local policy as such areas can be identified on the Constraints Map which can be updated as new designations are confirmed. LDP policies should however set out the level of protection that is afforded to such local level designations in accordance with PPW paragraph 6.4.20.

As the primary purpose of LNR designation is to protect sites which are of *local* natural scientific interest (and features of special interest in the area), it is proposed that reference to the LNRs is removed from Policy SW10 and is

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included in Policy EnW3 the Plan's local nature conservation designations policy which relates to non-statutory local nature conservation designations. Accordingly, a Matters Arising Change is proposed as follows.

**Proposed Matters Arising Change**

Remove reference to Local Nature Reserves from policy SW10 and include within the local nature conservation designations policy EnW3 as follows:

Policy SW10: Protecting and Improving Open Spaces

Development proposals that improve the quality, quantity or access to open space will generally be supported.

Development proposals that would have an unacceptable adverse impact on or result in a loss of open space will not be permitted unless:

- It would not cause or exacerbate a deficiency of open space in accordance with the Council's open space standards or;
- The majority of the open space can best be retained and enhanced through the redevelopment of a small part of the site or;
- Satisfactory equivalent community benefit or enhanced compensatory provision can be provided in accordance with the Council's open space standards and
- In all cases, the open space has no significant nature or historic conservation importance.

~~To conserve and enhance biodiversity and improve enable access to nature, the following Local Nature Reserves (LNRs) are proposed:~~

- ~~1. Bryngolau LNR, Merthyr Vale.~~
- ~~2. Cefn Glas LNR, Treharris.~~
- ~~3. Cwm Blaes LNR, Town.~~
- ~~4. Cwm Taf and Cefn Coed Tip LNR, Park.~~
- ~~5. Cwm Taf Fechan (existing) LNR, Vaynor.~~
- ~~6. Goitre Lane LNR, Penydarren.~~
- ~~7. Ifor Tip LNR, Dowlais.~~
- ~~8. Newlands Park LNR, Penydarren, Dowlais and Town.~~
- ~~9. Old Colliery Site Coed-y-Hendre & Nant Llwynog LNR, Bedlinog.~~
- ~~10. Pentrebach/Nant-yr-Odin Tip LNR, Plymouth.~~
- ~~11. Sewrfa (Gellideg Fields) & Cwm Ffrwd Woodland LNR, Cyfarthfa.~~
- ~~12. Y Graig LNR, Gurnos.~~

~~6.5.65 A number of these 'priority' open spaces are proposed as Local Nature Reserves (LNRs) as a means of connecting people with nature. In response to the Open Space Strategy, these will provide opportunities to work with the~~

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~~local community to improve them. Some additional sites are also proposed across the County Borough on the basis of having the potential to diversify a wide variety of habitats, in addition to the existing Cwm Taf Fechan LNR. All 12 LNRs are shown on the LDP Proposals Map.~~

Policy EnW3: Regionally Important Geological Sites, Sites of Importance for Nature Conservation, **Local Nature Reserves** and Priority Habitats and Species.

Development proposals likely to have an adverse impact on Sites of Importance for Nature Conservation, **Local Nature Reserves**, Regionally Important Geological Sites, or Priority Habitats and Species will only be permitted where it can be demonstrated that:

- 1.** The need for the development clearly outweighs the conservation value of the site;
- 2.** Adverse impacts on nature conservation and geological features can be avoided;
- 3.** Appropriate and proportionate mitigation and compensation measures can be provided; and
- 4.** The development maintains and where possible enhances biodiversity and geodiversity interests.

6.7.16 22 Sites of Importance for Nature Conservation (SINC) are identified to protect areas of high wildlife value at a local level. Regionally Important Geological and Geomorphological Sites are locally designated sites of local, national and regional importance for geodiversity (geology and geomorphology). Approximately 4,040 hectares of land in the County Borough are designated as SINC with 7.8 hectares designated as Regionally Important Geological Sites (RIGS) in both countryside and urban locations. The LDP Proposals Map includes 64 locally designated SINC, listed at Appendix 2 and two RIGS known as Nant Ffrwd and Llan-Uchaf.

**6.7.23 “Local Nature Reserves (LNR) are local level non-statutory designations (PPW Edition 10, Figure 11) that are identified by the Local Authority in consultation with Natural Resources Wales and designated under the National Parks and Access to the Countryside Act (1949) as amended. They are areas of high value for nature conservation, local wildlife or geological interest and are of particular value in community and education terms. While LNRs are not designated under planning legislation, national planning policy advises that development Plans should provide adequate protection to such local designations and that due weight should be attached to them in determining development proposals (PPW Edition 10, paragraph 6.4.20). One such site has been designated at Cwm Taf Fechan and 11 other sites are being considered.**

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**The existing Cwm Taf Fechan LNR is shown on the Constraints Map and new designations will be added in future updates to the Constraints Map.**

6.7.23~~4~~**5** Priority Habitats and Species for nature conservation are identified in Section 7 of the Environment (Wales) Act 2016. Priority species or habitats are important wildlife features which are rare or declining and which may not be protected by primary legislation.

6.7.24~~5~~**5** Development which is likely to have an adverse impact on SINCs, RIGS, **LNR** or Priority Habitats and Species will be required to demonstrate that every effort has been made to avoid and mitigate any adverse impacts and that the need for the development outweighs the nature conservation or geological value. Where on site mitigation is not possible or sufficient to prevent any adverse impacts, off-site compensation will be required. Off-site compensation will be secured through planning conditions or Section 106 agreements as appropriate.

**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?**

Yes. The qualifying biodiversity features for each site are set out at Section 8 of the Local Nature Reserves background paper (SD52). All proposed sites are in Merthyr Tydfil County Borough Council ownership and therefore satisfy the requirements in terms of land ownership as specified by the Act.

Section 21 of the National Parks and Access to the Countryside Act 1949 advises that local nature reserves are established by local authorities in consultation with the appropriate conservation body, in this case Natural Resources Wales (NRW).

Whilst consultation on the Local Development Plan has taken place and NRW are aware of the Council's intentions, formal consideration of the proposed Local Nature Reserves has not yet taken place. The Council will work with NRW to review the LNRs proposed in the Council's background paper (SD52) and will seek to formally designate sites following adoption of the Replacement LDP. New designations will be shown on the Constraints Map as updated versions are published.

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

Yes. Given LNRs are designated under separate legislation it is considered appropriate that the existing LNR (Cwm Taf Fechan LNR, Vaynor) is shown on the Constraints Map and new designation are added in future updates.

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

Yes, the boundaries of the LNRs as currently shown on the Proposals Map are based on identified multi-functional and natural/semi open spaces that underwent on-site assessment and wide reaching consultation during preparation of the Open Space Strategy (SD47 paragraphs, 1.10 – 1.14) and associated Action Plans (SD48 paragraph, 1.2 – 1.5).

The justification for the proposed LNRs and specific boundary amendments is discussed in the Local Nature Reserves background paper (SD52). In, particular this document sets out that all LNRs proposed that are eligible for LNR status by virtue of possessing qualifying features of local interest; lying within the Council's boundary and ownership and control; and are within easy access to the local population.

The majority of the proposed LNRs comprise the natural/semi natural open space typology consistent with the location of LNR qualifying features. Where proposed LNR sites include multi-functional green space, areas considered to contain less natural or special biodiversity features e.g. comprising sports fields have been excluded from the boundary of the proposed LNR site. The Council will consult NRW on the proposed LNRs following adoption of the Replacement LDP and will seek formal designation of these areas.

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

No. The current wording of the indicator relates to the quality and status of Local Nature Reserves rather than the protection of open spaces. In addition, reference to Local Nature Reserves is proposed to be moved to policy EnW3 under a Matters Arising Change. To rectify this it is proposed to replace indicator 5.4 with a monitoring indicator that measures the loss of identified open spaces. This would more appropriately monitor the effectiveness of policy SW10. Reference to LNRs is proposed to be included under indicator

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10.1 which monitors the effectiveness of policy EnW3. The proposed Matters Arising Changes are set out below.

**Proposed Matters Arising Change**

Amend the LDP monitoring framework as follows:

Ref No	Indicator Core/local	Monitoring target	Trigger Point	Data Source
5.4	<del>Local</del> Number of Local Nature Reserves moving towards green flag status.	4 by March 2021. 8 by March 2026. 12 by March 2031.	Failure to improve Open Space within a LNR in accordance with trigger level.	Open Space Strategy Annual Monitoring Report.
<b>5.4</b>	<b><u>Local</u></b> <b><u>Number of applications approved that would result in the loss of Open Space.</u></b>	<b><u>No permission granted for development contrary to Policy SW10.</u></b>	<b><u>1 or more planning permissions granted not in accordance with Policy SW10.</u></b>	<b><u>MTCBC Development Management Monitoring.</u></b>
10.1	<del>Local</del> Number of applications approved that would cause harm to the overall conservation value of Sites of Importance for Nature Conservation (SINCs) and Regionally Important Geological Sites (RIGS) <b><u>and Local Nature Reserves (LNRs).</u></b>	No permission granted for development contrary to Policy EnW3.	1 or more planning permissions granted not in accordance with Policy EnW3.	MTCBC Development Management Monitoring
10.3	<del>Local</del> Number of applications approved that would result in the loss of Green infrastructure/ Open Space.	No permission granted for development contrary to Policy SW10.	1 or more planning permissions granted not in accordance with Policy SW10.	MTCBC Development Management Monitoring.

## 7.2 Sustainable Design and Placemaking (Policy SW11)

- a. **Policy SW11 lists 11 criteria which new development *will be required to meet* [my emphasis] irrespective of the scale or nature of the proposal. Is the wording of the policy sufficiently flexible, particularly given that a single application permitted contrary to the policy would fall foul of monitoring target 6.1?**

The aim of the policy is to ensure that new development proposals satisfy all design and placemaking criteria where appropriate. Whilst there is flexibility in the majority of criteria the Council accepts that it will not be possible for all forms of development to meet all of the criteria listed in policy SW11 as some may not be relevant to the form of proposal being considered (for example for a change of use). A strict application of the policy and monitoring indicator could therefore unnecessarily trigger a review of the policy.

In order to ensure there is sufficient flexibility in the application of the policy it is proposed that the second statement prior to the list of criteria be amended from “New development will be required to” to read “Where appropriate, new development will be required to”. This approach is considered to be in accordance with the approach set out in PPW Edition 10, paragraphs 2.15 – 2.20 that relate to the National Sustainable Placemaking Outcomes.

### **Proposed Matters Arising Change**

Policy SW11: Sustainable Design and Placemaking

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

**Where appropriate, 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

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drainage systems, 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.

**b. Is the requirement under criterion (4) to “contribute to the provision of green infrastructure” justified in all cases, including, for example, changes of use?**

No. As currently worded all development proposals, such as changes of use, would be required to contribute towards the provision of green infrastructure. To ensure sufficient flexibility in the application of the policy a change to the policy wording has been proposed in response to question 7.2(a) above which would mean the criteria would apply “where appropriate”.

**c. Would the Council’s suggested changes to criterion (4) and paragraph 6.5.72<sup>4</sup> provide sufficient clarity about how the separate sustainable drainage consenting and land use planning considerations would be considered by the relevant authorities?**

It is considered that the proposed change would provide sufficient clarity. However, additional wording could be added to further clarify that the conversion of existing buildings would not require SAB approval provided there are no new construction areas (e.g. new extensions) over 100 sqm as part of the development proposal. A Matters Arising Change is set out below.

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<sup>4</sup> Council’s Response to the Inspector’s Initial Letter [ED007]

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**Proposed Matters Arising Change**

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 or more) 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. SAB Approval is not required for the change of use of existing buildings where the original footprint and building are retained (or where the original footprint is extended less by less than 100 sqm). If the proposal includes a construction area (including preparation area), new hard standing or other structure of 100 sqm or more, SAB approval will be required.**

### 7.3 Historic Environment (Policy CW1)

- a. Does the first paragraph of policy CW1 apply only to *designated* historic assets and the second paragraph to *undesigned* assets? If so should this be clarified, including at paragraph 6.6.8 which refers to statements of significance<sup>5</sup>?

Yes. The first paragraph of Policy CW1 is intended to refer to designated historic assets and second paragraph to undesigned assets. Amendments to the policy wording and supporting text are proposed to clarify this as set out below.

#### Proposed Matters Arising Change

##### Policy CW1: The Historic Environment

The integrity of our historic environment assets will be conserved and enhanced.

Development proposals will only be permitted where it can be demonstrated they would preserve or enhance the architectural quality, character or the historic or cultural importance of our **designated** historic environment assets.

Development **affecting within undesigned historic environment assets including, Locally Listed Buildings or structures, Landscapes of Outstanding Historic Interest in Wales,** Urban Character Areas and Archaeologically Sensitive Areas ~~must~~ **should** have regard to their special character and archaeological importance.

6.6.8 When preparing development proposals that may affect the historic environment it is of primary importance to understand the value and significance of individual **designated and undesigned** historic assets. This should be achieved through the preparation of a 'Statement of Significance', **prepared as part of a Heritage Impact Assessment** to accompany development proposals, which assesses the evidential, historical, aesthetic and communal value of ~~the~~ **assets** in accordance with ~~the~~ Cadw's 'Conservation Principles' publication (March 2011). It should also be assessed through consulting the Historic Environment Record (HER) provided by Cadw. Cof Cymru is Cadw's online records resource of scheduled monuments, listed buildings and registered landscapes of historic interest in Wales. The statutory historic environment records are managed and kept up-to-date by the four

<sup>5</sup> Technical Advice Note (TAN) 24 'The Historic Environment' paragraphs 1.12 and 1.15

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regional Welsh archaeological trusts (Glamorgan and Gwent Archaeological Trust (GGAT) in South East Wales). A thorough understanding of the heritage assets will lead to better informed proposals for alterations and sustainable reuse, and **Proposals likely to effect designated historic environment assets** should be accompanied by ~~evidenced through the submission of a Heritage Impact~~ **Assessment** Statement as advocated in TAN 24: Historic Environment (May 2017).

**b. Paragraph 6.6.16 refers to a potential “local list” of non-designated structures. Would policy CW1 afford an appropriate level of protection to such assets?**

No. As currently worded Policy CW1 does not include reference to undesignated assets such as locally listed buildings and structures. Changes have been proposed as a Matters Arising Change in response to question 7.3(a) above which addresses this by including reference to undesignated assets to clarify the scope of the policy.

**c. Is it sufficiently clear how policy CW1 would support proposals which could secure an historic asset’s survival or provide it with a sound economic future<sup>6</sup>?**

Yes. Policy CW1 states that integrity of our historic environment assets will be conserved and enhanced. It goes on to permit development proposals that would preserve or enhance the architectural quality, character or the historic or cultural importance of historic environment assets. Changes have been proposed in this statement that would clarify references to designated and undesignated historic environment assets.

It is considered that the requirement in the first statement of the policy for proposals to “preserve or enhance” would provide sufficient flexibility for reuse proposals, including proposals for new uses, to be supported in order to secure a building’s survival and to provide it with a sound economic future in line with PPW paragraph 6.1.11. In this respect, it is considered that “enhance” implies an element of change would be necessary. The Council has not identified any issues in the implementation of this policy during the monitoring of the adopted Plan in this regard. It is therefore considered that no further changes to this statement are required.

It is acknowledged that PPW paragraph 6.1.11 advises that “the continuation or reinstatement of the original use should generally be the first option, but

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<sup>6</sup> Planning Policy Wales Edition 10 (PPW) paragraph 6.1.11

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that not all original uses will be viable or appropriate". In addition, "there will be a need for flexibility where new uses have to be considered in order to secure a building's survival or provide it with a sound economic future". However, it is considered the existing wording of the policy allows sufficient flexibility to achieve this and that it is not necessary to repeat this element of national policy in LDP Policy CW1, in line with paragraph 2.3.2. of the LDP Manual (Edition 2).

**d. The policy states that development within Urban Character Areas "must have regard to their special character".**

**i. Does the evidence<sup>7</sup> justify this level of policy protection?**

The Urban Character Areas identified by Cadw in *Merthyr Tydfil: Understanding Urban Character* (SD39) identifies the important features and character areas of Merthyr Tydfil's historic built up areas. The areas aim to inform and support positive planning, regeneration and conservation programmes, help improve the quality of planning advice, and contribute to local interpretation and education strategies. The areas provide valuable information that can contribute towards the consideration of local distinctiveness and sense of place when assessing new development proposals. It is intended to provide a baseline for strategic planning as well as for future local management. They are local level non-statutory designations which are not intended to prevent development proposals but to inform and influence them as a place making tool. Consequently, the requirement that development proposals must have regard to their special character would be too onerous and restrictive.

Changes have been proposed in response to question 7.3(a) to clarify the second statement of Policy CW1 that relates to non-statutory heritage designations. As part of these changes it is proposed to amend policy CW1 to require that development proposals "should" have special regard to undesignated historic environment assets in order to provide an appropriate level of policy protection and allow sufficient flexibility when considering future development proposals.

**ii. Is the policy wording sufficiently flexible given that a single application permitted contrary to the policy would fall foul of monitoring target 9.2?**

Changes proposed in response to questions 7.3(a) and 7.3(d) above have amended the policy wording to provide an appropriate level of policy

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<sup>7</sup> Merthyr Tydfil: Understanding Urban Character [SD39]

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protection to undesignated historic environment assets and allow sufficient flexibility when considering future development proposals. No changes to monitoring indicator 9.2 are considered necessary.

**e. Is the identification of two Historic Landscapes as “designated historic environment assets” at paragraph 6.6.6 justified and consistent with national policy guidance<sup>8</sup>?**

No. Technical Advice Note 24 advises that the Register of Historic Landscapes in Wales is a non-statutory advisory register. Consequently, it is proposed to amend LDP paragraph 6.6.6 to be consistent with national policy in this respect as set out below.

**Proposed Matters Arising Change**

6.6.6 Designated historic environment assets present in the County Borough include:

- ~~Merthyr Tydfil Landscape of Outstanding Historic Interest in Wales;~~
- ~~Gelli-gaer Common Landscape of Special Historic Interest in Wales;~~
- Cyfarthfa Park (Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales);
- Aberfan: Cemetery, Garden of Remembrance and Former Tip and Slide Area (Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales);
- Cefn Coed Cemetery (Register of Landscapes, Parks and Gardens of Special Historic interest in Wales);
- Scheduled Ancient Monuments;
- Conservation Areas and
- Listed Buildings including the Grade I listed Cyfarthfa Castle.

**Non-statutory ‘undesigned’ historic environment assets present in the County Borough include:**

- **Merthyr Tydfil Landscape of Outstanding Historic Interest in Wales;**
- **Gelli-gaer Common Landscape of Special Historic Interest in Wales;**
- **Urban Character Areas; and**
- **Archaeologically Sensitive Areas.**

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<sup>8</sup> TAN 24 paragraphs 7.6 to 7.8 and Annex D

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- f. Should paragraph 6.6.10 indicate that proposals within Historic Landscapes should be accompanied by character assessments where appropriate?**

Yes. The assessments listed would be requested in the consideration of development proposals where appropriate. The wording of paragraph 6.6.10 is proposed to be amended as part of the Matters Arising Change set out overleaf.

**Proposed Matters Arising Change**

6.6.10 In recognition of the cultural and historical importance of landscapes and their need for careful management, a Register of Landscapes of Outstanding and Special Historic Interest in Wales identifying Historic Landscapes across Wales that are of national importance was produced. The Register is a non-statutory advisory register; its primary aim is to aid their protection and conservation. In particular, Welsh Government advises that the register should be taken into account in considering the implications of developments which meet the criteria for Environmental Impact Assessment (EIA) that would have more than local impact on the registered area. In addition, green infrastructure, historic, cultural and landscape character assessments should be used where ~~available~~ **appropriate** to identify and better understand **the** historic landscape to ensure their qualities are protected and enhanced.

- g. Should the monitoring framework include an indicator on the condition of historic assets (if this information is available)?**

No. This information is not monitored by the Council and it is considered that it would be difficult to identify an appropriate or meaningful monitoring target and trigger level given the wide range of historic environment assets within the County Borough.

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7.4 Other policies

a. Are the following policies sufficiently clear and capable of effective implementation:

i. Policy EcW14 (Waste Facilities)?

Yes, the policy clearly states the conditions under which waste treatment facilities will be permitted, along with the preferred locations for such facilities. This is in accordance with TAN21: Waste, paragraphs 3.22, in relation to criteria based policies, paragraphs 3.26-3.27 with regards to the Location of waste management facilities and paragraph 4.2 regarding the need for justification to be included as part of a Waste Planning Assessment. Further justification for the preferred areas of search is set out in the Waste Planning background paper (SD42). Notwithstanding this, to improve the clarity of the policy, the first paragraph of the policy could be arranged as a list of criteria, so that the individual requirements are more clearly set out.

**Proposed Matters Arising Change**

Amend Policy EcW14 and paragraph 6.8.121 as follows:

Policy EcW14: Waste Facilities

Waste treatment facilities will only be permitted where:

1. there is an identified need;
2. ~~where~~ they are situated in locations where they would not have a significant adverse effect on amenity or the environment;
3. **they** accord with the waste hierarchy **and**,~~–~~ the proximity principle;  
~~and~~
4. **where appropriate, they** provide comprehensive restoration and aftercare of the land for a beneficial re-use **and**;
5. ~~Proposals for new facilities should~~ **they** provide a Waste Planning Assessment.

The following locations are identified as preferred areas of search for waste management facilities:

- Pengarnddu Industrial Estate
- Pant Industrial Estate
- Goatmill Road
- Merthyr Tydfil Industrial Park
- Land adjoining the A4060, Ffos-Y-Fran

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Land at Trecatti is safeguarded for continued necessary landfill of unavoidable residual wastes.

6.8.121 Proposals should demonstrate that the treatment process reflects the priority order of the waste hierarchy as far as possible (**PPW Edition 10, paragraphs 5.13.4 - 5.13.5 and Figure 10: Waste Hierarchy**). Consideration of the hierarchy will be set against the wider social, economic and environmental considerations which are relevant to the proposal. In accordance with national policy, regard will also be given to how proposals have considered and comply with the 'Nearest Appropriate Installation' and 'Self- Sufficiency' principles.

**ii. Policy SW13 (Protecting and Improving Community Facilities)**

Yes. The policy has not been amended from the existing adopted LDP, as no concerns were raised during monitoring of the Plan. In this respect, the Council has successfully applied the policy to request further justification from applicants in order to protect existing community facilities. It is considered that the policy together with the reasoned justification remain sufficiently clear and capable of effective implementation.

Moreover, the wording and aims of the policy are considered consistent with PPW Edition 10, paragraphs 4.4.1 and 4.4.2 which state:

*“Community facilities perform various functions which cover a broad range of activities and services that can be delivered by the public, private and third sectors. Community facilities contribute to a sense of place which is important to the health, well-being and amenity of local communities and their existence is often a key element in creating viable and sustainable places. They can include schools, cultural facilities, health services, libraries, allotments and places of worship.*

*Planning authorities should develop a strategic and long-term approach to the provision of community facilities when preparing development plans based on evidence. When considering development proposals planning authorities should consider the needs of the communities and ensure that community facilities continue to address the requirements of residents in the area”.*

It should be noted that changes to the supporting text of the policy have been proposed in the Council's Hearing Statement for Matter 5: Commercial, retail, leisure and tourism development. These seek to clarify the range of

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community facilities that are included in the definition and would be afforded protection across the County Borough.

**Proposed Matters Arising Change**

6.5.89 Community facilities perform various functions which cover a broad range of activities and services that can be delivered by the public, private and third sectors. They are facilities used by local communities for social, leisure, educational, recreational, spiritual and cultural purposes. They include such amenities as community centres and meeting places, community halls, places of worship, libraries, education and training facilities, leisure and recreation facilities, health care provision, social services, post offices and public houses, corner or village shops and any other facility that fulfils a role of serving the community.

6.5.90 The provision and retention of community facilities foster cohesive communities and contribute to a sense of place which is important to the health, well-being and amenity of local communities and their existence is often a key element in creating viable and sustainable communities.

6.5.91 Proposals promoting alternative uses of community facilities will require robust evidence that demonstrates the facilities are no longer required or such a loss would not have a detrimental impact upon local service provision. Development proposals will therefore need to be supported by evidence which demonstrates that community buildings or facilities are either no longer required for their original purpose or are no longer economically viable. Statements of justification could include evidence that alternative provision is available within close proximity to the proposal site, and which satisfies local needs. Proposals will be required to demonstrate that the premises have been appropriately and actively marketed for a minimum of 6 months and that genuine effort to sell or let the property over that period have been unsuccessful. Evidence of active marketing of a property should include details of the sales literature, advertisement campaign and buyer interest over the period.