

Merthyr Tydfil County Borough Council
Replacement Local Development Plan 2016 – 2031

Planning and Compulsory Purchase Act 2004

The Environmental Assessment of Plans and Programmes (Wales)
Regulations 2004

The Town and Country Planning (Local Development Plan) (Wales)
Regulations 2005 (as amended by the 2015 Amendment
Regulations)

ADOPTION STATEMENT

29th January 2020



Cyngor Bwrdeistref Sirol
MERTHYR TUDFUL
MERTHYR TYDFIL
County Borough Council

Miss J Jones

Prif Swyddog Cynllunio a Gwasanaethau Cymdogaeth |
Chief Officer Planning and Neighbourhood Services

Cyngor Bwrdeistref Sirol Merthyr Tudful |

Merthyr Tydfil County Borough Council

Uned 5 | Unit 5

Parc Busnes Triongl | Triangle Business Park

Pentrebach

Merthyr Tudful | Merthyr Tydfil

CF48 4TQ

1. Introduction

- 1.1 In accordance with the requirements of Regulation 25(2) of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended) the Council is required to produce and publish an 'adoption statement' following adoption of a development plan. In addition, in accordance with the requirements of Regulation 16 of The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004, the authority must also publish a 'post adoption statement'.
- 1.2 This document has been produced in order to satisfy the requirements of both regulations. Part 1 of this statement addresses the requirements of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended). Part 2 accords with the requirements of the Environmental Assessment of the Plans and Programmes (Wales) Regulations 2004.

2. **Part 1: Replacement Local Development Plan Statement of Adoption – Town and Country Planning (Local Development Plans) (Wales) Regulations 2005 (as amended)**

- 2.1 The Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031 was adopted, and became operative on 29th January 2020. It supersedes and replaces the adopted Merthyr Tydfil County Borough Council Local Development Plan (LDP) 2006-2021.
- 2.2 The Replacement LDP constitutes the development plan for Merthyr Tydfil County Borough (excluding the area within the Brecon Beacons National Park) and will be the basis for decisions on land-use planning in the area.
- 2.3 Copies of the adopted Replacement LDP, the Inspector's binding report, the Final Sustainability Appraisal (SA) Report and this Adoption Statement are available for inspection during normal opening hours at:
- MTCBC Civic Centre, Castle Street, Merthyr Tydfil, CF47 8AN;
 - MTCBC Unit 5, Triangle Business Park, Pentrebach, CF48 4TQ;
 - Merthyr Tydfil Central Library, High Street, Merthyr Tydfil, CF47 8AF;
 - Rhydycar Library Hub, Merthyr Tydfil Leisure Centre, CF48 1UT;
 - Treharris Library, Perrott Street, Treharris, Merthyr Tydfil, CF46 5ET;
 - Dowlais Library, Church Street, Dowlais, Merthyr Tydfil, CF48 3HS;
 - Aberfan Community Library, Pantglas Road, Aberfan, CF48 4QE.

- 2.4 The adopted Replacement LDP and above associated documents are also available to view on the Council's website at:
www.merthyr.gov.uk/ReplacementLDP
- 2.5 A person aggrieved by the Replacement Local Development Plan who desires to question its validity on the ground that it is not within the powers conferred by Part 6 of the Planning and Compulsory Purchase Act 2004 or that any requirement of that Act or regulation made under it has not been complied with in relation to the adoption of the Local Development Plan, may, within six weeks from the date specified on the Adoption Notice make an application to the High Court under Section 113 of the 2004 Act.
- 3. PART 2: Post Adoption Statement – Environmental Assessment of Plans and Programmes (Wales) Regulations 2004**
- 3.1 Up-to-date LDPs are a requirement of the Planning and Compulsory Purchase Act 2004. Section 69(6) of the 2004 Act, as amended, also requires the Council to appraise the sustainability of the LDP through a Sustainability Appraisal [SA]. This is a systematic process that is designed to evaluate the predicted social, economic and environmental effects of the development plan in order to inform the decision making process.
- 3.2 The Council must also comply with the Strategic Environmental Assessment Directive 2001/42/EC (European Community, 2001), which requires the Strategic Environmental Assessment (SEA) of certain plans and programmes which are likely to have a significant effect on the environment. The Environmental Assessment of the Plans and Programmes (Wales) Regulations 2004 transposes this requirement into Welsh law and requires the preparation of an 'Environmental Report' setting out the consideration of likely significant effects.
- 3.3 Government guidance advises that the SA and SEA of development plans should be carried out together as part of an iterative process and requires that development plans are subject to SA incorporating the requirements of SEA through a single appraisal process. The term 'SA' referred to throughout this statement should therefore be taken to include the requirements of SEA.
- 3.4 This section of the Adoption Statement summarises how the findings of the integrated SA/SEA assessment process have influenced the development of the LDP and how environmental considerations and consultation responses have been taken into account. It also outlines why the

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Replacement Deposit LDP was progressed in the light of other reasonable alternatives and highlights the measures that have been developed to track the effects of the Plan.

3.5 In accordance with SEA Regulation 16(4) this statement provides the following information:

- How environmental considerations have been integrated into the plan.
- How the SA/SEA report has been taken into account i.e. any changes made to the LDP as a result of the SA process.
- How the consultation responses in relation to the SA/SEA process have been taken into account.
- How the results of any trans-boundary consultations have been taken into account.
- The reasons for choosing the plan as adopted, in the light of the other reasonable alternatives dealt with.
- The implications of any significant changes recommended in the Inspector's report.
- The measures for monitoring the significant environmental effects of the implementation of the Plan.

3.6 Each of the information requirements are dealt with in-turn below. In accordance with Welsh Government guidance rather than duplicate material contained in documents relating to the SA process, appropriate cross references are made to relevant documents in this statement.

3.7 It should be noted that the Replacement LDP was also subject to a Habitats Regulations Assessment (HRA) which was carried out in parallel to the SA/SEA process. The HRA assessed the impacts of LDP in combination with the effects of other plans and projects on 'European sites' designated for their ecological status. This assessment accompanied the Replacement Deposit LDP and was reported separately.

3.8 How environmental considerations have been integrated into the plan

- 3.8.1 The Replacement LDP has been subject to an SEA in order to consider the potential impact of the Plan on the environment and to improve the Plan's environmental performance.
- 3.8.2 The SA and SEA processes have been undertaken in parallel and combined as set out within the SA Report. The process has been integral to the preparation of the Replacement LDP ensuring that it promotes sustainable development through the incorporation of social, environmental and economic objectives.
- 3.8.3 The SA process has continued throughout plan preparation and has included several stages and reports, which demonstrate the iterative feedback process between plan-making and the SA. As the plan progressed through the preparation stages, the policies and proposals were assessed against the SA objectives and public consultation was undertaken on those assessments. This has enabled sustainability considerations to be integrated into the Replacement LDP and plan-making process.
- 3.8.4 Table 1 below illustrates the Replacement LDP plan preparation stages and the SA assessments undertaken.

Replacement LDP Stage	SA Reports (including document reference)	Consultation Timescale
Update Evidence Base	Sustainability Appraisal Baseline Scoping Report January 2017 (SD10)	Pre-Deposit Participation/Call for Candidate Sites September - December 2016
Preferred Strategy Preparation	Initial Sustainability Appraisal Report June 2017 (SD09) Initial Sustainability Appraisal Report Non-Technical Summary June 2017 (ED013)	Pre-Deposit Public Consultation July – October 2017
Deposit Plan Preparation	Deposit Plan Sustainability Appraisal Report June 2018 (SD06) Deposit Plan Sustainability Appraisal Report – Non- Technical Summary June 2018 (SD07)	Deposit Plan Consultation July – September 2018

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Submission	Deposit Plan Sustainability Appraisal Report Addendum December 2018 (SD08)	Focused Changes Consultation January – March 2019
Examination	Deposit Plan Sustainability Appraisal Report – Further Addendum September 2019 (ED057)	Matters Arising Changes Consultation September – October 2019
Inspectors and Report Adoption	Final Sustainability Appraisal Report January 2020	Plan Adoption 29 th January 2020

3.8.5 A Habitats Regulations Assessment (HRA) and Appropriate Assessment (AA) has also been undertaken which concluded that the LDP will not have significant effects on European sites alone or in-combination with other plans or projects. Details of the HRA are available on the Council's website.

3.9 How the Environmental Report has been taken into account (including any changes made to the LDP as a result of the SA process)

3.9.1 Information gathering and up-dating evidence base

3.9.1.1 The initial stages of the SA involved the preparation of the SA 'Scoping Report' which reviewed relevant baseline information and identified key sustainability issues for the County Borough (Table 4.1 of document SD11). This informed the Key Issues identified in Figure 1 of the Replacement LDP.

3.9.1.2 The SA Scoping Report also identifies 18 Sustainability Objectives against which the Replacement LDP has been assessed (Table 5.2 of document SD11). The SA Scoping Report was informed by LDP Steering and Working groups and well-being stakeholder workshops (held in November 2016). The finalised Scoping Report was published in January 2017 (document SD11) following consultation with the SEA statutory bodies.

3.9.2 Pre-Deposit Stages

3.9.2.1 The Initial Sustainability Appraisal (ISA) Report (document SD09) assessed 3 spatial strategy and 3 growth options when identifying the Replacement LDP Preferred Strategy (PS). The ISA identifies the likely significant economic, environmental, social and cultural effects of the growth and strategy options and informed the identification of the PS. Also assessed at this stage were the LDP objectives, key policies for the delivery of the PS and an early assessment of sites included in the Candidate Sites Register (Section 8 of the ISA). Full assessments of the Growth, Spatial Strategy and Preferred Strategy Policies can be found at Appendices 4-6 of the ISA Report.

3.9.3 Deposit Plan

3.9.3.1 The Deposit Plan SA Report (document SD06) identified the likely significant economic, environmental, social and cultural effects of the full draft Replacement Deposit LDP, including the likely sustainability implications of site allocations. Each site was assessed against the sustainability objectives set out in the Site SA Framework (Appendix 5 of document SD06). Figure 7.3 and paragraphs 7.38 – 7.55 of the Deposit Plan SA Report summarises the results of the appraisal process for allocated sites. Appendix 6 illustrates the detailed site SAs.

3.9.3.2 The SA Report concluded that overall the Deposit Plan vision, strategy objectives and detailed policies provided a sustainable basis for the Replacement Deposit LDP (see Paragraphs 9.1 – 9.9 of document SD06). Figure 7.2 and paragraphs 7.28 to 7.35 of the Deposit Plan SA summarises the results of the appraisal of the Plan's detailed policies. Figure 9.1 also provides a summary of policy assessments by SEA topics.

3.9.3.3 The Deposit Plan SA also considered opportunities for further policy mitigation in order to improve the Plan's overall sustainability performance. This is summarised in the detailed policy assessments shown at Appendix 4 of the Deposit Plan SA Report (for example, see assessments for Policies SW11 and CW1).

3.9.4 Focused Changes Stage

3.9.4.1 The SA Report Addendum December 2018 (document SD08) screened whether the Focused Changes to the Deposit Plan altered the 'likely significant effects' identified in the SA Report and whether the changes proposed were likely to result in any new significant effects (screening shown at Table 3.1 of document SD08). This resulted in 8 new assessments, including for the additional site allocation at Clwydyfagwr, Swansea Road; an updated assessment for the Cwmfelin, Bedlinog site allocation proposed in the Deposit Plan; and updated assessments for amended policies (specifically for policies SW10 Protecting and Improving Open Spaces, SW11 Sustainable Design and Placemaking, EnW2 Nationally Protected Sites and Species, EnW4 Environmental Protection, EcW8 Renewable Energy and EcW11 Minerals Development). Following consideration of the updated appraisals, no implications on the overall SA of the Deposit Plan were identified.

3.9.5 Matters Arising Changes Consultation

3.9.5.1 The SA Report Further Addendum September 2019 (document ED057) considered changes to the Replacement LDP proposed throughout the Examination, known as Matters Arising Changes (MACs). The screening at Table 3.1 identified that no reassessments of the policies were necessary due to the scale and nature of the changes proposed. However, 4 new detailed assessments were undertaken for the new housing allocations proposed (shown at Table 4.2). The new site allocations scored well against the SA framework and had similar impacts to other comparable residential allocations. Following consideration of the additional site SAs, no implications on the overall SA of the Deposit Plan were identified.

3.10 How the consultation responses in relation to the SA/SEA process have been taken into account

Pre-Deposit Stages

- 3.10.1 The Baseline Scoping Report (document SD10) underwent consultation with the statutory Environmental Consultees from 21st December 2016 to 25th January 2017. The consultee responses are shown at pages 74-76 of the Initial Consultation Report (ICR) dated June 2018 (document SD15). Changes were made to the Baseline Scoping Report to address the matters raised by the statutory consultees.
- 3.10.2 The Preferred Strategy and Initial Sustainability Appraisal (ISA) Report (document SD09) underwent consultation from 14th July 2017 to 6th October 2017. A summary of representations received in relation to the ISA and the Council's response is shown at pages 77 - 82 of the ICR.

Deposit Stage

- 3.10.3 The Deposit Plan and Sustainability Appraisal Report (document SD06) underwent consultation from 30th July 2018 to 10th September 2018. A summary of the representations received is shown at page 145 of the Deposit Plan Consultation Report dated December 2018 (document SD14). Representations were received regarding the assessment of the Cwmfelin, Bedlinog residential site allocation and the impact of the Plan's growth strategy on the supply of minerals. The Council's response to these is contained at Section 4 (see pages 20, 32 and 66) and Section 5 (page 145) of the Deposit Plan Consultation Report.

Submission and Focused Changes Stage

- 3.10.4 The Schedule of Focused Changes and SA Report Addendum (document SD11) underwent public consultation from 21st January 2019 to 4th March 2019. No representations were received in relation to the Deposit Plan SA Report Addendum.

Matters Arising Changes Consultation

- 3.10.5 The Schedule of Matters Arising Changes and SA Report Further Addendum dated September 2019 (document ED57) underwent consultation from 9th September 2019 to 21st October 2019. No representations were received in relation to the SA Report Further Addendum.

3.11 How the results of any trans-boundary consultation have been taken into account

3.11.1 The SA process has considered potential trans-boundary impacts, including the potential trans-boundary impacts on the Welsh language. Representations requesting further detail were received which resulted in an updated Welsh language assessment being included in the SA Report Further Addendum (document ED57). The updated assessment included further detailed consideration on the increase in demand for Welsh Medium education provision over the Plan period, including for Welsh Medium Secondary education demand which is currently met at Ysgol Gyfun Rhydywaun in neighbouring Rhondda Cynon Taff County Borough. This identified a need to extend Ysgol Gyfun Rhydywaun to accommodate future projected needs. This infrastructure need was added to the Infrastructure Schedule (Appendix 5) of the Replacement LDP. No other trans-boundary issues were raised through the SA process.

3.11.2 The Habitat Regulations Assessment (Appropriate Assessment) of the Replacement LDP considered the effects of the Plan in respect of the impacts on European sites of nature conservation importance which lie outside the LDP boundary. It was concluded that with the mitigation measures incorporated into the Plan, the implementation of the LDP would not result in a likely significant effect on any European Site either alone or in combination with other plans and projects.

3.12 The reasons for choosing the plan as adopted, in the light of the other reasonable alternatives dealt with

3.12.1 In identifying the Replacement LDP Preferred Strategy the Council developed 3 spatial strategy options which were considered to provide realistic reasonable alternatives for the location of future development in the County Borough. The Strategy was also informed by 8 potential growth scenarios¹, 3 of which were shortlisted for further detailed consideration. Full details the strategy option appraisals are contained in the ISA Report dated June 2017 (document SD09). The strategy options considered were as follows.

¹ See the Population and Housing Paper background paper June 2017 (document SD32) for full details.

3.12.2 Growth Options

- High growth option: continuation of the existing adopted LDP Enhanced Growth Strategy (253 dwellings per annum). Issues arising from the appraisal of this option are summarised in paragraph 7.10 of document SD09.
- Mid growth option: sustainable population growth of 8% (150 dwellings per annum). Issues arising from the appraisal of this option are summarised in paragraph 7.19 of document SD09.
- Low growth option: Principal Projection – planning for population decline (22 dwellings per annum). Issues arising from the appraisal of this option are summarised in paragraph 7.14 of document SD09.

3.12.3 The preferred growth option was selected having been assessed against the Strategic SA Framework (see sections 7.20 – 7.24 of document SD09). Given the higher proportion of positive impacts and the increased scope for mitigation, coupled with the uncertainty of delivering the 'enhanced growth' option, the 'mid growth' sustainable population growth option was considered to provide the option mostly likely to achieve the Vision and Objectives of the Replacement LDP. Analysis of the growth scenarios were also presented to the LDP Steering and Working groups, held between January and March 2017, which assisted in achieving a broad consensus in selecting the preferred option.

3.12.4 Spatial Strategy Options

- Urban extension in Merthyr Tydfil (Cwm Glo Glyndyrys SSSI) and other small sites: - The majority of housing development would be located on an urban extension located at the Cwm Glo and Glyndyrys Site of Scientific Interest (SSSI) along with associated leisure, retail and tourism. Developing the Cwmglo and Glyndyrys SSSI as the key component of the LDP strategy was considered to be wholly inappropriate, particularly with regard to fundamental constraints on objectives relating to biodiversity, soils, landscape and heritage, notwithstanding the suitability of alternative spatial options.
- 'Hoover Strategic Regeneration Area' and other small sites: a significant proportion of housing development would be located at the 'Hoover Strategic Regeneration Area' (HSRA) which would support employment uses and form a key part of the 'South Wales Metro' proposals in

addition to other smaller site allocations in the Primary and Other growth areas. This option had significant positive impacts on objectives relating to population growth, economic development, transport and infrastructure and also scores positively in terms of housing, communities and human health.

- Dispersal of small sites across the County Borough: the continuation of the existing adopted LDP spatial strategy where housing would be located on a number of sites across the County Borough, the majority of which would be situated in the main settlement of Merthyr Tydfil. This option also scored well on objectives relating to population growth, economic development, transport and infrastructure. It would likely deliver the sustainable level of growth proposed in largely sustainable locations, but the option did not present the same opportunities as the 'Hoover Strategic Regeneration Area' option.

3.12.5 The Spatial Strategy options appraisals are shown at Appendix 5 of the ISA Report (document SD09) and are summarised at paragraphs 7.26 to 7.36. It was considered that the HSRA option would capitalise on the South Wales Metro proposals more than any other option due to its location adjacent to existing strategic public transport infrastructure routes and would assist in integrating the northern and southern halves of the County Borough. Developing the site would also regenerate a former industrial site that has been largely vacant for 10 years for housing, employment and leisure facilities. These factors were considered to make the HSRA spatial option the preferred option for the Replacement LDP when considered against the alternatives to deliver the sustainable population growth strategy.

3.13 The Assessment and Selection of Sites

3.13.1 The initial call for candidate sites (site nominations) for potential allocation in the Replacement LDP took place from 8th September 2016 to 2nd December 2016. The Candidate Sites Register included 98 sites which underwent public consultation alongside the Replacement LDP Preferred Strategy. A further 5 sites were promoted at that stage and all 103 candidate sites were subjected to site level Sustainability Appraisal as illustrated in the Candidate Sites Register dated October 2017 (document SD18).

3.13.2 All candidate sites and other site options considered underwent detailed site assessment by the Council in the preparation of the Replacement Deposit LDP as detailed in the Site Assessment background paper

(document SD46). This sets out the detailed site assessments for all strategy compliant site options and site allocation SAs. The findings of the site allocation SAs are included in the Deposit Plan Sustainability Appraisal Report (document SD06) at Figure 7.3 and paragraphs 7.36 to 7.55.

- 3.13.3 The 5 additional sites added at the Focused Change and Matters Arising Changes stages were also subjected to SA and detailed site assessments. These are detailed in the SA Report Addendums (as set out in documents SD08 and ED57 respectively). No significant impacts on the overall SA of the Plan were identified through these proposed changes.

3.14 Implications of any significant changes recommended in the Inspector's report

- 3.14.1 In respect of the recommended Matters Arising Changes, the Inspector's report at paragraph 1.4 states *"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"*.

- 3.14.2 Furthermore, the Inspector's report at paragraph 10.8 concluded 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 potential effects identified in the Sustainability Appraisal or Appropriate Assessment."* Consequently, no further changes to the Replacement LDP were recommended in the Inspector's report.

3.15 The measures that are to be taken to monitor the significant environmental effects of the implementation of the Plan

- 3.15.1 Regulation 37 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended) requires that the Council prepare an Annual Monitoring Report (AMR). This is required to monitor specific items, as well as identifying where and why the policies of the Plan are not being implemented as intended.
- 3.15.2 Regulation 17 of the SEA Regulations requires that the Council monitor the most significant effects of the Plan. The monitoring of the Plan and its

significant environmental effects is therefore a statutory requirement which will be undertaken through the AMR process.

- 3.15.3 A Monitoring Framework is set out in Section 7 of the Adopted Replacement LDP which provides the basis for measuring policy performance. The monitoring indicators are categorised by LDP Objectives and cross reference relevant SA Objectives.
- 3.15.4 The Final SA Report dated January 2020 includes a separate SA Monitoring Framework that has been developed as part of the integrated SA/SEA process. This covers social and economic as well as environmental aspects and includes monitoring targets and indicators against each SA Objective.
- 3.15.5 An integrated approach to monitoring the implementation and significant environmental effects of the Plan will be undertaken on an annual basis through the AMR process. The first AMR for the Replacement LDP will be published and submitted to Welsh Government by 31st October 2021.