
**Adroddiad i Gyngor
Bwrdeistref Sirol Merthyr
Tudful**

gan:

Paul Selby BEng (Hons) MSc MRTPI
Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17 Rhagfyr 2019

**Report to Merthyr Tydfil
County Borough Council**

by:

Paul Selby BEng (Hons) MSc MRTPI
Inspector appointed by the Welsh
Ministers

Date: 17 December 2019

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 64

**REPORT ON THE EXAMINATION INTO THE
MERTHYR TYDFIL REPLACEMENT LOCAL
DEVELOPMENT PLAN 2016 – 2031**

Plan submitted for examination on 21 January 2019

Examination formally commenced on 18 March 2019 following receipt of
Focussed Changes representations

Hearings held 25 June – 4 July and 21 August 2019

Cyf ffeil/File ref: 516242

Abbreviations used in this report

AQMA	Air Quality Management Area
DCWW	Dŵr Cymru Welsh Water
ELR	Employment Land Review
FLRS	Ffos-y-Fran Land Reclamation Scheme
HRA	Habitats Regulations Assessment
HSRA	Hoover Strategic Regeneration Area
LDP	Local Development Plan
LHMA	Local Housing Market Assessment
LNR	Local Nature Reserve
LPA	Local Planning Authority
LSA	Local Search Area
LTP	Local Transport Plan
MAC	Matters Arising Change
NRW	Natural Resources Wales
OSS	Open Space Strategy
PPW	Planning Policy Wales
RCLS	Retail and Commercial Leisure Study
RTS	Regional Technical Statement
SA	Sustainability Appraisal
SEA	Strategic Environmental Assessment
SINC	Site of Importance for Nature Conservation
SLA	Special Landscape Area
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage Systems
TAN	Technical Advice Note
WFG Act	Well-being of Future Generations (Wales) Act 2015
WG	Welsh Government

Non-Technical Summary

This report concludes that, subject to the recommended Matters Arising Changes set out in the Appendix, the Merthyr Tydfil Replacement Local Development Plan 2016 – 2031 (‘the Plan’) provides an appropriate basis for the planning of the County Borough up to 2031. The Council has provided sufficient evidence to support the Plan and has shown that it has a realistic prospect of being delivered.

Several changes are needed to make the Plan sound and to meet the statutory requirements. These do not alter the thrust of the overall strategy or undermine the Sustainability Appraisal or Habitats Regulations Assessment.

The key changes are summarised as:

- Alterations to specific housing site allocations, including deletions and additions, to reflect updated deliverability evidence and examination findings; with consequential changes to the housing trajectory/supply figures and the Plan-wide affordable housing target;
- Clarifying that affordable housing-led schemes would be supported where this is achievable;
- Including a schedule of identified and safeguarded infrastructure as an appendix to the Plan;
- Clarifying policy expectations for the Hoover Strategic Regeneration Area, including an indicative Concept Plan;
- Ensuring that the sequential test is applied in accordance with national policy where relevant, including at allocated employment sites and outside of designated retail and commercial centres;
- Clarifying the approach to assessing tourism-related proposals outside of settlement boundaries;
- Amending the minerals policy framework to ensure that any extraction or prior extraction of coal is fully justified in accordance with national policy;
- Including additional information about sites of ecological value within the Plan and amending the policy framework to afford appropriate protection to such sites;
- Clarifying how various policies would interact with the separate sustainable drainage systems consenting regime;
- Ensuring that the outcomes of the SA and equalities assessments are embedded within the Plan, including in relation to accessible/adaptable housing and Welsh medium secondary education;
- Amending the Proposals Map to include relevant policy designations and to exclude others; and
- Adjusting other policies, the reasoned justification and the monitoring framework to align with national policy and guidance and/or evidence.

All recommended changes have been put forward by the Council in response to matters arising from the examination. With the recommended changes identified in this report, the Plan satisfies the requirements of section 64(5) of the 2004 Act and meets the tests of soundness included in the Welsh Government’s Local Development Plan Manual Edition 2, August 2015.

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1 Introduction

- 1.1. Under the terms of Section 64(5) of the Planning & Compulsory Purchase Act 2004 (‘the Act’), the purpose of the independent examination of a Local Development Plan is to determine: a) whether it satisfies the requirements of sections 62 and 63 of the Act and of regulations under section 77; and b) whether it is sound.
- 1.2. This report contains the assessment of the Merthyr Tydfil Replacement Local Development Plan 2016 – 2031 (‘the Plan’) in terms of the above matters, along with recommendations and the reasons for them, as required by section 64(7) of the Act.
- 1.3. The submitted Plan has been prepared pursuant to the Act and the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended). Subject to the changes set out in the Appendix, I am satisfied that the Plan meets the tests of soundness¹.
- 1.4. Changes are recommended in this report only where there is a need to amend the Plan in the light of legal requirements or to make it sound. I am satisfied that the recommended changes do not alter the general substance of the submitted Plan. Nor do they undermine the Sustainability Appraisal (SA) and the participatory processes undertaken.
- 1.5. All duly made representations have been considered, including those made orally at hearings. This report does not refer to specific matters raised in individual representations other than where substantive issues are raised concerning the Plan’s soundness. Similarly, changes to the Plan sought by representors are recommended only where I have concluded that these are necessary for soundness.
- 1.6. Alternative site allocations were proposed by some representors. There are likely to be several ways that the Council could meet the needs of its community, each of which may be sound. Some may consider that the allocations in the Plan do not present the best solution, but I may only recommend changes where they are necessary for soundness. I have therefore not referred to specific alternative sites in this report.

Post-deposit changes to the Plan

- 1.7. Prior to the commencement of the examination the Council made a number of ‘Focussed Changes’ to the deposit Plan. As these changes were consulted on and subjected to SA, the Plan which I have examined is the deposit Plan as modified by the Focussed Changes².

¹ As set out in the Local Development Plan Manual Edition 2, August 2015

² Deposit Plan Written Statement as amended by the Focused Changes, Dec 2018 [SD01]

- 1.8. Following the hearings the Council prepared a schedule of Matters Arising Changes (MACs)³ and updated the SA Report accordingly⁴. The MACs were publicised and consulted on for a period of 6 weeks. I have taken account of all duly made representations made during this consultation period.
- 1.9. MACs required to make the Plan sound are identified in **bold type** in this report and detailed in the Appendix. A limited number of additional MACs are not required to make the Plan sound. These are not the subject of a binding recommendation and are not identified in the main body of my report. For the avoidance of doubt, the Council is authorised to make any necessary minor editorial changes or factual corrections to the Plan arising from the inclusion of the changes recommended in this report⁵.

Emerging national policy and guidance

- 1.10. On 9 October 2019 the Welsh Government (WG) published a consultation document entitled ‘Delivery of housing through the planning system’ proposing revisions to Planning Policy Wales (PPW) and associated advice and guidance, including the revocation of Technical Advice Note (TAN) 1 ‘Joint Housing Land Availability Studies’. On the same day the WG also launched a consultation proposing to update TAN 15, which relates to development, flooding and coastal erosion. Whilst I have had regard to these draft documents, they are consultation proposals and could change prior to publication. I have therefore proceeded to examine the Plan against extant national policy.
- 1.11. Other changes to national policy which occurred following the commencement of the examination were discussed at the hearings and are referred to under the relevant sections of this report⁶. A ‘Dear Chief Planning Officers’ letter issued by the WG on 23 October 2019, relating to the Section 6 Duty of the Environment (Wales) Act 2016, does not alter my examination findings. Subject to the recommended changes, I am satisfied that the LDP accords with national policy.
- 1.12. A draft version of Edition 3 of the Development Plans Manual⁷ (‘Manual’) was published for consultation on 7 June 2019, prior to the hearings. Although the examination has been conducted principally in the context of Edition 2 of the Manual, I have had regard to the content of the draft version of Edition 3 where appropriate. Circumstances where this is the case are referenced in this report. Overall, I am satisfied that the Plan preparation and examination processes have broadly followed the approach advocated in Edition 2 of the Manual and the consultation draft version of Edition 3.

³ Schedule of Matters Arising Changes (September 2019) [ED055]

⁴ Deposit Plan SA Report - Further Addendum (September 2019) [ED057]

⁵ Including, for example, minor typographical errors identified during the consultation on proposed MACs, consequential amendments or presentational changes to the Plan

⁶ E.g. the Minister for Housing and Local Government’s letter of 8 July 2019 regarding affordable housing

⁷ Development Plans Manual – Edition 3; Consultation Draft, June 2019

2 Procedural requirements

- 2.1. The Plan has been prepared in accordance with the Delivery Agreement as approved by the WG⁸. The evidence⁹ shows that the Council engaged with a range of organisations and residents at key stages of the Plan’s production and used appropriate publicity to alert stakeholders of opportunities to comment. Statutory consultation timescales¹⁰ have been adhered to and residents and consultation bodies have had ample opportunity to put forward their views. Deviations from the Community Involvement Scheme (CIS) were minor and where they occurred the Council undertook alternative engagement or consultation activities in their place¹¹. The Plan complies with the requirements of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended) in this respect.
- 2.2. Prior to the examination the deposit Plan was subjected to SA incorporating Strategic Environmental Assessment (SEA)¹². Likely significant effects on the environment of reasonable alternatives were evaluated and reasons given for selecting the Plan strategy, site allocations and policies. An addendum to the SA Report evaluates the effects of Focussed Changes made to the deposit Plan¹³. A further addendum to the SA Report¹⁴ takes account of further changes to the Plan arising from the examination and includes additional information relating to the effects of the Plan on the use of the Welsh language in the County Borough. The SA carried out by the Council is adequate and meets the legal requirements.
- 2.3. The Plan has been subject to Habitats Regulations Assessment (HRA) as required by the Conservation of Habitats and Species Regulations 2017. This process has been subject to scrutiny by Natural Resources Wales (NRW). The Appropriate Assessment¹⁵ concludes that all significant effects have been discounted. A further assessment¹⁶ of the effect of proposed MACs does not change this conclusion. I am satisfied that no detailed assessments are necessary.
- 2.4. Section 5 of the SA Report addendum¹⁷ provides the Council’s assessment of the Plan’s compliance with the Well-being of Future Generations (Wales) Act 2015 (WFG Act) and explains how the Plan aligns with the Cwm Taf Wellbeing Plan 2018-2023¹⁸. The suite of SA documents, in addition to the Consultation Reports, provide evidence that the Plan aligns with and supports the well-being goals and has been produced in a manner consistent with the ways of working specified in the WFG Act.

⁸ Delivery Agreement as agreed with Welsh Government in August 2016 [SD19]

⁹ Deposit Plan Consultation Report, December 2018 [SD14]; Focused Changes Consultation Report, March 2019 [SD59]

¹⁰ Regulations 16 & 18 of The Town and Country Planning (LDP) (Wales) Regulations 2005 (as amended)

¹¹ Deposit Plan Consultation Report, paragraph 8.8 [SD14]

¹² Deposit Plan Sustainability Appraisal Report June 2018 [SD06]

¹³ Sustainability Appraisal Report Addendum December 2018 [SD08]

¹⁴ Deposit Plan SA Report - Further Addendum (September 2019) [ED057]

¹⁵ HRA Revised Screening Report incorporating Appropriate Assessment, December 2018 [SD11]

¹⁶ HRA Report incorporating Appropriate Assessment – Addendum, September 2019 [ED058]

¹⁷ Sustainability Appraisal Report Addendum December 2018 [SD08]

¹⁸ ED006

- 2.5. The Council has submitted evidence¹⁹ demonstrating how equality issues were considered during the plan-making process. In conducting the examination I have had due regard to the aims expressed in section 149 of the Equality Act 2010, including in relation to the adaptability and types of housing to be secured by the Plan, and to the accessibility of the built environment generally.
- 2.6. PPW Edition 10 was published in December 2018. Several changes to the Plan are required to align with the general thrust and specific policies of PPW and accompanying TANs. Subject to the changes recommended in this report the Plan is consistent with national policy.

Conclusion

- 2.7. I conclude that the relevant procedural and legal requirements have been met.

3 The Plan strategy

Vision and objectives

- 3.1. The Plan’s vision reflects that of the Cwm Taf Wellbeing Plan 2018-2023 and references the County Borough’s location within the Cardiff Capital Region. The alignment of the Plan’s vision with key local and regional priorities is appropriate as the implementation of those plans and strategies is, in turn, fundamental to the successful implementation of the Plan.
- 3.2. The 18 objectives clearly relate to the Plan’s vision. Although prepared in advance of PPW Edition 10, they align with the national Key Planning Principles and would evidently assist in contributing to National Sustainable Placemaking Outcomes²⁰. The objectives rightly respond to the key land use issues and opportunities facing the County Borough, including ‘areas of concern’ outlined in the 2016 Review Report relating to the current Local Development Plan (LDP)²¹.
- 3.3. Both the vision and objectives are locally specific, consistent with national policy and set an appropriate framework for the Plan strategy, policies and allocations.

Spatial strategy

- 3.4. The Plan splits the County Borough into two parts: a Primary Growth Area covering the northern part of the County Borough, including the main settlement of Merthyr Tydfil and the Hoover Strategic Regeneration Area (HSRA); and an Other Growth Area, which includes a number of closely linked but distinct communities situated within the south of the County Borough. The Primary Growth Area would account for over 71% of the housing supply and contains most of the Plan’s employment allocations²².

¹⁹ Equalities Impacts Briefing Paper, May 2019 [ED007b]

²⁰ Council’s Written Statement for Hearing 1, Table 2.1

²¹ Merthyr Tydfil Local Development Plan 2006-2021 [SD57]

²² Council’s Written Statement for Hearing 2; Council’s Response to Action Point 4.3 [ED045]

- 3.5. Within these two broad areas, detailed settlement boundaries are designated on the Proposals Map. For the most part these have been defined according to a consistent methodology²³ and would facilitate appropriate ‘rounding off’ windfall opportunities at the edge of some settlements, consistent with emerging WG guidance²⁴. A further adjustment to the settlement boundary of Treharris to align with a part-implemented permitted residential development would ensure the provision of a defensible boundary in that settlement (**MapMAC7**). Otherwise, the settlement boundaries are justified and no other amendments are necessary for soundness.
- 3.6. Policies SW4 and SW5 of the Plan seek to ensure that development outside designated settlement boundaries is justified on the basis of it requiring a countryside location or where it would have some other specified benefit, for example by delivering affordable housing. Subject to a change to policy SW4 and its reasoned justification to permit tourism, recreation, leisure or complementary developments in the countryside where it is fully justified (**MAC6**), these policies accord with national policy and are appropriate.
- 3.7. PPW sets out key principles for spatial strategies and the ‘site search sequence’ to be employed in plan-making. The Plan is supported by robust evidence setting out the approach taken to collating and assessing candidate sites for potential allocation for housing, employment or other uses²⁵. The likely significant effects of developing candidate sites were analysed using a consistent SA framework and site assessments were appropriately revisited during the Plan-making process. The level of information provided in this evidence in relation to specific sites is proportionate and the reasons for selecting the eventual site allocations are clearly articulated.
- 3.8. PPW indicates that key factors to be prioritised in formulating spatial strategies include minimising the need to travel and promoting non-car transport modes; prioritising the use of suitable and sustainable previously developed land or underutilised sites; and conserving the best and most versatile agricultural land. Although there is no grade 1, 2 or 3a agricultural land in the County Borough, the imperative to utilise brownfield land before greenfield sites clearly remains. Subject to the recommended changes identified in this report, around 47% of homes on allocated sites would be located on previously developed land. For allocations without planning permission, the proportion is above 50%. A further 11% of allocated units would be sited on land previously used by industry²⁶.
- 3.9. Undoubtedly there will be additional brownfield sites which could theoretically accommodate housing or other uses. Nonetheless it is apparent that the County Borough’s local topography and industrial legacy are factors which act as practical constraints to securing the redevelopment of some brownfield land. Potential alternative sites, such as the Former Ivor Steel Works, are consequently not relied upon by the Plan due to their uncertain development

²³ Paragraph 6.5.30 of the Plan

²⁴ Paragraphs 5.20 and 5.21 of the Development Plans Manual – Edition 3 Consultation Draft, June 2019

²⁵ Including the Candidate Site Register [SD18]; SA Baseline Scoping Report (paras 5.6 to 5.11 and Table 5.4) [SD10]; and Deposit Plan SA Report June 2018 (p43 to p50) [SD06]

²⁶ Council’s Written Statement for Hearing 2; Council’s Response to Action Point 4.3 [ED045]

prospects²⁷. Despite this, the Plan rightly seeks to secure the redevelopment of underused or soon-to-be vacant sites where there is a reasonable prospect of this happening within the Plan period. Moreover, the two other reasonable spatial alternatives assessed in the SA would result in a higher proportion of greenfield development, with the chosen option scoring highest against the SA objective to protect and conserve soil resources²⁸.

- 3.10. Most of the Plan’s housing and employment allocations relate to sites which lie within the settlement boundaries as designated in the current LDP. Only 2 housing allocations and 1 employment allocation represent further intrusions into the open countryside compared to the currently adopted LDP²⁹. Focussing site allocations within or at the periphery of existing settlements would increase the likelihood of future residents and employees being able to choose to regularly walk, cycle or use public transport. Around 20% of the Plan’s total housing requirement would be accommodated at the HSRA, which is readily accessible to the railway network and the Taff and Trevithick Trails. As a result of such factors the chosen strategy scored highest of the 3 reasonable alternatives considered by the Council in relation to the SA objective to promote sustainable transport³⁰.
- 3.11. Notwithstanding this, by the Council’s own admission employment allocation EcW1.3 (Ffos-y-fran) is currently not well located in relation to public transport³¹. Although the provision of industrial and warehousing uses at this site would be appropriate due to their lower employment densities, the inclusion of offices, a travel-intensive use, would not align with the spatial principles outlined in national policy. B1(a) class uses should therefore be excluded from the list of permitted uses at this site allocation (**MAC33.1**).
- 3.12. A Strategic Flood Consequence Assessment (SFCA) prepared in June 2018 provides a broad assessment of the level of flood risk at three strategic development sites, taking account of fluvial and ground water flooding³². This evidence has informed the spatial strategy by steering planned development away from sites most at risk of flooding. In addition to the SA, the SFCA demonstrates that the Plan would assist in securing the sustainable management of natural resources, including in relation to flood risk³³. Whilst recent updates to the Development Advice Maps which accompany TAN 15 ‘Development and Flood Risk’ have adjusted the outline for the C2 flood zone within the HSRA, it is apparent that these changes would not prejudice the delivery of Plan allocations³⁴.
- 3.13. In order to track the effectiveness of the Plan in promoting the reuse of previously developed land, monitoring indicator 4.1 should be amended to apply to all development, rather than solely dwellings (**MAC53**). Subject to this and the other recommended changes identified above, I am satisfied that that the

²⁷ Council’s Written Statement for Hearing 4

²⁸ Initial SA Report, Appendix 5 [SD09]

²⁹ Sites SW3.8, SW3.29 and EcW1.3

³⁰ Initial SA Report, Appendix 5 [SD09]

³¹ Council’s Written Statement for Hearing 5

³² Strategic Flood Consequence Assessment, June 2018 [SD37]

³³ PPW Edition 10, paragraphs 3.30 to 3.33

³⁴ Council’s response to Inspector regarding MAC comments, October 2019 [ED061a and ED061b]

Plan’s spatial strategy would assist in sustaining existing communities, securing sustainable economic growth, making the best use of resources during the Plan period, limiting environmental impacts and promoting accessibility. In so doing it would secure National Sustainable Placemaking Outcomes in all parts of the County Borough.

Consistency with other plans, policies and strategies

- 3.14. The Wales Spatial Plan³⁵ identifies Merthyr Tydfil as a key settlement. The Plan strategy would support this role by securing new housing, commercial uses and infrastructure in appropriate locations, whilst protecting and improving access to the natural environment and countryside.
- 3.15. The Cardiff Capital Region Industrial and Economic Growth Plan³⁶ identifies Merthyr Tydfil as a ‘strategic hub’ at the Heads of the Valleys and seeks to align growth with the future Cardiff Capital Region Metro network, including the Taff Valley railway line which runs through the heart of the County Borough. The Plan would be consistent with this aspiration as it would focus new development within the Primary Growth Area, at the HSRA and at settlements served by the railway network.
- 3.16. A draft version of the National Development Framework 2020-2040 (‘NDF’) was published by the WG for consultation on 7 August 2019. This document is, in turn, expected to inform sub-regional Strategic Development Plans (SDPs), including for the Cardiff Capital Region. As neither the NDF or an SDP has yet been formally published or adopted there is no requirement for this Plan to be in general conformity with them. Whilst the draft NDF includes policies and projections which may have implications for the County Borough and future LDPs, these may change prior to it being finalised. Such matters are likely to be identified via the annual monitoring process. No changes to the Plan are therefore necessary to take account of the emerging NDF.
- 3.17. Notwithstanding this, key evidential documents underpinning the Plan consider sub-regional needs and demands, for example in relation to housing, transport infrastructure, employment and retail uses. Area-based designations such as Special Landscape Areas (SLAs) and Sites of Importance for Nature Conservation (SINCs) have been identified using similar methodologies to neighbouring LPAs. Although the County Borough has decided against designating Green Wedges in the Plan, the evidence³⁷ demonstrates that this is justified and that the Plan includes sufficient safeguards to avoid harmful development occurring in areas currently designated as Green Wedges. I therefore find that the Plan ‘fits’ with other relevant plans, policies and strategies.

Status of the Constraints Map

- 3.18. Unlike the Proposals Map, the Constraints Map chiefly identifies spatial policy designations which do not derive from the Plan’s policies. **MAC2** would clarify

³⁵ People, Places, Futures – The Wales Spatial Plan, 2008 Update

³⁶ ED014

³⁷ Green Wedges Background Paper [SD33]

the Constraints Map’s status as an accompanying document rather than a component of the Plan.

Conclusion

3.19. The Plan strategy seeks to maximise the use of previously developed land and steers most development to within existing settlement boundaries, thereby promoting access to housing, jobs and services by public transport and active travel. As evidenced by the SA, the proposed distribution and scale of uses and sites is appropriate. The Plan strategy would also align with other key strategies, plans and programmes. I conclude that the general distribution of development is soundly based and consistent with national policy.

4 Infrastructure and deliverability

Infrastructure

- 4.1. The Plan’s policies and allocations seek to secure physical and social infrastructure which is necessary to support the delivery of the Plan strategy. This includes anticipated on-site infrastructure requirements but also various schemes which may play a role in facilitating development over the Plan period and beyond.
- 4.2. As submitted the Plan was not sufficiently clear about which items of required or safeguarded off-site infrastructure would contribute towards achieving and implementing the Plan’s objectives and policies. This includes various Cardiff Capital Region Metro projects, active travel route improvements, the provision of a new bus station, the dualling of the A465, and the extension of Ysgol Gyfun Rhydywaun, which currently meets the Welsh medium secondary schooling needs of the County Borough. **MAC73** would add a comprehensive schedule of all identified and safeguarded infrastructure as an appendix to the Plan, plus additional details about the site-specific infrastructure to be provided on allocated sites. This would allow the progress of infrastructure projects to be tracked as part of the annual monitoring process, securing the Plan’s effectiveness.
- 4.3. Policy SW12 ‘Improving the Transport Network’ identifies key transport schemes to be supported and safeguarded by the Plan. Appropriately, projects included in the Local Transport Plan³⁸ (LTP) are only identified where these have a reasonable prospect of being implemented within the Plan period. This includes active travel routes, a new bus station and a park and ride facility at Pentrebach. None of the road and bus schemes included in the LTP but omitted from policy SW12 are fundamental to the delivery of the Plan.
- 4.4. The reprioritisation of local transport schemes is not unexpected given the emergence of the Cardiff Capital Region Metro as a high priority project following the publication of the LTP in 2015. Although proposals for the Metro remain in a state of evolution, there is a clear commitment to its delivery by

³⁸ South East Wales Valleys Local Transport Plan 2015-2020 [SD40]

Transport for Wales and the WG³⁹. Reflecting the importance of this infrastructure project, policy SW12 rightly safeguards routes or sites for the provision of future Metro infrastructure on the Taff valley line, which is identified for core Metro enhancements⁴⁰.

- 4.5. Policy SW12 also safeguards the Cwm Bargoed mineral rail line and rail head and land for a future extension of the rail line to Dowlais Top. Irrespective of its potential to accommodate passenger travel in the future, the Cwm Bargoed line and rail head is essential minerals infrastructure for the existing Ffos-y-Fran Land Reclamation Scheme (FLRS) and its safeguarding therefore accords with PPW⁴¹. The future extension is accounted for within the FLRS Restoration Plan⁴² and is thus also justified.
- 4.6. As policy SW12 relates only to future transport projects the inclusion of existing active travel routes within it is confusing. In accordance with national policy⁴³ the policy should be amended to include only proposed active travel routes identified on the County Borough’s Integrated Network Map (**MAC21**).

Viability and deliverability

- 4.7. As sought by PPW paragraph 4.2.19 a high-level plan-wide viability appraisal was prepared to inform the deposit Plan⁴⁴. Using a range of 11 residential development sites contained within the Primary and Other Growth Areas, the study estimates the sites’ gross development values based on comparable sales values achieved elsewhere. The assessment estimates residual values by factoring in appropriate assumptions and development costs for each site, including allowances for the Council’s adopted Community Infrastructure Levy (CIL), on-site affordable housing targets/contributions, the provision of on-site open space, regulatory requirements such as fire sprinkler systems, and a blended profit on costs of 23%. I find that the study robustly demonstrates that the plan’s allocations are likely to be deliverable in financial viability terms.
- 4.8. PPW requires a site-specific viability appraisal to be undertaken for sites key to the delivery of the Plan strategy⁴⁵. The Council has consequently appraised the viability of the proposed residential, commercial and retail components of the HSRA⁴⁶, which are of strategic importance to the Plan as a whole.
- 4.9. The first phase of development at the HSRA will commence after the land has been acquired by WG, which is anticipated to take place late in 2019. As there is currently little definitive information about site preparation and build costs, many of the assumptions understandably represent best estimates, but they nonetheless align with those used in the plan-wide viability assessment. Site-specific costs are estimated where these are known, for example in relation to the construction of a proposed footbridge, land remediation and demolition.

³⁹ Infrastructure Schedule, May 2019 [ED007a]

⁴⁰ ‘Rolling out our Metro’ [ED018]

⁴¹ PPW Edition 10 para 5.14.7

⁴² Ffos-y-Fran Land Reclamation Scheme Restoration Plan Phase 1, 2015 [ED038 & ED037]

⁴³ PPW Edition 10 para 4.1.32

⁴⁴ Viability Assessment, March 2018 [SD34]

⁴⁵ PPW Edition 10 para 4.2.19

⁴⁶ Council’s Written Statement for Hearing 2, Appendix 1

- 4.10. Given the role of the public sector in the site’s delivery it is probable that grant funding may also play a role in bringing the site forward. Nonetheless the assessment rightly estimates land values based on open market assumptions. Having regard to the local circumstances I am satisfied that the assumptions used are reasonable and that the appraisal adequately demonstrates that sites allocated at the HSRA are likely to be financially viable.
- 4.11. Since January 2019 sustainable drainage systems (SuDS) have become mandatory for many developments. Although SuDS consenting requirements were not specifically factored into the plan-wide viability assessment, the need for drainage attenuation was considered and sites remained viable where there was a need for such works. Whilst the impacts of the new consenting regime will not be fully understood for some time, particularly in terms of long-term management and maintenance costs, WG’s SuDS statutory guidance⁴⁷ indicates that SuDS can be cost-beneficial if considered from the outset. There is little evidence to counter this.
- 4.12. During the examination the Council assessed the Plan’s site allocations to determine whether these could feasibly accommodate the anticipated number of dwellings or commercial floorspace in addition to SuDS infrastructure⁴⁸. This additional evidence persuasively concludes that assumptions relating to site densities and net developable areas would leave enough undeveloped land within most allocated sites for SuDS to be accommodated. Paragraphs 6.22 and 6.23 of this report recommend appropriate changes to the site capacities or boundaries of four housing allocations where this was found not to be the case.

Planning obligations

- 4.13. Policy SW9 ‘Planning Obligations’ provides a mechanism for ensuring that all development is supported by appropriate infrastructure and, where necessary, contributes to the provision of affordable housing. The policy and reasoned justification are clear that planning obligations will only be sought in accordance with national policy and legislation. In this regard the policy recognises that obligations can only be secured for items not included on the Council’s adopted CIL Regulation 123 list⁴⁹, as is required by regulation 123 (2) of the current CIL Regulations 2010 (as amended)⁵⁰.
- 4.14. Whilst the on-site affordable housing targets for schemes of 10 units or over align with the conclusions of the viability evidence⁵¹, the use of the word ‘indicative’ in relation to specified percentages would not provide sufficient certainty to developers or landowners and should be deleted (**MAC12**). Otherwise, criteria 1 and 2 provide an appropriate basis for securing affordable housing or equivalent financial contributions where these are justified, including for developments of between 5 and 9 homes.

⁴⁷ WG Sustainable Drainage (SuDS) Statutory Guidance, para 2.24

⁴⁸ SuDS Background Paper [ED009]

⁴⁹ Currently the ‘Merthyr Tydfil Regulation 123 List of Infrastructure, June 2014’ [ED017]

⁵⁰ Those currently applying in Wales were last amended in 2018.

⁵¹ Viability Assessment [SD34]

- 4.15. Criterion 3 of the policy relates to the provision of open space on residential sites of 10 or more homes. As the policy’s intention is to secure the provision of a specific quantity of open space, seeking an ‘improvement’ to open space is confusing. This should therefore be deleted from the policy and paragraph 6.5.59, alongside confirmation that open space would only be sought where a need was identified, as is required under the CIL Regulations tests (**MAC12** and **MAC13**).
- 4.16. The reasoned justification to policy SW9 states that the provision of open space will be determined in accordance with the standards included in the Council’s Open Space Strategy (OSS)⁵². Although I do not question the veracity of the OSS and recognise its value in informing the types of open space to be provided on a site, as submitted the Plan did not provide sufficient clarity or certainty about the quantity of open space to be secured, or the method for calculating this with reference to a particular development site. **MAC13** and **MAC74** would rectify this deficiency via amendments to the reasoned justification to policy SW9 and the addition of a new appendix to the Plan. By indicating that SuDS features may contribute towards a quantitative need for open space, **MAC13** would assist in securing the policy’s effective and consistent application.

Conclusion

- 4.17. I conclude that the Plan is founded on robust evidence which demonstrates that it is capable of being delivered. There is a reasonable prospect of the necessary strategic infrastructure coming forward within the Plan period. The evidence confirms that the Plan’s allocations are financially viable and deliverable. Policy SW9 provides a sound basis on which to secure appropriate planning obligations in accordance with the CIL Regulations 2010 (as amended).

5 Housing

Housing requirement

- 5.1. The starting point for the Council’s assessment of the Plan’s housing requirement has been the 2014-based Household Projections for Wales, which are the latest available household projections published by the WG. In comparison to previous projections these forecast a slight decline in the County Borough’s population from the mid-2020s onwards, due mainly to changes in inter- and intra-national migration patterns. Over the 2014-2039 period this equates to a net increase of only 81 households.
- 5.2. It would not, however, be appropriate for the Council to simply convert this figure to a dwelling requirement without further probing the acceptability and consequences of doing so. In this regard PPW⁵³ is clear that, alongside the household projections, the latest Local Housing Market Assessment (LHMA) and Well-being Plan will form a fundamental part of the evidence base. Additionally PPW indicates that other key evidence relating to a range of matters should also

⁵² Merthyr Tydfil Open Space Strategy, June 2016 [SD47]

⁵³ PPW Edition 10 para 4.2.6

be considered, such as links between homes and jobs, the need for affordable housing and wider social, economic, environmental and cultural factors.

- 5.3. Consistent with this, the Council used POPGROUP software to identify a range of housing requirements for the County Borough, based on the principal WG household projection and seven alternative policy-led scenarios⁵⁴. The dwelling requirement generated by these different forecasts varied between 330 units (for the principal WG household projection) and 3,795 units (for the scenario on which the current LDP is based) during the Plan period. The scenarios tested in this evidence are founded on robust assumptions and the resulting range of potential housing requirements are therefore credible.
- 5.4. Following engagement with representatives of various Council departments, the voluntary sector and public bodies, including the Local Health Board, the Council opted to include a dwelling requirement of 2,250 units in the Plan. This lies almost midway between the two extremes forecast. It is apparent that relevant considerations were used to inform the chosen housing requirement figure, including the then-emerging Cwm Taf Well-being Plan⁵⁵. Compared to the principal WG projection the identified housing requirement would have a better chance of countering longer term population decline, particularly in terms of addressing the loss of younger people to other areas. It would also be likely to secure a higher number of affordable homes through the planning system, thereby making a greater contribution to the need identified in the most recent LHMA⁵⁶.
- 5.5. Some have argued that the housing requirement does not reflect Merthyr Tydfil’s status as a key settlement in the WSP and should be higher. Nonetheless, PPW states that the housing requirement identified by the planning authority must be realistic and deliverable⁵⁷. As evidenced by recent Joint Housing Land Availability Study (JHLAS) data⁵⁸, which provides an accurate and consistent record of housing completions at the local level⁵⁹, the ambitious housing growth target set by the current LDP has plainly not been realised. Although the adopted LDP spans a period of recession and recovery, it is important that economic cycles are accounted for in a Plan’s growth strategy. I consider that the housing requirement of 2,250 units identified in policy SW1 ‘Provision of New Homes’ strikes an appropriate balance between realism and aspiration. It is soundly based.

Affordable housing

- 5.6. As sought by national policy⁶⁰ the latest LHMA has been used to identify an ‘unconstrained’ need for 5,490 affordable dwellings during the Plan period, composed mostly of social rented units. Although this LHMA relates to the period 2014-2019 it remains the latest available. Whilst more recent analysis of the Council’s housing register indicates that the total need may in fact be

⁵⁴ Population and Housing Background Paper [SD32]

⁵⁵ Initial Consultation Report [SD15]

⁵⁶ Merthyr Tydfil Local Housing Market Assessment 2014-19 [SD28]

⁵⁷ PPW Edition 10 para 4.2.4

⁵⁸ Joint Housing Land Availability Study 2018 [SD56]

⁵⁹ Council’s response to Action Point 3.1 [ED045]

⁶⁰ PPW Edition 10 para 4.2.6

slightly lower, it would nonetheless continue to far exceed the Plan’s dwelling requirement for both market and affordable dwellings⁶¹. Consequently the current LHMA provides a robust foundation on which to estimate affordable housing needs during the Plan period.

- 5.7. Policy SW9 ‘Planning Obligations’ seeks to ensure that affordable housing is provided on residential sites, having regard to viability. The policy sets on-site target levels of 10% affordable housing in the Primary Growth Area and 5% in the Other Growth Area for proposals of 10 or more homes; and financial contributions in lieu of on-site provision for schemes of 5 to 9 dwellings. This policy approach accords with the findings of the plan-wide viability assessment⁶², which uses the residual method to test the theoretical viability of 11 sites across the County Borough. Assumptions used in the study, including tenure splits and ‘Acceptable Cost Guidance’ values, are appropriate to the local context and consistent with evidence of affordable housing needs. Sensitivity analyses undertaken as part of the assessment also confirm the appropriateness of using the chosen spatially differentiated targets to maximise provision of affordable housing across the County Borough.
- 5.8. Subject to the changes recommended at paragraph 5.18 of this report, policy SW2 ‘Provision of Affordable Housing’ identifies a ‘constrained’ affordable housing target of 253 dwellings for the Plan period. Although this is a modest proportion of the total identified need, the target relates only to affordable housing to be delivered by market-led development and is the maximum that could be viably secured in this manner⁶³.
- 5.9. The Council’s recent analysis of its housing register confirms that, consistent with the findings of the LHMA, the areas of highest need are Cyfarthfa, Dowlais, Penydarren and Town wards⁶⁴. The spatial distribution of housing allocations broadly aligns with this pattern of need⁶⁵, thereby optimising the contribution made by market-led proposals to addressing local affordable housing needs.
- 5.10. A letter sent to local authorities by the Minister for Housing and Local Government on 8 July 2019⁶⁶ underlines the need to focus attention on delivering affordable housing, particularly given the acute need for social rented housing across Wales, and states that when reviewing LDPs LPAs must make provision for affordable housing-led sites, to include at least 50% affordable housing.
- 5.11. The Minister’s letter notes that the latest tenure-based estimates of housing need, which were published in June 2019, indicate that dwellings for social or intermediate rent account for 47% of the total housing need across Wales. Although these statistics post-date the Council’s LHMA, they reinforce the findings of the local evidence; i.e. that there is a substantial need for affordable housing, particularly social rented dwellings, in the County Borough.

⁶¹ Council’s Written Statement for Hearing 3

⁶² Viability Assessment [SD34]

⁶³ *ibid.*

⁶⁴ Council’s Written Statement for Hearing 3

⁶⁵ Table 4, Housing Land Supply and Trajectory Background Paper [SD29]

⁶⁶ Appendix to Council’s response to Action Point 3.4 [ED045]

- 5.12. As the Plan has already progressed well past the review stage it would be highly problematic to retrospectively apply the amended policy requirement to the Plan’s site allocations. Nonetheless, whilst the Plan does not specifically include any affordable housing-led sites, two allocations have already delivered 100% affordable housing⁶⁷. Site SW3.11 (East Street, Dowlais) is owned by Merthyr Tydfil Housing Association and the Council has also recorded interest from Registered Social Landlords (RSLs) to develop two additional sites⁶⁸.
- 5.13. Furthermore, several allocated sites are owned by the Council. There is a genuine prospect that the availability of various public funding streams⁶⁹ may boost the proportion of affordable housing secured on these or indeed other allocated sites. As demonstrated by the two allocations already referred to, it is possible that the proportion of affordable housing achieved could substantially exceed the site-specific targets identified in policy SW9 ‘Planning Obligations’. However, as there is currently no certainty about the anticipated level of public subsidy which could be secured for specific sites, requiring at least 50% of units to be provided in an affordable tenure at any of the Plan’s allocations could jeopardise their delivery. This could stymie the provision of much-needed affordable housing in the County Borough.
- 5.14. Consequently, I find that the affordable housing target identified in policy SW2 is the highest level justified by the available evidence and has been determined in a manner consistent with national policy⁷⁰. Given the potential availability of public subsidy over the Plan period, and the number of sites in the ownership of the Council or RSLs, there is a good prospect of additional affordable housing being secured above the Plan’s identified target levels. Although no site allocations are identified as affordable housing-led, that is justified by the evidence and would provide site owners and developers with the flexibility needed to maintain a supply of affordable housing.
- 5.15. Notwithstanding this, as sought by national policy the Plan should support higher proportions of affordable housing where public subsidies are available to secure this. Accordingly the reasoned justification to policy SW2 should be amended to unambiguously support affordable housing-led proposals (**MAC4.6**) and to clarify that specified on-site targets relate to affordable units which are cross-subsidised by the market (**MAC4.4**).
- 5.16. Including a specific trajectory for the delivery of affordable housing would also enable the Council to accurately monitor the delivery of affordable housing (**MAC71**), encouraging a review of the Plan if the basic target was not met. Subject to the recommended changes I conclude that the Plan’s affordable housing policies and provisions are supported by robust evidence, are consistent with national policy objectives and are sufficiently flexible.

Housing supply

- 5.17. As submitted, policy SW1 ‘Provision of New Homes’ made provision for 2,820 dwellings during the Plan period, representing a flexibility allowance of 25%

⁶⁷ SW3.18 – Former St Peter and Paul Church; SW3.27 – Railway Close

⁶⁸ Council’s response to Action Point 3.4 [ED045]

⁶⁹ E.g. Social Housing Grant/Housing Finance Grant; Targeted Regeneration Investment Programme

⁷⁰ PPW Edition 10 paragraph 4.2.28; Appendix to Council’s response to Action Point 3.4 [ED045]

above the basic requirement. The Council considers a buffer of this magnitude to be necessary given the Plan’s focus on previously developed land and because of local topographical and ground constraints. Little compelling evidence has been submitted to counter this view. Although a separate ‘non-delivery discount’ has not been applied to committed sites, I consider that the flexibility allowance sufficiently exceeds the basic requirement to account for any allocations, planning permissions or windfall developments delivering fewer housing units than anticipated in the trajectory.

- 5.18. For reasons given elsewhere in this report I recommend changes to some housing allocations, including revisions to the estimated number of units to be accommodated on certain sites identified in policy SW3 ‘Sustainably Distributing New Homes’ and Appendix 1 ‘Site Allocation Details’. These changes in turn amend the total housing provision figure from 2,820 to 2,821 dwellings (**MAC4.1, MAC4.2 and MAC4.5**); adjust capacity figures and delivery timescales for allocations identified in policy SW3 and its reasoned justification (**MAC4.7 and MAC4.8**); and modify the affordable housing target and components of affordable housing supply identified under policy SW2 (**MAC4.3 and MAC4.5**). However, as the overall housing supply figure would be almost unchanged, the flexibility allowance would remain at 25%.
- 5.19. Table 2 of the Plan identifies the various components of the housing supply. **MAC5** would update this to take account of other changes arising during the examination and is therefore recommended. The table identifies allowances for small windfall sites under 10 units and for larger windfall sites. The latter has been informed by an assessment of previous windfall developments over a 10-year period. This is an appropriate local benchmark to use.
- 5.20. Large and small windfall sites would account for around 20% of the total housing supply. In comparison, site allocations would comprise approximately 56% of the total supply, with completions and extant permissions contributing around 23%. The Plan is therefore not overly reliant on windfalls to achieve a healthy and consistent housing land supply. I find the windfall estimates to be appropriate to the local circumstances and accurately defined in the Plan.
- 5.21. Some of the Plan’s allocated sites have planning permission or are completed or under construction. Although WG’s LDP guidance⁷¹ advises that sites with planning permission would normally be identified as ‘commitments’ rather than allocations, the Council’s evidence⁷² adequately demonstrates that there has been no double-counting between the various components of housing supply. Given this, there is nothing inherently unsound about allocating committed sites in this Plan.
- 5.22. The housing sites allocated in policy SW3 vary in size and location and would provide a degree of choice and flexibility to developers. Although several of these sites are already allocated in the current LDP and have not been delivered according to the timescales anticipated when that plan was adopted in May 2011, it cannot be ignored that the current LDP was prepared during a

⁷¹ LDP Manual Edition 2 paragraph 7.2.2.9; Draft Development Plans Manual Edition 3 paragraph 5.62

⁷² Housing Land Supply and Trajectory Background Paper [SD29]; Council’s Written Statement for Hearing 3

recessionary period. Although there is evidence of economic recovery in the County Borough more recently⁷³, this has evidently been slower than was anticipated in 2011⁷⁴. Moreover, this Plan seeks to deliver housing at a more realistic rate than the current LDP, having regard to market factors including the capacity of the housebuilding industry⁷⁵.

- 5.23. These are significant factors that justify the ‘re-allocation’ of certain sites in this Plan. Furthermore, the site delivery timescales largely reflect the findings of the 2018 JHLAS. Where allocated sites are anticipated to come forward in advance of the timescales assumed in the JHLAS, in the main this is due to more recent evidence of developer intentions.
- 5.24. In practice, annual completion rates will inevitably diverge from those forecast. Nonetheless, I am satisfied that the Plan’s housing supply and trajectory, as updated to reflect changes arising during the examination⁷⁶, are sufficiently realistic and consistent with the stated intentions of site owners and developers. Including this table, graph and trajectory as an appendix to the Plan (**MAC71**), cross-referenced from appropriate monitoring indicators, targets and trigger points (**MAC52**), would enable the Council to track the Plan’s progress in meeting the housing requirement figure of 2,250 units and maintaining an appropriate supply of housing land throughout the Plan period, as sought by national policy.

Specialist housing needs

- 5.25. The Council’s Gypsy and Traveller Accommodation Assessment (GTAA) was approved by the WG in October 2018 in accordance with the Housing (Wales) Act 2014. As the assessment does not identify a need for any additional pitches in the County Borough during the Plan period, no allocations for Gypsy and Traveller accommodation are needed within the Plan. Policy SW8 ‘Gypsy, Traveller and Showpeople Accommodation’ is consistent with national policy and guidance and provides a satisfactory basis for assessing any currently unanticipated applications for residential or transit sites during the Plan period.
- 5.26. The Plan does not include a specific policy to secure residential accommodation suitable for older or disabled people. Whilst I do not dispute that evidence of demand for market-led housing of this type in Merthyr Tydfil may be limited, the LHMA identifies a need for accommodation for older people⁷⁷ and it is an objective of the SA to meet the housing needs of all through a mix of dwelling tenures and types. Catering for a range of housing needs, including mixed tenure communities with ‘barrier free’ housing, is also sought by national policy⁷⁸.
- 5.27. Consequently a new criterion should be added to policy SW11 ‘Sustainable Design and Placemaking’ to encourage the provision of a range of inclusive/adaptable design specifications, house types, tenures and sizes to

⁷³ Employment Land Review, Table 3 [SD35]

⁷⁴ As expressed in the ‘Primary Aim’ of the Merthyr Tydfil LDP 2006-2021 [SD57]

⁷⁵ Council’s Written Statement for Hearing 3

⁷⁶ Council’s Response to Action Point 3.3

⁷⁷ Page 43 of the Local Housing Market Assessment 2014-19 [SD28]

⁷⁸ PPW Edition 10 paragraphs 4.2.1 and 4.2.11

meet identified local needs where appropriate (**MAC17**), with corresponding changes made to the reasoned justification (**MAC18**). These changes accord with the findings of the Council’s Equalities Impacts Briefing Paper⁷⁹ and would ensure that the Plan seeks to meet the needs of people from protected groups whilst retaining an appropriate degree of flexibility. The changes would also accord with national policy. They are therefore recommended.

Conclusion

5.28. For the above reasons I conclude that the housing supply figure of 2,821 units during the Plan period is soundly based and would provide sufficient flexibility to deliver the housing requirement of 2,250 dwellings. The Plan would also appropriately contribute to meeting identified needs for affordable housing and the specific needs of individuals and groups of people with protected characteristics under the Equality Act 2010. The Plan’s housing trajectory is realistic and has a reasonable prospect of providing and sustaining an appropriate supply of housing land following adoption. Monitoring indicators, targets and triggers linked to the housing trajectory would provide a robust framework for tracking the Plan’s implementation in this regard.

6 Strategic sites and housing allocations

- 6.1. Policy SW3 ‘Sustainably Distributing New Homes’ allocates several sites for housing. These have been subject to appropriate SA which considered their suitability against a range of options.
- 6.2. The housing allocations included in the submitted Plan, and four additional site allocations put forward by the Council during the examination, are appropriate, deliverable and consistent with the Plan strategy. Subject to the amendments identified in this report, there are no alternative candidate site allocations that are evidently preferable to those included in the Plan. Although some have questioned whether site allocation boundaries are appropriately defined, particularly at the periphery of designated settlements, I find that the boundaries put forward by the Council are logical, defensible, and in broad accordance with the Plan’s objectives and national policy. No further changes or extensions to allocated sites are therefore necessary to meet identified needs.

Site allocation requirements

- 6.3. Appendix 1 ‘Site Allocation Details’ complements policy SW3 ‘Sustainably Distributing New Homes’. It identifies pertinent site-specific information for allocated sites without being overly prescriptive. However, as the ‘General Infrastructure Requirements’ listed in Appendix 1 do not have the status of policy, text relating to hydraulic modelling assessments should be amended to make it clear that these will only be required where appropriate (**MAC64**).
- 6.4. Adding an infrastructure schedule to the Plan would also provide necessary clarity to applicants about possible infrastructure requirements and development costs for allocated housing sites (**MAC73**).

⁷⁹ Equalities Impacts Briefing Paper, May 2019 [ED007b]

Hoover Strategic Regeneration Area

- 6.5. The Hoover Strategic Regeneration Area (HSRA) lies immediately south of the town of Merthyr Tydfil, adjacent to the Taff valley railway line and between the A470 and A4060 trunk roads. Policy SW6 of the Plan would apply to the various uses and landholdings which fall within the HSRA’s boundary, as designated on the Proposals Map.
- 6.6. As the name implies, the HSRA is key to the Plan strategy. It incorporates sites specifically allocated for either housing or employment uses, the details of which are set out in Appendix 1 of the Plan. The HSRA boundary also includes land for transport projects and a range of other sites which may offer future development opportunities, particularly to the west of the River Taff.
- 6.7. Reflecting a framework masterplan for the HSRA published in June 2018 and prepared on behalf of WG, Transport for Wales and the Council⁸⁰, policy SW6 sets out sustainable placemaking design principles for proposals located within the designated area. The identified principles are appropriate, relevant to the HSRA, expressed sufficiently flexibly and are consistent with the site allocation details set out in Appendix 1 of the Plan. The addition of an indicative Concept Plan to support policy SW6 would provide further clarity about how and where the identified placemaking principles would be applied, securing the policy’s effective implementation (**MAC10**).
- 6.8. Recent updates to the Development Advice Maps which accompany TAN 15 ‘Development and Flood Risk’ have adjusted the outline for flood zone C2 as depicted on the Concept Plan in **MAC10**⁸¹. Nonetheless the Concept Plan clearly states that it is diagrammatic only and should be subject to rigorous testing and modification according to placemaking principles. As the Concept Plan is clearly subordinate in status to TAN 15 and the accompanying Development Advice Maps⁸², which are regularly updated, an adjustment to the flood outline is not required for soundness. It is for the Council to decide whether to make a factual update to the Concept Plan and/or an associated minor change to the reasoned justification in this regard.
- 6.9. Policy SW6 rightly seeks to secure the delivery of projects which are critical to maximising the accessibility of the HSRA by sustainable transport modes. This includes active travel projects but also, importantly, a transport hub at Pentrebach and a potential new station near to the Abercanaid bridge. The broad location of land to be safeguarded for such schemes would be indicated on the Concept Plan. Doing this would strike an appropriate balance between certainty and flexibility and would accord with TAN 18 ‘Transport’⁸³.
- 6.10. Policy SW6 identifies the anticipated quantum of residential, retail and employment uses to be delivered within the HSRA during the Plan period, plus supporting infrastructure. The identified figures broadly accord with the

⁸⁰ Hoover Strategic Regeneration Area Framework Masterplan Document, June 2018 [SD49]

⁸¹ Council’s response to Inspector regarding MAC comments, October 2019 [ED061a]

⁸² As referenced in Plan policy EnW4 ‘Environmental Protection’

⁸³ Technical Advice Note 18 – Transport, paragraph 8.22

framework masterplan and accompanying technical documents⁸⁴ indicate that the proposed quantum of uses is deliverable. However, identifying the minimum amount of open space to be provided through redevelopment, based on the ward-level requirements for allotments, civic space, amenity greenspace, play space and public parks⁸⁵, would provide necessary certainty and clarity to applicants and decision-makers (**MAC9**).

- 6.11. The Hoover Factory is a critical element of the HSRA. Manufacturing ceased on this site in 2008. Although still used for distribution, ICT and call centre facilities, these uses are likely to cease following the site’s acquisition by WG, which is due to occur in late 2019. The Council anticipates that a period of 4 years will be needed to allow relevant survey work to be carried out, detailed proposals to be worked up, permissions secured, and construction works commenced to secure the residential-led redevelopment of the site. According to the amended housing trajectory, the first 55 units are scheduled for completion in 2023, with the same amount being constructed annually thereafter. These are challenging but achievable timescales.
- 6.12. It is evident that the existing sports ground within the Hoover Factory site has been maintained for several years by volunteers and is used by both national and local cricket teams and clubs. National policy⁸⁶ states that playing fields, whether private or publicly owned, should be protected from development other than in certain circumstances, for example where there is an excess of such provision in the local area. In this case, the loss of the sports ground would not lead to a deficiency in outdoor sports areas and pitches as Plymouth ward has adequate provision relative to the population⁸⁷. The Hills Plymouth Cricket Club, for example, lies a short walk east from the Hoover Factory ground. I also note that there is no objection to the loss of the Hoover Factory sports ground from the Sports Council for Wales or Fields in Trust, whom the Community Involvement Scheme⁸⁸ identifies were consulted during the Plan’s production. I find the loss of the sports ground to be justified by the evidence.
- 6.13. Policy SW6 requires new development to ‘reflect’ the original 1948 Hoover Factory façade in the built form, but it does not specifically prevent the demolition of this or any other structures. There is, however, no compelling evidence before me, from Cadw or other parties, that there is a reasonable prospect of any structures on the site being statutorily listed. Consequently there is no justification for requiring the retention of the factory façade or any other buildings. The principles set out in policy SW6 are therefore appropriate.
- 6.14. The Hoover Factory car park, which is also to be acquired by WG, is allocated for a range of B uses. This would complement the residential-led component to the west and an existing employment area immediately to the south.
- 6.15. Some have queried whether other sites within or adjacent to the HSRA should be allocated for certain uses, particularly land west of the river. The HSRA masterplan itself recognises the opportunity for the redevelopment of the west

⁸⁴ HSRA Strategic Transport Assessment [SD51] and HSRA Geotechnical Desk Study [SD51]

⁸⁵ Merthyr Tydfil Open Space Strategy, paragraph 3.18 [SD47]

⁸⁶ PPW Edition 10, paragraph 4.5.4

⁸⁷ Merthyr Tydfil Open Space Strategy, para 2.47 [SD47]

⁸⁸ Delivery Agreement, page 19 [SD19]

bank to create a strong riverside frontage. Nonetheless, sites have only been allocated where they are free from insurmountable constraints, including flood risk. In the absence of any evidence of programmed investments in flood mitigation works or similar, it is right that sites are only allocated where there is evidence that they are deliverable within the Plan period.

- 6.16. Other parcels of land west of the Taff which are designated as SINC’s or include habitats of principal importance are also, appropriately, excluded from the HSRA boundary. There is, however, nothing to prevent suitable sites, where located within the settlement boundary, from coming forward as windfalls.
- 6.17. Subject to the recommended changes, I find that policy SW6 would provide an appropriate basis for securing and managing the development of the HSRA during the Plan period. The evidence demonstrates that the proposed uses and delivery timescales are viable and deliverable. Infrastructure assumptions are essentially robust, up-to-date and credible with no insurmountable barriers to development apparent.

Former Ivor Steel Works Regeneration Site

- 6.18. Policy SW7 applies to the former Ivor Steel Works in Dowlais. Although the site is identified for redevelopment in the existing LDP as ‘Project Heartland’, costs associated with land contamination and built heritage have prevented redevelopment proposals from being realised. As there is little certainty of development being secured during the Plan period, the Plan does not rely on this site as an allocation to meet identified needs for housing or other uses.
- 6.19. Nonetheless, as the former steelworks remains an important regeneration site, the Plan rightly includes a policy to support its redevelopment. However, policy SW7 as submitted was vague and potentially inconsistent with certain Plan objectives. The Plan should therefore be amended to state that appropriate residential-led, mixed use proposals would be supported where they would contribute to the regeneration of the local community and are fully justified (**MAC11**). These changes would also explain the reasons for the current ‘viability deficit’, providing necessary clarity for applicants and decision-makers.

Housing allocations

- 6.20. The Plan allocates several other greenfield and brownfield sites for housing development. It is evident that the Council has engaged closely with site promoters and landowners during the Plan’s preparation and has a thorough understanding of potential site constraints and delivery timescales. Including a land supply and trajectory within an appendix to the Plan, updated to reflect changes arising from the examination, would ensure that a review of the Plan would be triggered if allocations were not contributing to the supply of housing land as anticipated (**MAC71**).
- 6.21. Site SW3.5 (Erw Las, Gellideg) relates to an area of open land which is accessible to the public. Although not meeting the quality standards used in the Open Space Strategy (OSS) to identify open spaces to be protected, the site evidently has the potential to provide visual and recreation amenity benefits to residents. Its development for 10 dwellings would have the potential to exacerbate an existing deficiency in amenity greenspace in Cyfarthfa ward. The

allocation therefore runs counter to several of the Plan’s objectives, including those relating to open space, community facilities and community regeneration, and should be deleted (**MAC4.7**, **MAC65** and **MapMAC11**).

- 6.22. The Council’s SuDS Background Paper⁸⁹ found that an assumption of 30 dwellings per hectare (dph), based on net developable site area, would leave sufficient room for SuDS infrastructure on allocated housing sites. The paper recommends extensions to the boundaries of sites SW3.8 (South of Castle Park) and SW3.15 (Goetre Primary School, Gurnos). **MapMAC1** and **MapMAC2** would make appropriate and logical boundary adjustments on the Proposals Map to secure the delivery of the anticipated number of dwellings at these two sites. Although this would result in site SW3.8 intruding into the Winchfawr West Site of Importance for Nature Conservation (SINC), the provision of SuDS infrastructure would not necessarily conflict with the identified ecological interests. For internal consistency and clarity, however, Appendix 1 of the Plan should be amended to reference the SINC as a site constraint (**MAC66**).
- 6.23. As submitted, sites SW3.19 (Twynyrodyn) and SW3.21 (Bradley Gardens 2) were assumed to achieve 36 and 38 dwellings per hectare (net) respectively. Recent pre-application discussions have identified that neither site is able to accommodate these densities, due in part to SuDS requirements. This reinforces the findings of the SuDS Background Paper with regards to site densities. Reflecting the more recent and detailed site analyses, the identified capacities of these sites should be reduced from 150 to 120 units at site SW3.19 and from 100 to 90 units at site SW3.21 (**MAC4.7** and **MAC67**).
- 6.24. Site SW3.30 (Stormtown, Trelewis) is allocated for 80 dwellings. The Plan indicates that around 50% of the site would remain undeveloped, thereby allowing housing to be accommodated whilst also retaining value for amenity greenspace. Appendix 1 of the Plan indicates that water supply issues affect this site and that these would not be addressed by Dŵr Cymru Welsh Water’s (DCWW’s) Asset Management Plan to 2020. Although this would not preclude the site from coming forward in advance of works being carried out by DCWW, the site’s delivery timescale should be delayed to enable water supply issues to be satisfactorily resolved (**MAC4.7** and **MAC67**).
- 6.25. The Plan anticipates that the 30 dwellings proposed at site SW3.31 (Cwmfelin, Bedlinog) would be served by an access point currently occupied by garages which form part of a separate landholding. There is little to indicate that the land could be satisfactorily and viably acquired to secure the completion of the first housing units by 2027. Irrespective of other potential site constraints, including in relation to ecology, the lack of certainty regarding the site access represents a considerable obstacle to the allocation’s deliverability and it should therefore be deleted (**MAC4.7**, **MAC65** and **MapMAC11**). Notwithstanding this, the site is well located in relation to the existing settlement, with the railway line to the east forming a logical and defensible boundary. There is little compelling evidence that constraints, including in relation to a SINC designation, would render development appropriate to the village location contrary to the Plan strategy and objectives; but in any case, that would

⁸⁹ ED009

depend on the nature of any proposal and would be considered at the planning application stage. The settlement boundary is therefore appropriately defined.

- 6.26. Some of the amendments to site allocations outlined above would lead to a reduction in the Plan’s overall housing provision. To retain sufficient flexibility above the basic requirement, the Council has proposed four additional allocations: sites SW3.36 (P and R Motors, Pentrebach), SW3.37 (Land south of Bryniau Road, Pant), SW3.38 (Land North Of Ty Llwyd, Incline Top) and SW3.39 (Y Goedwig, Treharris).
- 6.27. Assessments undertaken for each site demonstrate that they would generally accord with the Plan strategy and SA objectives, are deliverable within the Plan period and would assist in contributing to a healthy supply of housing land. All sites are evidently preferable to other potential alternatives, including extensions to boundaries of sites already allocated in the Plan. Moreover, all allocations have outline or full planning permission.
- 6.28. The Council confirmed at the relevant hearing that planning permissions relating to three of these sites should have been identified as ‘commitments’ in the housing trajectory prepared in December 2018 but were omitted in error⁹⁰. The fourth, site SW3.36, had planning permission prior to 31 March 2018⁹¹, which is the housing trajectory’s base date. The inclusion of these four sites as allocations would therefore have little practical impact on the housing supply position.
- 6.29. For the above reasons I find it appropriate to include these four additional sites as Plan allocations. Collectively they would add an additional 81 units to the Plan’s housing provision, thereby retaining the necessary 25% flexibility allowance. **MAC4.7, MAC68, MAC69, MapMAC3, MapMAC4, MapMAC5 and MapMAC6** would incorporate these additional allocations within the Plan via amendments to policy SW3, the Plan’s appendices and the Proposals Map. **MAC71** would update the housing trajectory accordingly, thereby ensuring that a review of the Plan would be triggered if allocations were not contributing to the supply of housing land as anticipated.

Conclusion

- 6.30. I conclude that, with the changes identified above, the identified site allocations and policies for strategic and key regeneration sites within the County Borough are appropriate and deliverable.

⁹⁰ Council’s response to Action Point 4.3 [ED045]

⁹¹ Outline planning permission renewed in July 2019

7 Employment, retail, tourism and leisure

Employment land requirement, supply and allocations

- 7.1. An objective of the Plan is to provide and safeguard appropriate land for economic and skills development. Consequently the Plan has been informed by an Employment Land Review (ELR) which was undertaken in 2018⁹².
- 7.2. The ELR was informed by engagement with representatives of the County Borough’s business sector. This found positive prospects for inward investment, particularly for industrial uses, but a general shortage of industrial and warehouse units of all sizes. Taking account of relevant factors such as employment land supply and the characteristics of existing sites, the ELR forecasts a quantitative need for 14.46 hectares (ha) of employment land over the Plan period. This includes around 5 ha for B1 uses and 9 ha for B2/B8 uses, and represents the minimum requirement based on historic take-up plus a 5-year ‘flexibility buffer’. These conclusions appear well founded and provide a robust basis for a finer-grained assessment of the suitability of potential sites to meet identified needs⁹³.
- 7.3. Plan policy EcW1 ‘Provision of Employment Land’ allocates four sites for employment uses: site EcW1.1 (Hoover Factory car park) site EcW1.2 (Goatmill Road), site EcW1.3 (Ffos-y-fran) and site EcW1.4 (Land South of Merthyr Tydfil Industrial Estate). Whilst the allocation of these sites accords with the conclusions of the ELR, they collectively represent a considerable quantitative oversupply of employment land, 52% above the identified need.
- 7.4. National policy indicates that where sites are underused and underperforming, their de-allocation or allocation for other uses must be considered through the development plan process⁹⁴. Sites EcW1.1 and EcW1.2, and part of site EcW1.3, are already allocated for employment uses in the adopted LDP. None have come forward according to the timescales envisaged in the existing LDP.
- 7.5. Site EcW1.1 lies within the HSRA. Its allocation for 1.5 ha of employment land would positively support the Plan strategy by complementing the mixed-use redevelopment of the adjacent site. The evidence indicates that it has a reasonable prospect of being delivered during the Plan period. The allocation of this site for employment uses is therefore justified.
- 7.6. Sites EcW1.2 and EcW1.3 lie either side of the A4060 towards the eastern edge of the settlement. Collectively they occupy some 26 ha of land. The Council confirmed during the examination that site EcW1.2 is expected to be sold⁹⁵ to an end user identified in the ELR as ‘likely to take the majority of the site for waste management facilities’⁹⁶. Given that proposals are expected to mature relatively soon, its allocation for employment uses in the Plan is appropriate.

⁹² Employment Land Review, June 2018 [SD35]

⁹³ Table 31 of the Employment Land Review, June 2018 [SD35]

⁹⁴ PPW Edition 10 paragraph 4.2.17

⁹⁵ Council’s response to Action Point 5.6 [ED045]

⁹⁶ Table 31 of the Employment Land Review, June 2018 [SD35]

- 7.7. Site EcW1.3 forms part of the Ffos-y-Fran Land Reclamation Scheme (FLRS) and its restoration is required by 2024 under a condition of the existing planning permission. The proposed allocation occupies a larger area than the equivalent site allocation included in the adopted LDP, and it also extends beyond currently designated settlement boundaries. Nonetheless, in physical terms the proposed extension to the site would be logical as it would occupy a coherent parcel of land formed by the existing allocation’s northern boundary and the A4060. The site’s proximity to existing industrial areas and its separation from other residential and community uses would not lend itself well to accommodating housing. In contrast, its location adjacent to a major trunk road would be suitable for a use requiring direct access to the highway network.
- 7.8. The ELR recognises that the provision of site services and infrastructure could present deliverability issues for site EcW1.3, not least in terms of achieving access from the A4060. Nonetheless, the study recommends that the whole site is allocated to support its viable development. The Council asserts that development could commence within the Plan period⁹⁷. I have no reason to dispute this.
- 7.9. PPW is clear that previously developed or underutilised land must be used in preference to greenfield sites wherever possible⁹⁸. Site EcW1.3 is classified as a greenfield site⁹⁹. However, the County Borough has the highest unemployment rate in the Cardiff Capital Region and hosts 8 of the top 10 most deprived Lower Super Output Areas in Wales¹⁰⁰. Although waste management facilities usually fall within use class B2 or B8, the implication of the anticipated land deal at Goatmill Road is that other general industrial or warehousing activities would be precluded at much of site EcW1.2. Consistent with TAN 21 ‘Waste’¹⁰¹ the ELR has not specifically quantified the amount of land likely to be needed for waste management. Consequently the evidence indicates that site EcW1.3 is the only large-scale, deliverable employment site in the County Borough capable of supporting a wide range of needs for general warehousing or industrial activities. Its development for such activities would make a critical contribution to the National Sustainable Placemaking Outcome to foster economic activity in Merthyr Tydfil.
- 7.10. For these reasons I consider that the allocation of site EcW1.3 is justified by the individual circumstances of the case and would accord with the recommendation of the ELR to allocate sites according to qualitative factors such as the availability of large sites, the need to provide a range and choice and to secure regeneration objectives¹⁰².
- 7.11. Site EcW1.4 represents a ‘new’ allocation. The provision of 3.1ha of employment land in this location would accord with the Plan strategy, being the only employment allocation situated within the ‘Other Growth Area’. Whilst it is currently a playing field, the site is situated in a ward where there is excess

⁹⁷ Council’s response to Action Point 5.6 [ED045]

⁹⁸ PPW Edition 10 paragraphs 3.40 and 3.51

⁹⁹ PPW Edition 10 ‘Definition of Previously Developed Land’, page 38

¹⁰⁰ Paragraphs 3.9 to 3.11 of the Employment Land Review [SD35]

¹⁰¹ Paragraph 3.21 of TAN 21 ‘Waste’

¹⁰² Recommendations 1 and 5 of the Employment Land Review [SD35]

provision of sports pitches relative to the Fields in Trust quantity standard¹⁰³. Its loss is therefore justified in accordance with national policy¹⁰⁴.

- 7.12. Appendix 1 of the Plan complements policy EcW1 by setting out site-specific requirements for the employment allocations. Whilst the details pertaining to each allocation are generally appropriate, both the policy and appendix identify that each site is allocated for the full range of class B uses, including office uses (B1(a)). This is despite the Council’s assessment of alternative sites, which found two other sites to be sequentially preferable.
- 7.13. One of these alternative sites (Land South of College Car Park) is situated partly within the town centre boundary¹⁰⁵. As viability may constrain the types of uses provided the ELR recommended that it was not allocated for employment uses¹⁰⁶. Nonetheless, its town centre location means that, in terms of both national policy and the Plan strategy, it represents a potentially sequentially preferable site for office uses than any of the identified employment allocations, all of which lie outside designated centres. Consequently policy EcW1 and Appendix 1 should be amended to exclude B1(a) uses from the list of uses allocated at these four sites (**MAC33.1** and **MAC70**).
- 7.14. The addition of an infrastructure schedule to the Plan would provide necessary clarity to applicants about possible infrastructure requirements and development costs for the employment allocations (**MAC73**). However, the reference to developers being required to deliver infrastructure as part of ‘housing’ development for sites EcW1.1, EcW1.2 and EcW1.3 in Table A6.2 is inconsistent with policy EcW1. I do not endorse the use of the word ‘housing’ in this table and it should therefore be excluded from the infrastructure schedule in the final published version of the Plan.
- 7.15. Subject to the above changes, I find that despite the overprovision of employment land relative to identified need, the four allocated employment sites are appropriate and justified by the evidence. They would support the implementation of the Plan strategy, are consistent with national policy, and would enable the identified minimum employment land requirement to be met. Monitoring indicator 12.1 should, however, be amended to track completions of employment floorspace, thereby allowing the Council to ascertain whether the allocations were being built out as anticipated by the Plan (**MAC59**).

Protecting employment land and premises

- 7.16. Policy EcW2 ‘Protecting Employment Sites’ affords protection to land currently in employment use or allocated for such uses. The criteria applying to existing employment areas and sites are generally robust, but the reference to an existing use being ‘inappropriate’ is vague and should be qualified in the reasoned justification (**MAC34**).
- 7.17. Areas to which policy EcW2 applies are designated on the Proposals Map. These have been identified in accordance with the recommendations of the ELR.

¹⁰³ Paras 2.44 to 2.48 of the Open Spaces Strategy [SD47]

¹⁰⁴ PPW Edition 10, paragraph 4.5.4

¹⁰⁵ Council’s Written Statement for Hearing 5; Candidate Site Register [SD18]

¹⁰⁶ Table ES4, Employment Land Review [SD35]

However, as they fall outside the identified hierarchy of retail and commercial centres, the policy and its reasoned justification should be amended to exclude class B1(a) uses from the list of uses permitted at these locations, and to clarify that out-of-centre office proposals should be supported by a sequential assessment (**MAC33.2**). A corresponding change to monitoring indicator 14.3 would support a policy or Plan review were any applications for major office development to be approved contrary to policy EcW1 or EcW2 (**MAC61**), thereby securing the effectiveness of both policies.

- 7.18. Policy EcW2 applies an exception to Rhydygar Business Park, within which only class B1 uses or ancillary facilities would be permitted. As this is an established office park with limited opportunities for future expansion¹⁰⁷ it is appropriate for the policy to recognise this employment area as an exception to the norm. However, the policy’s reasoned justification should be strengthened to justify this with reference to its established business park function (**MAC33.2**).

Retail and commercial centre hierarchy

- 7.19. Policy EcW3 ‘Retail Hierarchy – Supporting Retailing Provision’ defines a hierarchy of retail and commercial centres with Merthyr Tydfil town centre at the head of the hierarchy, followed by seven existing local centres and a proposed new local centre at the HSRA. The policy states that proposals outside these identified areas will be subject to an assessment of need and a strict application of the sequential test. This approach, and the hierarchy itself, accords with the thrust of national policy¹⁰⁸, the supporting Retail and Commercial Leisure Study (RCLS)¹⁰⁹ and the Plan’s objective to develop the town and local centres as accessible, attractive, viable and vibrant places. Boundaries for the town and existing local centres are designated on the Proposals Map and accord with the recommendations of the RCLS.
- 7.20. Notwithstanding this, as policy EcW3 applies only to retail development it excludes non-retail uses which national policy states should also be directed towards designated centres¹¹⁰. **MAC35** would amend the policy to refer to leisure and other complementary uses alongside retail development, thereby aligning with national policy.
- 7.21. The County Borough hosts four existing retail parks. As recommended by the RCLS these do not feature in the designated hierarchy¹¹¹. At various places in the Plan, two of these retail parks (Cyfarthfa Retail Park and Trago) are referred to as ‘edge-of-centre’ locations. Whilst I accept that Cyfarthfa Retail Park, in particular, lies in close proximity to the town centre, neither location could reasonably be described as ‘edge-of-centre’ as they are not adjacent to the town centre nor straightforwardly accessible to or from it on foot. No other evidence, economic or otherwise, overcomes this fact. Consequently references to either retail park as being ‘edge-of-centre’ locations should be removed from the Plan (**MAC3 and MAC36**).

¹⁰⁷ Table ES4, Employment Land Review [SD35]

¹⁰⁸ PPW Edition 10 section 4.3; TAN 4 ‘Retail and Commercial Development’

¹⁰⁹ Merthyr Tydfil Retail and Commercial Leisure Study Final Report, June 2017 [SD30]

¹¹⁰ PPW Edition 10 paragraph 4.3.21

¹¹¹ Paragraph 5.23 of the Retail and Commercial Leisure Study [SD30]

- 7.22. Policy EcW6 ‘Out-of-Town Retailing Areas’ sets out criteria for assessing proposals within these retail parks. As submitted the policy’s reasoned justification was not clear about how the sequential test would be applied for stores selling bulky goods or requiring showrooms. **MAC39** would rectify this, securing the policy’s effective application consistent with national policy¹¹².
- 7.23. As recommended by the RCLS¹¹³ a ‘Primary Shopping Area’ for the town centre is designated on the Proposals Map. Policy EcW5 ‘Town and Local Centre Development’ sets out criteria for managing changes of use within this area and identified local centres. Whilst the criteria for assessing proposals to change between class A uses are appropriate and effective, those for assessing changes to non-class A uses are confusing. The policy would also not afford protection to existing businesses as per the ‘agent of change principle’ set out in national policy¹¹⁴. Policy EcW5 and its reasoned justification should therefore be amended to address these deficiencies (**MAC38.1** and **MAC38.2**). In addition, monitoring indicator 14.7 should be changed to refer to non-retail developments (**MAC62**), allowing policy EcW5 to be accurately monitored and therefore effectively implemented.

Retail land supply

- 7.24. The RCLS assesses needs for a range of retail and commercial leisure uses during the Plan period. The methodology is consistent with the approach advocated in PPW and TAN 4 ‘Retail and Commercial Development’. The study finds limited quantitative need for new convenience goods during the Plan period and no obvious areas of qualitative deficiency in food provision. For comparison goods, it forecasts that the Trago outlet will create an expenditure deficit up to 2026, with a moderate expenditure surplus arising thereafter which could support 2,802sqm net floorspace by 2031¹¹⁵.
- 7.25. The RCLS states that, within the town centre, the central bus station site and vacant units could accommodate this projected growth. However, the deliverability of the bus station site for retail uses appears questionable, primarily as it lies partly within flood zone C2¹¹⁶. In addition, the RCLS indicates that vacant units are likely to be small units from which national retailers are unlikely to trade. The ELR, however, notes the potential of the ‘Land South of College Car Park’ site to accommodate A1 retail floorspace or other complementary uses. Although half of the site lies outside the town centre boundary, the area of land remaining within the town centre would be considerable and is relatively unconstrained. Despite not being allocated, this site alone demonstrates the potential of the town centre to accommodate residual comparison retail needs.
- 7.26. Although the RCLS concludes that no retail allocations are necessary, it finds scope for a small local centre at the HSRA to meet the day-to-day convenience, comparison and food and beverage needs of the new residential community.

¹¹² PPW Edition 10 paragraph 4.3.23

¹¹³ Retail and Commercial Leisure Study 2017 [SD30] paragraph 5.35

¹¹⁴ PPW Edition 10 paragraph 4.3.44 and Chapter 6

¹¹⁵ Retail and Commercial Leisure Study 2017 [SD30] paragraphs 6.6 and 6.10

¹¹⁶ Strategic Flood Consequence Assessment, June 2018 [SD37]

Policy EcW4 ‘Retail Allocation’ therefore allocates land at the HSRA for 409sqm of local convenience retail.

- 7.27. The identified quantity of floorspace is higher than that recommended in the RCLS, which identifies scope for around 321sqm gross floorspace at the HSRA. Moreover, that figure was based on a local need generated by a greater number of dwellings than is allocated in the Plan at the HSRA. In practice, however, reducing the quantum any further would not provide units of sufficient size or critical mass to sustain a small local centre. This would work against the objectives of securing a local centre at the HSRA in the first place. In addition, the quantum of floorspace proposed is modest and would be unlikely to have a substantial impact on other existing centres in the hierarchy.
- 7.28. The proposed allocation is therefore justified and would accord with National Sustainable Placemaking Objectives relating to the provision of a mix of uses, minimising the need to travel and securing community-based facilities and services. However, as the anticipated quantum is merely a broad figure to be refined at the planning application stage, it should be rounded to 400sqm in policy EcW4 (**MAC37**) and policy SW6 ‘Hoover Strategic Regeneration Area’ (**MAC9**). Consistent with the findings of the RCLS, the reference in policy EcW4 to convenience retail should also be deleted and the reasons for the allocation clarified in the reasoned justification (**MAC37**).
- 7.29. Subject to the above changes I find that the retail hierarchy, Proposals Map designations and retail allocation are appropriate and deliverable. In addition they would accord with national policy and would support the Plan’s objective to prioritise the reoccupation of vacant commercial units in designated centres.

Tourism, leisure and recreation

- 7.30. Policy EcW7 supports tourism, leisure and recreation development within settlement boundaries, particularly where it would aid the revitalisation and regeneration of the town and local centres. Given the broad range of uses which could fall within the scope of the policy, including town centre uses such as hotels (use class C1) and leisure (use class D2), the approach taken by the policy is appropriate.
- 7.31. The RCLS assessed provision of commercial leisure uses in the County Borough and found potential capacity or scope for certain facilities, including a 3 to 5 screen cinema. The Plan has also been informed by the Council’s Destination Management Plan¹¹⁷, which assesses the County Borough’s tourism offer and identifies potential growth opportunities. Amongst other things, this document notes that despite some unique strengths, including cultural and activity tourism draws, there are no major high-quality hotels locally and few large-scale indoor attractions.
- 7.32. By offering support for tourism development within settlement boundaries, policy EcW7 would assist in addressing the weaknesses and capitalising on the opportunities identified in the Destination Management Plan. It would be assisted in this role by policy CW2, which specifically supports the development

¹¹⁷ Destination Management Plan 2016-2018 [ED020]

of a heritage-based visitor attraction to complement the offer of Cyfarthfa Castle and Park; a specific focus of the Destination Management Plan.

- 7.33. Outside settlement boundaries, policy EcW7 lends favourable support to ‘low-impact’ tourism, leisure and recreation development, subject to certain requirements being met. This too would be consistent with the Destination Management Plan, which notes the growth potential for outdoor-based tourism in rural parts of the County Borough.
- 7.34. It goes without saying that conserving the rural qualities of countryside areas is an important part of maintaining and supporting rural tourism. National policy reflects this by stating that tourist development in rural areas should be sympathetic in nature and scale to the local environment¹¹⁸. Favouring ‘low-impact’ tourist-related development which minimises environmental impacts and is of an appropriate scale to its surroundings, as policy EcW7 does, is consistent with this. However, as the Plan includes objectives to strengthen and diversify the rural economy and support sustainable tourism, the policy should also seek to ensure that such proposals maximise positive effects on the local community, economy and environment, and minimise amenity impacts (**MAC40**).
- 7.35. Countryside-based tourism proposals would also be subject to policy SW4 ‘Settlement Boundaries’. As set out at paragraph 3.6 of this report, **MAC6** would amend policy SW4 to recognise the need for any tourism, recreation, or leisure facility or complementary development in the countryside to be fully justified. This policy would apply irrespective of whether a tourism proposal was deemed to fall within the definition of ‘low-impact’ development. **MAC7** and **MAC8** would amend the reasoned justification to policy SW4 to clarify this and to remove ambiguity about the types of use which may fall within its scope, including complementary uses such as visitor accommodation and access. A similar change to the reasoned justification to policy EcW7 (**MAC41**) would ensure that both policies would provide a suitable framework for supporting appropriate complementary tourist developments.
- 7.36. Subject to the changes identified above I find that policies EcW7, SW4 and CW2 would provide an appropriate basis for assessing proposals for tourism, leisure and recreation development, and would accord with the aims of PPW paragraphs 5.5.1 to 5.5.6.

Conclusion

- 7.37. Subject to the identified changes I conclude that the Plan’s employment, retail, leisure and tourism strategy and policies are soundly based.

¹¹⁸ PPW Edition 10 paragraph 5.5.3

8 Energy, minerals and waste

Renewable energy and district heat networks

- 8.1. The Plan has been informed by a Renewable Energy Assessment (REA)¹¹⁹ which assesses the potential for renewable and low carbon energy generation in the County Borough. The methodology underpinning the REA reflects the approach advocated in WG’s ‘Planning for Renewable and Low Carbon Energy – A Toolkit for Planners’ (‘the Toolkit’), published in 2015.
- 8.2. The REA identifies 16 parts of the County Borough with potential for either medium or large-scale wind turbines and 3 areas with potential for establishing district heat networks. As sought by the Toolkit¹²⁰ the REA also identifies areas with potential for solar arrays within an economically viable route to the electricity grid. Historically most solar farm proposals above 1MW in South Wales have been located within 2km of the grid, but as new delivery models and technologies are improving viability¹²¹ it is possible that proposals located further from the grid may come forward in the future. Nonetheless, the use of a 2km grid distance is not inappropriate in this instance as a longer grid connection distance of 10km would, in any case, yield similar results¹²².
- 8.3. Although the REA provides a robust basis on which to inform the Plan, by itself it is not sufficient to establish detailed boundaries for designating appropriate locations for renewable energy development as sought by national policy¹²³. The Council has therefore undertaken a further study to refine the outputs of the REA in relation to potential visual and landscape impacts¹²⁴. This in turn draws on a landscape sensitivity and capacity study prepared in 2015, which assesses potential for accommodating smaller wind turbines in the County Borough and neighbouring authorities¹²⁵.
- 8.4. The further study concludes that, whilst individual turbines may be acceptable, the sensitivity of the County Borough’s landscapes is such that no areas should be specifically identified for wind turbines in the Plan. However, it recommends that 3 areas are designated as ‘Local Search Areas’ (LSAs) for solar farms. Although only a high-level appraisal, the study provides a credible basis for determining appropriate boundaries for LSAs based on site-specific landscape and visual factors and is consistent with the advice provided in the Toolkit¹²⁶.
- 8.5. The provisions of policy EcW8 ‘Renewable Energy’ and policy EcW9 ‘District Heating’ accord with both the evidence and national policy¹²⁷. The solar LSAs and priority areas for district heat networks are appropriately designated on the Proposals Map. The reasoned justification to both policies identifies the County

¹¹⁹ Renewable Energy Assessment, 2017 [SD21]

¹²⁰ WG Toolkit, E1.7

¹²¹ Renewable Energy Assessment, sections 2.3.2 and 21.2.8

¹²² Council’s Written Statement for Hearing 8

¹²³ PPW Edition 10 paragraph 5.9.8

¹²⁴ Addendum to the Renewable Energy Assessment, 2018 [SD22]

¹²⁵ Heads of the Valleys Smaller Scale Wind Turbine Development Landscape Sensitivity and Capacity Study 2015 [SD23]

¹²⁶ WG Toolkit Project Sheets B and K

¹²⁷ PPW Edition 10 paragraphs 5.9.1 to 5.9.7

Borough’s potential for renewable electricity and heat schemes, their prospective contribution towards national targets, and potential capacity and output of the solar LSAs. This information is consistent with the evidence and its inclusion in the Plan would accord with national policy¹²⁸.

- 8.6. Notwithstanding the above, policies SW11 ‘Sustainable Design and Placemaking’ and EnW4 ‘Environmental Protection’ should be cross-referenced from the reasoned justification to policy EcW8 to clarify how potential residential amenity, noise and odour impacts associated with renewable energy proposals would be assessed (**MAC42**). In addition, the reasoned justification to policy EnW9 should state that viability and technical considerations should be considered in energy strategies which accompany planning applications (**MAC43**). Subject to these amendments I am satisfied that the Plan would provide a sound basis for assessing and securing proposals for renewable energy and district heat networks.

Minerals

- 8.7. The Minerals Planning Background Paper¹²⁹ and SA Baseline Scoping Report¹³⁰ assess the significance, need and supply of mineral workings in the County Borough. These documents draw on the recommendations of the South Wales Regional Aggregate Working Party’s Regional Technical Statement First Review 2014¹³¹ (‘RTS’), which has a base date of 2010 and identifies an apportionment for the County Borough of zero tonnes of sand and gravel and 20.5m tonnes of crushed rock between 2011 and 2036.
- 8.8. At around 94m tonnes, the crushed rock landbank accounted for by existing planning permissions far exceeds the County Borough’s current RTS apportionment. Nonetheless, paragraph 5.14.15 of PPW is clear that landbanks for aggregates should be examined to highlight any shortfalls and to ensure that productive capacity is maintained. The Minerals Planning Background Paper summarises the position with reference to local limestone and sandstone quarries. Whilst the County Borough’s one limestone quarry is currently inactive, the evidence indicates it has only recently ceased production and extraction is likely to recommence within the Plan period. Consequently it is appropriate to include permitted reserves within the identified landbank.
- 8.9. The RTS notes that its suggested apportionments do not fully take account of all factors that may be material to ensuring an adequate supply of aggregates obtained from appropriately located sources¹³². Nonetheless, PPW indicates that maintaining a minimum 10-year crushed rock landbank during the entire Plan period should ensure an ‘adequate’ supply of minerals for which there is demand¹³³. As of 2017¹³⁴, the identified crushed rock landbank in the County Borough represents over 50 years’ supply relative to the RTS apportionment. The rate of housing growth anticipated by the Plan reflects long-term historic

¹²⁸ PPW Edition 10 paragraph 5.9.2

¹²⁹ Minerals Planning Background Paper [SD41]

¹³⁰ Section 3.15 of the SA Baseline Scoping Report [SD10]

¹³¹ Regional Technical Statement 1st Review, 2014 [SD44]

¹³² Paragraph 5.20 of the Regional Technical Statement 1st Review, 2014 [SD44]

¹³³ PPW Edition 10, paragraph 5.14.15

¹³⁴ SWRAWP Annual Report 2017 [ED022]

trends and there is little to indicate that schemes and projects proposed or safeguarded by the Plan would result in demand for aggregates which could not be met by the identified sub-regional supply. The evidence, including the SA process, has adequately taken account of the Plan’s implications on the mineral supply chain in this regard. Consequently I consider that, consistent with national policy¹³⁵, the Plan is not required to allocate any land for minerals development.

- 8.10. Notwithstanding this, the RTS is due to be reviewed imminently and the County Borough’s apportionment could therefore change during the Plan period. It is therefore right that the Plan includes a suite of policies for assessing proposals for minerals extraction should they come forward.
- 8.11. Policy EcW10 ‘Sustainably Supplying Minerals’ aims to ensure that a minimum 10-year landbank of permitted aggregate reserves is sustained throughout the Plan period. The policy also seeks to safeguard potential mineral resources from other types of permanent development which would either sterilise them or hinder extraction. As sought by PPW paragraph 5.14.9, minerals safeguarding areas have been informed by the National Aggregates Safeguarding Map for South East Wales and the Mineral Resource Map for South East Wales and are designated on the Proposals Map.
- 8.12. Policy EcW11 ‘Minerals Development’, policy EcW12 ‘Minerals Buffer Zones’ and policy EcW13 ‘Minerals Safeguarding’ set out criteria for assessing proposals for minerals extraction or protecting the County Borough’s minerals supply, with reference to safeguarding areas and buffer zones designated on the Proposals Map. Insofar as they relate to non-energy minerals, the Plan’s policies provide an appropriate framework for safeguarding minerals and assessing applications for their extraction, consistent with national policy¹³⁶.
- 8.13. PPW Edition 10 identifies an energy hierarchy for planning and states that the extraction of minerals for the purpose of generating energy is undesirable as it is the most carbon intensive form of production¹³⁷.
- 8.14. Alongside other minerals resources, policy EcW10 safeguards the County Borough’s primary coal resource via a Proposals Map designation. Whilst this is not required by national policy, PPW paragraph 5.10.17 states that LPAs may wish to safeguard the primary coal resource depending on their individual circumstances. The Council has submitted a paper¹³⁸ indicating that the bituminous coal found in the County Borough has non-energy uses, including in the industrial production of steel, concrete, chemicals and paper. It points to investments in 2015 at Ffos-y-fran demonstrating demand for local coal for use at Tata’s steelworks in Port Talbot. The Council asserts that sourcing raw materials for sub-regional industrial processes in this manner would result in fewer carbon emissions than transporting coal from further afield. There is considerable substance to this argument.

¹³⁵ PPW Edition 10 paragraph 5.14.15 and Minerals Technical Advice Note 1 – Aggregates paragraph 49, as amended by Clarification Letter CL-05-14

¹³⁶ PPW Edition 10 paragraphs 5.14.43 to 5.14.46; Minerals Technical Advice Note 1 – Aggregates

¹³⁷ PPW Edition 10 paragraphs 5.7.14 and 5.10.1

¹³⁸ Council’s Written Response to Action Point 8.1 [ED047]

- 8.15. The Council’s paper also contends that the need for coal for energy security cannot be entirely ruled out, pointing to uncertainties in relation to gas supply, renewables and nuclear projects. I do not dispute that energy markets are difficult to predict, but this does not override the clear energy hierarchy set out in national policy. Paragraph 5.10.13 of PPW states that, as the UK Government seeks to phase out coal fired generation by 2025, continued demand for local coal is uncertain. Although PPW paragraph 5.10.14 allows for the extraction of coal for energy production in wholly exceptional circumstances, that is separate from the rationale for safeguarding the primary coal resource in relation to an area’s individual circumstances.
- 8.16. There is therefore no justification for safeguarding the primary coal resource for energy uses. Nonetheless, the evidenced need for bituminous coal in sub-regional industrial production does provide a compelling reason for safeguarding the resource in this case. However, to accord with national policy, paragraph 6.8.94 of the Plan should be amended to specify the individual circumstances of the area which justify the safeguarding designation (**MAC45**).
- 8.17. PPW para 5.10.17 says that where an LPA wishes to safeguard the primary coal resource it would need to include appropriate policies, including for pre-extraction, in their development plans. Neither policies EcW11 or EcW13 include criteria setting out the circumstances under which coal extraction or pre-extraction may be appropriate. A new criterion should therefore be added to policy EcW11 to state that proposals for coal extraction should be wholly exceptional and clearly justified, with supporting text clarifying that the justification for any extraction should relate to non-energy needs, a public safety benefit or reasons of national security, consistent with the local evidence and national policy (**MAC46** and **MAC47**). By cross-referencing relevant paragraphs of PPW Edition 10, **MAC47** would also remove ambiguity about how the Plan’s minerals policies would operate alongside national policy in relation to coal extraction.
- 8.18. In a similar vein, policy EcW13 should be amended to state that the prior extraction of coal within the safeguarded area will only be permitted where it has first been demonstrated that there are wholly exceptional circumstances to justify it, supported by a clear explanation about how the policy would be applied, including appropriate cross-references to the tests set out at paragraph 5.14.32 of PPW and in Minerals Technical Advice Note 2 ‘Coal’ (**MAC48** and **MAC49**). The Plan’s reference to areas where future coal extraction will be unacceptable should also be deleted as it not consistent with national policy (**MAC44**).
- 8.19. Subject to the changes identified above I am satisfied that the Plan’s minerals policies would accord with national policy and are justified by credible evidence.

Waste

- 8.20. Policy EcW14 sets out criteria for assessing proposals for waste treatment facilities and identifies preferred areas for such facilities. Identified areas of search relate to specific existing or allocated employment areas and have been

identified and justified via a robust assessment process¹³⁹. Consistent with TAN 15 ‘Development and Flood Risk’, the list of identified areas excludes employment areas which are at risk of flooding.

- 8.21. The provisions of policy EcW14 generally accord with TAN 21 ‘Waste’. Changes introduced by **MAC50** and **MAC51** would, however, clarify that all criteria should be met where appropriate, and would explain linkages with PPW Edition 10, thereby securing the policy’s effective application.

Conclusion

- 8.22. The Plan’s energy, minerals and waste policies, as amended by the recommended changes, have been informed by appropriate evidence and prepared with due regard to relevant national policy and guidance, and provide a sound framework for the assessment of relevant proposals.

9 Environmental policies

Nature conservation

- 9.1. Public authorities have a duty under the Environment (Wales) Act 2016¹⁴⁰ to maintain and enhance biodiversity and promote the resilience of ecosystems in the exercise of their functions. Policy EnW1 ‘Nature Conservation and Ecosystem Resilience’ provides an appropriate basis for enabling the Council to implement this statutory duty through the Development Management process, and in accordance with national policy¹⁴¹.
- 9.2. Effective and consistent application of this policy will be critical to securing positive outcomes in relation to biodiversity and ecosystems. To this end the reasoned justification should be amended to specify the features of a ‘resilient ecosystem’, including the potential for species or habitats to adapt to changes in conditions. It should also clarify how the ‘step-wise’ approach set out at paragraph 6.4.21 of PPW should be applied locally to secure the objectives of the statutory duty, including in relation to the use of baseline ecological data and Green Infrastructure Assessments, and in terms of how proposals which may result in harmful environment effects should be assessed. **MAC25** and **MAC26** would secure these changes and are therefore recommended.
- 9.3. There are two Sites of Special Scientific Interest (SSSIs) in the County Borough. The criteria set out in policy EnW2 ‘Nationally Protected Sites and Species’ would afford these an appropriate level of protection in accordance with paragraph 6.4.17 of PPW.
- 9.4. Whilst there are no other national or international designated sites in Merthyr Tydfil, development proposals within the County Borough would have the potential to affect designations located nearby. **MAC27**¹⁴² would amend policy

¹³⁹ Waste Planning Background Paper, June 2018 [SD42]

¹⁴⁰ Environment (Wales) Act 2016, section 6

¹⁴¹ PPW Edition 10 paragraphs 6.4.5 to 6.4.9

¹⁴² MAC27 would also re-insert part of the policy mistakenly removed from the consolidated version of the Plan during the Focussed Changes consultation.

EnW2 to extend to international and other types of national designation and adjust the approach to addressing impacts on protected species, consistent with PPW paragraphs 6.4.18 and 6.4.21. To aid the effective application of the policy, nearby Special Areas of Conservation should also be listed in the reasoned justification, alongside a summary of national policy requirements and information pertaining to the Habitats Regulations (**MAC28**).

- 9.5. National policy recognises the vital contribution of non-statutory designations to delivering an ecological network for biodiversity and resilient ecosystems, and indicates that the justification for these should be clearly recorded as part of a Green Infrastructure Assessment when formulating development plans¹⁴³. The Plan was prepared in advance of the publication of PPW Edition 10 and is not supported by a specific Green Infrastructure Assessment. Nonetheless, various pieces of evidence collectively fulfil an equivalent role. This includes a 2012 audit of Regionally Important Geological Sites, a Sites of Importance for Nature Conservation (SINC) Background Paper, surveys of individual SINC, and the Open Space Strategy, which addresses natural greenspace and green leisure corridors¹⁴⁴.
- 9.6. This evidence has informed policy EnW3 ‘Regionally Important Geological Sites, Sites of Importance for Nature Conservation and Priority Habitats and Species’. Boundaries for the County Borough’s two Regionally Important Geological Sites are identified on the Proposals Map, consistent with the evidence. Identifying the qualifying features of these protected sites in an appendix to the Plan would secure the effective application of the policy (**MAC72**).
- 9.7. Boundaries for 64 SINC are designated on the Proposals Map. These have been determined via a review of the 59 SINC included in the current LDP, plus five additional SINC identified following ecology surveys undertaken in 2007 and 2012.
- 9.8. All proposed SINC have been determined using an established sub-regional methodology¹⁴⁵ and have been subject to resurvey and evaluation. Whilst not every part of each SINC has been resurveyed, it would be unrealistic to evaluate and document every potential natural habitat in the County Borough. Moreover, most of the proposed SINC comprise ‘mosaic habitats’ which the sub-regional methodology indicates may contain improved or degraded elements of low or negligible conservation interest¹⁴⁶. There is little evidence that areas of low or negligible interest comprise a substantial proportion of any of the proposed SINC.
- 9.9. The boundaries of SINC 12 (Cwm Glo) and 36 (Rhydycar West) intersect with the Cwm Glo a Glyndyrus SSSI. There is nothing inherently contradictory about this, particularly as all have been designated for similar reasons. However, the surveys which informed the SINC boundaries included in the current LDP pre-date the current SSSI designation by 3 years. The Council has consequently adjusted the boundaries of SINC 12 and 36 to align with the SSSI designation

¹⁴³ PPW Edition 10 paragraphs 6.4.20 and 6.4.12

¹⁴⁴ Document references SD27, SD31, SD47, SD55, ED25 to ED29

¹⁴⁵ Criteria for the Selection of SINC in the Mid-Valleys Area [ED024]

¹⁴⁶ Criteria for the Selection of SINC in the Mid-Valleys Area [ED024], page 47

and the citation which supports it¹⁴⁷. Whilst certain parts of both SINC’s lie outside the SSSI, surveys undertaken by the Council during the examination demonstrate that certain parcels of land included in the proposed designation continue to meet the qualifying criteria¹⁴⁸. In addition to the SINC’s Background Paper, the further evidence submitted during the examination¹⁴⁹ demonstrates that the Council has a sufficiently up-to-date and comprehensive understanding of the habitats and species present in all existing and proposed SINC’s to justify their designation in the Plan.

- 9.10. The criteria in policy EnW3 would afford adequate protection to these designations and ecological interests. Criterion 2 should, however, be amended to clarify that assessments should focus on the nature conservation features that require protection (**MAC29**), as sought by PPW paragraph 6.4.20. For the same reasons an appendix should be added to the Plan to identify the qualifying features, characteristics and significance of each SINC, as identified in the evidence (**MAC72**), cross-referenced from the reasoned justification (**MAC29**). Including information about original and re-survey dates in this appendix would accord with policy guidance included in TAN 5 ‘Nature Conservation and Planning’ to provide transparent and publicly available records of the designation process¹⁵⁰.
- 9.11. Figure 11 of PPW identifies Local Nature Reserves (LNRs) as a non-statutory designation to be afforded a similar level of protection to SINC’s in development plans. As the County Borough includes an LNR and more may be designated in the future, policy EnW3 should be amended to afford protection to LNRs alongside other local designated sites (**MAC29**). This change would also secure necessary changes to the reasoned justification to clarify the role and purpose of LNRs, which in addition to a related change to the monitoring framework (**MAC57**) would secure the effective application of the amended policy. Subject to these and the other changes identified above I am satisfied that the Plan’s suite of policies provide a sound basis for conserving the natural environment.

Human and environmental health

- 9.12. Policy EnW4 ‘Environmental Protection’ seeks to ensure that development would not unacceptably impact on the health of the environment, people or property, for example in relation to flooding, air or noise pollution, amongst other things.
- 9.13. PPW states that national air quality objectives are not ‘safe’ levels of air pollution and that it is desirable to keep levels of pollution as low as possible¹⁵¹. It goes on to state that the planning system must protect amenity and it is not acceptable to rely on statutory nuisance under the Environmental Protection Act 1990 to do so¹⁵². As submitted policy EnW4 was not sufficiently consistent with these aims. **MAC30** would accordingly amend the policy to seek appropriate measures to reduce or minimise impacts to the lowest possible acceptable level

¹⁴⁷ SSSI Citation for Cwm Glo a Glyndyrus, 2008 [ED049]

¹⁴⁸ Council’s Response to Action Point 6.1 [ED047]

¹⁴⁹ *ibid.*

¹⁵⁰ Paragraph 5.5.2 of TAN 5 ‘Nature Conservation and Planning’

¹⁵¹ PPW Edition 10 paragraph 6.7.2

¹⁵² PPW Edition 10 paragraph 6.7.3

to be incorporated within development proposals, with explanation given in the reasoned justification about how the policy would be applied in practice.

- 9.14. The County Borough hosts a single Air Quality Management Area (AQMA). Although policy EnW4 includes effective criteria for determining applications which may affect air quality or increase exposure within the AQMA, the reasoned justification does not adequately expand on how proposals would be assessed in practice. **MAC31** would address this deficiency by providing more detail about the AQMA, the circumstances under which an Air Quality Assessment may need to accompany a planning application, and how mitigation measures should be demonstrated. To secure the policy’s effective implementation, the monitoring framework should also be amended to include new indicators relating to any extensions to the AQMA and to track nitrogen dioxide levels at monitoring stations (**MAC55** and **MAC56**).
- 9.15. The final part of policy EnW4 relates to the water environment. Rather than repeating national policy on flood risk, the policy appropriately cross-references the requirements of TAN 15 ‘Development and Flood Risk’, stating unambiguously that no highly vulnerable development will be permitted within flood zone C2 as shown on the accompanying Development Advice Maps. Although the requirement for proposals to incorporate measures to improve water quality where opportunities exist is justified, **MAC32** would amend the reasoned justification to clarify that reductions in diffuse pollution would normally be addressed via SuDS, and thus potentially within the ambit of the separate SUDs consenting regime. This change would ensure that the policy was implemented appropriately and effectively.

Landscape

- 9.16. Policy EnW5 provides protection for the County Borough’s landscapes, with particular focus given to protecting the special characteristics of five Special Landscape Areas (SLAs). The policy’s criteria are soundly based and consistent with national policy¹⁵³.
- 9.17. SLAs are designated on the Proposals Map and have been identified via a landscape assessment¹⁵⁴. The assessment methodology follows an approach advocated by NRW¹⁵⁵, overlaying five LANDMAP layers to arrive at cumulative scores for different parts of the County Borough. Areas with a combined score of 10 were used to identify broad areas for potential designation as SLAs. Whilst there is no definitive rationale for this, I consider that it represents an appropriate starting point for identifying landscapes which, in local terms, might be considered as ‘special’.
- 9.18. Importantly, boundaries for the five candidate SLAs were refined following site visits. The evaluation matrices show that all these SLAs contain LANDMAP aspect areas which have been evaluated as ‘high’ or ‘outstanding’ overall. The Council contends that the SLAs correlate well with those designated in the LDPs of neighbouring LPAs and I have no reason to dispute this.

¹⁵³ PPW Edition 10 paragraph 6.3.11

¹⁵⁴ Special Landscape Areas Background Paper, June 2018

¹⁵⁵ LANDMAP Guidance Note 1: LANDMAP and Special Landscape Areas 2017

9.19. As is tacitly acknowledged within the Background Paper, some parts of each SLA will inevitably be less sensitive to landscape change than other parts. Policy EnW5 recognises this by seeking to ensure that development is sensitive to the special characteristics of SLAs. The SLAs Background Paper is cross-referenced from the reasoned justification and includes a character description and boundary justification for each SLA. This accords with paragraph 6.3.11 of PPW and would ensure that applicants and decision-makers are appropriately informed about which features, characteristics and qualities of SLAs the policy seeks to protect.

Conclusion

9.20. Subject to the recommended changes I conclude that the Plan’s environmental policies are sound.

10 Other Development Management policies

10.1. Policy SW10 ‘Open Spaces and Local Nature Reserves’ sets out effective and appropriate criteria for ensuring that development proposals secure or protect specific types of open space consistent with the standards identified in the OSS¹⁵⁶. Although the policy would afford an element of protection to all open spaces of potential well-being or environmental value, designating key open spaces on the Proposals Map would secure alignment between the Plan and the OSS (**MAC15 and MapMAC9**). Monitoring the loss or reduction of open spaces, rather than their potential to achieve green flag status, would allow the Council to accurately track the policy’s implementation (**MAC54**).

10.2. The second part of policy SW10 identifies 11 proposed Local Nature Reserves (LNRs) and 1 existing LNR. As LNRs principally derive their status from the National Parks and Access to the Countryside Act 1949¹⁵⁷, rather than from LDPs, listing proposed LNRs within policy SW10 would itself have little effect. Whilst the Council contends that the proposed sites would meet the qualifying criteria for designation, none have yet been formally assessed and declared. All LNRs should therefore be deleted from the policy (**MAC14**) and corresponding amendments made to the reasoned justification (**MAC16**), Proposals Map (**MapMAC10**) and monitoring framework (**MAC54 and MAC58**).

10.3. As the proposed LNRs are existing open spaces they would be afforded an element of protection under policy SW10. However, were any to be formally designated as LNRs during the Plan period, this would signal that they were of local natural scientific interest or contained features of special biodiversity interest. Changes to policy EnW3 introduced via **MAC29** and **MAC57** would secure an appropriate level of protection for future LNRs, as well as the existing LNR at Cwm Taf Fechan.

10.4. Policy SW11 ‘Sustainable Design and Placemaking’ seeks to secure good quality and sensitively designed proposals which would assist in placemaking. By

¹⁵⁶ Merthyr Tydfil Open Space Strategy, June 2016 [SD47]

¹⁵⁷ Technical Advice Note 5 ‘Nature Conservation and Planning’, section 5.5

necessity the policy is comprehensive. Whilst the assessment criteria are appropriate, not all will be relevant for the broad range of development proposals likely to be received by the LPA during the Plan period. To afford an appropriate level of flexibility the wording “where appropriate” should therefore precede all assessment criteria (**MAC17**). The reasoned justification should also be amended to clarify how the provision of green infrastructure should be secured in the context of the separate SUDs consenting regime (**MAC19** and **MAC20**).

- 10.5. The Plan’s vision seeks to ensure that people in Merthyr Tydfil have a fulfilled life. Policy SW13 ‘Protecting and Improving Local Community Facilities’ would assist in contributing to this by supporting new or improved community facilities and protecting existing facilities across the County Borough. Whilst the policy itself provides a sound framework for assessing development proposals, the reasoned justification should be amended to clarify the range of facilities which fall within the policy’s scope, such as post offices, public houses and local shops (**MAC22**), consistent with national policy¹⁵⁸.
- 10.6. Policy CW1 ‘Historic Environment’ affords protection to the County Borough’s various historic assets, which includes buildings, structures, landscapes, townscapes and archaeological remains, amongst other things. The policy also takes in locally-defined Urban Character Areas and Archaeologically Sensitive Areas, which are supported by evidence¹⁵⁹ and designated on the Proposals Map.
- 10.7. As submitted policy CW1 was unclear about the level of protection to be afforded to nationally designated historic assets versus those of special local importance. The reasoned justification was also confusing or incorrect about the status of certain types of historic asset. To accord with national policy and guidance¹⁶⁰, policy CW1 should be amended to preserve or enhance designated historic assets, whilst also ensuring that proposals should have regard to the special character and importance of undesignated historic assets, including locally listed buildings or structures, Landscapes of Outstanding Historic Interest, Urban Character Areas and Archaeologically Sensitive Areas (**MAC23.1**). The reasoned justification should also correctly identify the status of certain assets and clarify when Heritage Impact Assessments and character assessments should accompany applications (**MAC23.2, MAC23.3** and **MAC24**). Subject to these changes I am satisfied that the policy and associated monitoring indicators would appropriately support the preservation of the County Borough’s historic environment, as sought by national policy and guidance.

Conclusion

- 10.8. I conclude that the Plan’s policies provide a comprehensive and sound basis for managing development within the County Borough over the Plan period. No other policies are necessary to achieve the Plan’s objectives or mitigate

¹⁵⁸ PPW paragraphs 4.4.1, 4.3.40 and 4.3.41

¹⁵⁹ Merthyr Tydfil – Understanding Urban Character, Cadw [SD39]; Archaeology & Archaeologically Sensitive Areas, Gwent Glamorgan Archaeological Trust [SD36]

¹⁶⁰ PPW paragraph 6.1.29; Technical Advice Note 24 – The Historic Environment; ‘Managing Lists of Historic Assets of Special Local Interest in Wales’ (Cadw, May 2017)

potential effects identified in the Sustainability Appraisal or Appropriate Assessment.

11 Monitoring

- 11.1. The preamble to the monitoring framework explains the monitoring methodology, which categorises the severity of any divergence from identified targets and identifies the nature of any required action, for example where additional guidance is needed or where the plan requires holistic review.
- 11.2. Changes to the monitoring framework are recommended in this report in response to matters that have arisen during the examination. The revised framework includes relevant targets and trigger points for core and local indicators which would be used to effectively monitor specific policies. The indicators relate to the Plan’s objectives, which in turn align with the Local Wellbeing Plan. In order to secure the Plan’s effective implementation, I also recommend the inclusion of a new local indicator to estimate the number of additional jobs created by development proposals, as advocated in the consultation draft version of Edition 3 of the Development Plans Manual (**MAC60**).
- 11.3. Although trigger points for some indicators relate to broad ranges, that is appropriate given the relatively modest number of planning applications likely to be handled by the LPA compared to others in Wales. Overall, I conclude that the indicators, targets and trigger points included in the amended framework are appropriate and would allow the Council to accurately monitor the implementation of the Plan strategy, individual policies and allocations, and act accordingly.

12 Overall conclusions

- 12.1. With the binding recommended changes identified in this report and set out in the Appendix, I conclude that the Merthyr Tydfil Replacement LDP 2016 – 2031 satisfies the requirements of section 64(5) of the 2004 Act and meets the Welsh Government’s tests of soundness.

Paul Selby

Inspector