



Cyngor Bwrdeistref Sirol
MERTHYR TUDFUL
MERTHYR TYDFIL
County Borough Council

HEARING SESSION 6
DEVELOPMENT MANAGEMENT POLICIES 1
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MATTER 6: DEVELOPMENT MANAGEMENT POLICIES 1 – HEARING STATEMENT

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Matter 6: Development Management Policies 1

6.1 Nature Conservation and Ecosystem Resilience (Policy EnW1)

a. Does the Plan's definition of 'ecosystem resilience' accord with that set out at paragraph 6.4.21 of Planning Policy Wales Edition 10?

Yes. Policy EnW1 is considered to be in accordance with the definition of 'ecosystem resilience' and requirements to follow a hierarchical or 'stepwise' approach set out under PPW Edition 10, Paragraph 6.4.21.

The hierarchical or 'stepwise' approach to maintaining and enhancing biodiversity, and building resilient ecological networks, requires that development firstly avoids any adverse environmental effects, that these are then minimised, mitigated, and as a last resort compensated whilst securing enhancement wherever possible as set out below:

- | | |
|---|---|
| 1. Avoidance: | avoiding damage to biodiversity and ecosystem functioning altogether by considering alternative sites where less harm/no harm or gain can be achieved; |
|  | |
| 2. Minimisation: | minimising adverse effects by ensuring features and elements of biodiversity or green infrastructure value are retained on site through modifying proposals if necessary; |
|  | |
| 3. Mitigation: | securing positive biodiversity outcomes by attaching relevant and appropriate conditions, obligations or advisory notes to permissions for development to mitigate against any adverse effects; |
|  | |
| 4. Compensation: | compensating for unavoidable loss or damage where all the above options cannot be enforced on site through off-site means that deliver a net benefit to biodiversity by for example habitat creation at a suitable off-site location; and |
|  | |
| 5. Refusal: | refusing an application where the adverse effect of the proposed development on the environment clearly outweighs other material considerations. |

It is considered that amendments to the supporting text to strengthen reference to this approach set out in PPW Edition 10 would help clarify how development proposals would be assessed. A Matters Arising Change to the reasoned justification has therefore been proposed.

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Proposed Matters Arising Changes

Amend LDP paragraphs 6.7.8 and 6.7.12 – 6.7.14 under policy EnW1 as follows:

6.7.8 The Environment (Wales) Act 2016 places a duty on public bodies to maintain and enhance biodiversity in the exercise of their functions, and in so doing, to promote the resilience of ecosystems. **A resilient ecosystem has the ability to respond to disturbance by resisting damage and recovering quickly.** Ecosystem resilience involves considering the extent, diversity, connectivity, and condition **and adaptability** of species and habitats as set out in the Environment (Wales) Act. The Council will therefore seek to ensure new development contributes to these aims **to maintain and enhance biodiversity, and therefore promote the reliance of ecosystems,** though Policy EnW1 and the Plan's other development management policies. **the application of the prioritised 'step-wise' approach set out in national policy. Proposals should firstly demonstrate how they avoid harmful environmental effects by considering alternative sites where less harm/no harm or gain can be achieved. If harm cannot be avoided proposals should then set out how they minimise these adverse effects by ensuring that features of benefit to biodiversity are retained on-site. Proposals should then set out how they mitigate effects of the development which further reduces any harmful effects. Where harmful effects cannot be avoided, minimised or mitigated, compensation will be sought. Throughout this step-wise approach, enhancement must be achieved wherever possible.**

....

6.7.12 Where the development will be likely to have an adverse impact on biodiversity, the need for development must be weighed against the biodiversity value of the proposed development site. Where a development will have an adverse impact on the biodiversity value of a site, the development must demonstrate that the need for the development clearly outweighs the biodiversity value of the site. **In line with national policy, where the harmful environmental effects of development outweigh other material considerations planning permission will be refused.**

6.7.13 Developers must demonstrate what measures have been taken to avoid an adverse impact on biodiversity and what mitigation measures will be undertaken to minimise the impact on biodiversity. Where reasonable avoidance measures and mitigation are not sufficient in minimising an adverse impact, any residual impact should be addressed by appropriate and proportionate compensation measures. Compensation should be located as close as possible to the original site, and be on a 'like-for-like' basis with the aim to **provide for ecological connectivity and resilience, and to** maintain or enhance biodiversity interests. ~~Mitigation measures and compensation sites~~

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~~should therefore be chosen so that they are located appropriately to provide for ecological connectivity, resilience and serve to maintain and enhance biodiversity features or resources.~~ **It should be chosen with reference to available Green Infrastructure Assessments, use a landscape-scale approach and to take account of the five key ecosystem reliance attributes contained in the Section 6 Duty (Biodiversity and Resilience of Ecosystems Duty) of the Environment (Wales) Act. A long-term management plan detailing the agreed mitigation and/or compensation measures should be provided.**

6.7.14 Biodiversity enhancement on development sites can be achieved by incorporating green infrastructure features into development proposals. As a minimum, the levels of enhancement should be commensurate with the level of adverse impact and proportionate to the scale of development although opportunities for greater enhancement should be considered wherever possible. Enhancement features that can be included could include: small animal underpasses, bird and bat boxes on new build, vegetated dark flight corridors, ponds, hedgerows, new planting schemes, and wildlife-friendly sustainable drainage systems. These features not only mitigate and enhance, but also significantly contribute towards sustainability and natural resource planning; ensuring that new developments are “future-proof” allowing for migration and colonisation in response to climate change. **Baseline ecological data will be required to evaluate the level of enhancement achieved.**

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6.2 Nationally Protected Sites and Species (Policy EnW2)

a. Should Policy EnW2 refer to sites as well as species within the policy text?

Yes. Policy EnW2 in the Deposit Plan Written Statement June 2018 (Document SD03, page 50) included policy wording in relation to protected sites.

The change specified in the Schedule of Focused Changes (Document SD02, page 25) sought only to amend the second statement of the policy relating to protected species. However, a typographical error in transposing the focused change into the Written Statement as amended by the Focused Changes (document SD01, pages 55 -56) incorrectly repeated the second statement of the policy that relates to species.

Policy EnW2 as amended by Focused Change FC22 should read:

Policy EnW2: Nationally Protected Sites and Species

Development likely to have an adverse effect either directly or indirectly on the conservation value of a Site of Special Scientific Interest will only be permitted where it is demonstrated that:

1. There is no suitable alternative to the proposed development; and
2. It can be demonstrated that the benefits from the development clearly outweigh the special interest of the site; and
3. Appropriate compensatory measures are secured; or
4. The proposal contributes to the protection, enhancement and positive management of the site.

Development proposals likely to affect protected species will only be permitted where it is demonstrated that:

1. The population size, range, and distribution and long-term prospects of the species will not be significantly adversely impacted;
2. There is no suitable alternative to the proposed development;
3. The benefits of the development clearly outweigh the adverse impacts on the protected species; and
4. Appropriate conservation, enhancement, avoidance, mitigation and compensation measures are provided. **(FC22).**

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The Council has reviewed the policy in light of PPW Edition 10 Paragraph 6.4.1, which clearly sets out the stepwise approach in national policy. It is considered that the order of requirements in criterion 4 under the second statement of the policy (relating to protected species) should be amended to be consistent with the prioritised stepwise approach. In addition, it is considered that the first statement of the policy (relating to protected sites) could be made more explicit with regards to what 'conservation value' includes when considering protected sites and changes have been proposed to address this.

Proposed Matters Arising Change

Policy EnW2: Nationally Protected Sites and Species

Development likely to have an adverse effect either directly or indirectly on the conservation value of a Site of Special Scientific Interest (SSSI), **including the area, structure and function of designated features**, will only be permitted where it is demonstrated that:

1. There is no suitable alternative to the proposed development; and
2. It can be demonstrated that the benefits from the development clearly outweigh the special interest of the site; and
3. Appropriate compensatory measures are secured; or
4. The proposal contributes to the protection, enhancement and positive management of the site.

Development proposals likely to affect protected species will only be permitted where it is demonstrated that:

1. The population size, range, distribution and long-term prospects of the species will not be significantly adversely impacted;
2. There is no suitable alternative to the proposed development;
3. The benefits of the development clearly outweigh the adverse impacts on the protected species; and
4. Appropriate ~~conservation, enhancement~~, avoidance, minimisation, mitigation, and compensation **and enhancement** measures are provided.

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b. Would this policy be used to assess potential effects on European Sites in neighbouring Local Planning Authorities, and if so should this be stated in paragraph 6.7.16?

No, as currently worded Policy EnW2 relates to nationally protected sites only. Reference to European Sites could however be included in order to clarify that consideration of potential effects on European Sites in neighbouring areas will be required where there is the potential for adverse impacts on those sites from future development proposals within the County Borough.

There are no Natura 2000 / European Sites within the County Borough area however, 10 Special Areas of Conservation (SACs) are situated within 15km of the County Borough. These are: Aberbargoed Grasslands SAC, Blaen Cynon SAC, Brecon Beacons SAC, Cardiff Beech Woods SAC, Coedydd Nedd a Mellte SAC, Cwm Cadlan SAC, Cwm Clydach Woodlands SAC, Llangorse Lake SAC, River Usk SAC and Usk Bat Sites SAC.

The Habitats Regulations Assessment (HRA) Appropriate Assessment (AA) (SD11) found that the proposals of the Replacement LDP are not likely to have a significant adverse effect on the integrity of any Natura 2000/European Sites either alone or 'in-combination' with other plans and projects. However, any future development proposal within the County Borough that has the potential for adverse impacts on the integrity of European sites in neighbouring areas would be subject to a Habitats Regulations Assessment in accordance with the Conservation of Habitats and Species Regulations 2017. Changes to the policy and supporting text are therefore proposed to clarify this.

Proposed Matters Arising Change

Policy EnW2: **Internationally and** Nationally Protected Sites and Species

Development likely to have an adverse effect either directly or indirectly on the conservation value of **an internationally or nationally designated site** ~~Site of Special Scientific Interest (SSSI)~~, **including the area, structure and function of designated features**, will only be permitted where it is demonstrated that:

1. There is no suitable alternative to the proposed development; and
2. It can be demonstrated that the benefits from the development clearly outweigh the special interest of the site; and
3. Appropriate compensatory measures are secured; or
4. The proposal contributes to the protection, enhancement and positive management of the site.

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Development proposals likely to affect protected species will only be permitted where it is demonstrated that:

1. The population size, range, distribution and long-term prospects of the species will not be significantly adversely impacted;
2. There is no suitable alternative to the proposed development;
3. The benefits of the development clearly outweigh the adverse impacts on the protected species; and
4. Appropriate ~~conservation, enhancement~~, avoidance, minimisation, mitigation, and compensation **and enhancement** measures are provided.

Insert the following additional reasoned justification after paragraph 6.7.21:

6.7.22 There are no internationally designated sites within the County Borough area (e.g. European Sites) however, 10 Special Areas of Conservation (SACs) are situated within 15km of the County Borough. These are: Aberbargoed Grasslands SAC, Blaen Cynon SAC, Brecon Beacons SAC, Cardiff Beech Woods SAC, Coedydd Nedd a Mellte SAC, Cwm Cadlan SAC, Cwm Clydach Woodlands SAC, Llangorse Lake SAC, River Usk SAC and Usk Bat Sites SAC.

6.7.23 Development proposals that are likely to have a significant effect on internationally designated sites or European Protected Species will be determined in accordance with national planning policy set out in Planning Policy Wales, Technical Advice Note 5: Nature Conservation and Planning (2009), relevant legislation and case law.

6.7.24 The Habitats Regulations Assessment (Appropriate Assessment) undertaken during the preparation of the Replacement LDP indicated that the Plan's proposals were unlikely to have a significant adverse effect on internationally designated sites, either alone or 'in-combination' with other plans. However, it should be noted that any future development proposal within the County Borough that has the potential for adverse impacts on the integrity of an internationally designated sites in neighbouring areas will be subject to a Habitats Regulations Assessment in accordance with the Conservation of Habitats and Species Regulations 2017.

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6.3 Sites of Importance for Nature Conservation (Policy EnW3)

- a. Are the Sites of Importance for Nature Conservation (SINC) designations founded on robust and up-to-date evidence¹? Specifically, do the designated areas encompass parcels of land which accord with the selection criteria for each SINC?**

Yes, The Council's approach to the review of Sites of Importance for Nature Conservation (SINC) is provided in the Sites of Importance for Nature Conservation background paper, June 2018 (SD27).

The SINC review firstly considered whether the existing SINC identified in the Adopted LDP (Nos. 1 – 3 & 5 – 60) still met the SINC selection criteria, as specified in the 'Criteria for the Selection of SINC in the Mid-Valleys Area', 2008² (paragraph 6.2 of document SD27) and secondly whether any boundary changes were required.

With regard to meeting the selection criteria a site survey methodology was created to review each existing SINC. This comprised the use of a survey sheet, with accompanying Habitat and Species Tables, attached at Appendices 1-3 of Document SD27. The survey sheets, which were completed on site for each existing SINC, showed which habitats (from the 22 Habitats e.g. H1 - Woodlands and H7 Marshy Grasslands set out in the 2008 report) were identified in the original survey undertaken for the adopted plan. The survey sought to ascertain whether the selection criteria was still met for each of these Habitats, including which indicator species were present on site (as listed in the 5 Indicator Species Tables (e.g. Table 1- Indicator Species for Semi-natural Woodland Vascular Plants and Table 5 - Indicator Species for Marshy Grasslands). Table 2 of SD27 lists which habitats were still present on site for each SINC under the 'Meets or Exceeds MID Valleys selection SINC Criteria' column. This included a review of proposed SINC No. 4 which was originally surveyed in 2007 (Document ED029) but not included in the adopted LDP as the Ffos y Fran land reclamation scheme, where the SINC was located, was being implemented at that time. Given that the reclamation scheme has progressed, and the areas that would remain undisturbed have now been clarified, the site was reassessed as part of this Review and found to comply with SINC criteria.

With regard to the remaining proposed new SINC (No. 61-64), these comprise areas of coniferous woodlands, surveyed in November 2012, by David Clements

¹ Sites of Importance for Nature Conservation Background Paper 2018 [SD27]; Rhydyar West Survey and SINC Assessment 2006 [SD55]

² Mid Valleys selection Criteria. (Caerphilly County Borough Council, Merthyr Tydfil and Rhondda Cynon Taf County Borough Council, 2008) (Document EDO24).

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Ecology Limited on the instructions of MTCBC, to establish whether the sites were worthy of consideration as a SINC. The SINC assessments for the new proposed SINC designations have been submitted as Examination Documents (ED025, ED026, ED027 and ED028). The methodology used here was based on Phase 1 vegetation classification methodology developed by the former Nature Conservancy Council in 1990, a nationally-accepted and standard methodology with the site assessments of biodiversity significance of habitats and species being checked against the 2008 criteria.

With regard to reviewing the boundaries existing SINC across the County Borough, for practical reasons, and where access was permitted, these focussed on known boundary issues and known or likely changes since the adoption of the previous LDP. Given that landowners, landowner attitudes and permissions often change, amendments proposed to existing SINC are based on the best available evidence at the time. Where boundary changes are deemed necessary i.e. SINC 4, 12, 30, 36, 56 & 60 this is indicated in the 'decision' column of Table 2 (page 11, SD27).

Paragraph 6.4 of the background paper states that, the proposed boundaries of all the SINC, both existing and proposed have been drawn to be meaningful in ecological terms. Defensible boundaries were identified that incorporate physical features in order to form an effective ecological unit. Where sites were selected on 'species criteria' regard was further given to the habitat requirements of the species concerned. Tables 1 and 2 (pages 10 and 11 of SD27) provide the assessment summaries for the proposed and existing SINC. All new SINC and proposed boundary changes are shown at Appendix 1 to this statement.

With regard to SINC 36, Rhydycar West, the relevant survey (SD55) was originally undertaken in 2006 as access to the land has historically not been permitted. The boundary in the adopted plan reflects this survey and the area of the Cwm Glo and Glyndyrus Site of Scientific interest (SSSI) boundary as confirmed on 8th April 2009.

In this respect, SSSIs were originally notified under the National Parks and Access to the Countryside Act 1949, re-notified under the Wildlife and Countryside Act 1981 and improved provisions for the protection and management of SSSIs were introduced by the Countryside and Rights of Way Act 2000. Landowners have an obligation, under legislation, to manage a SSSI in a way which helps conserve its special features with NRW providing the landowner with details of legislation affecting the site, management practices, activities likely to cause damage, activities requiring permission on site and those activities that are exempt.

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An SSSI is a statutory designation for nationally important sites with detailed 'Guidelines for the Selection of Biological SSSI'³, whereas SINCC designation is based on regionally important criteria (Mid-Valleys SINCC Criteria). When comparing the (SSSI) Part 2: Detailed Guidelines for Habitat and Species Groups with the (Mid-Valleys SINCC Criteria) Part 2: Detailed Criteria for Selection, the former always meets the latter criteria for the habitats present within Cwm Glo and Glyndyrus SSSI.

MTCBC is therefore confident that the Countryside Council for Wales (now NRW), as the statutory nature conservation body for Wales had sufficient rigorous and evidence based systems in order to confirm the final SSSI boundary as it currently exists, and has no later evidence to the contrary. The only changes observed are the introduction of a permanent hardstanding area and minor mapping errors, which have resulted in slight amendments to the boundary, shown in the Plan attached at Appendix 1 of this statement, which are reflected in the boundary shown on the Replacement LDP Proposals Map.

³ Guidelines for the Selection of Biological SSSI - Part 2: Detailed Guidelines for Habitats and Species Groups – Joint Nature Conservation Committee 2014.

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6.4 Environmental Protection (Policy EnW4)

a. Would the application of Policy EnW4 support national policy objectives including those relating to air quality and soundscape⁴?

No, with regard to national 'air quality' objectives PPW Edition 10 (paragraph 6.72) considers that there are no 'safe' levels of air pollution and that it is "*desirable to keep levels of pollution as low as possible*". The policy as currently worded requires proposals to demonstrate that there would be no unacceptable impact and that measures can be taken to minimise these to an acceptable level, rather than seeking to reduce or minimise impacts to the lowest possible level in line with PPW paragraphs 6.7.1 to 6.7.6. It is therefore proposed to amend Policy EnW4 to reflect this approach.

With regard to 'soundscape' PPW paragraph 6.73 considers that although 'noise action plans' focus resources on the most polluted areas where levels are set high to qualify as a statutory nuisance, lower levels can also be disruptive and impact on amenity. PPW requires that the planning system must protect amenity and not just rely on other relevant legislation to do so. In line with PPW paragraphs 6.7.4 - 6.7.6 it is proposed to amend the wording of the policy to reflect the Framework for Addressing Air quality and Soundscape in national policy.

Proposed Matters Arising Change

Policy EnW4: Environmental Protection:

Development proposals will be required to demonstrate they will not result in an unacceptable impact on, people, residential amenity, property and / or the natural environment, from either:

- Pollution of land, surface water, ground water and the air;
- Land contamination;
- Hazardous substances;
- Land stability;
- Noise, vibration, dust, odour nuisance and light pollution; or
- Any other identified risk to public health and safety.

Where impacts are identified, the Council will require applicants to demonstrate that appropriate measures can be taken to **have been incorporated to reduce, or** minimise the impact identified to ~~an~~ **the lowest possible** acceptable level.

Planning conditions may be imposed or legal obligation entered into, to secure any necessary mitigation and monitoring processes.

⁴ Planning Policy Wales Edition 10 (PPW) paragraphs 6.7.2 to 6.7.5

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In respect of the water environment, development proposals will be required to incorporate measures to improve water quality where opportunities exist. With regard to In respect of flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN15. No highly vulnerable development will be permitted within Development Advice Map (DAM) zone C2. Development will only be permitted in areas at risk of flooding where it can be demonstrated that the site can comply with the justification and assessment requirements set out in TAN15.

6.7.27 While many elements of pollution control are outside the remit of the planning system it is important that new development does not lead to unacceptable levels of pollution **and aims to reduce average population exposure to air and noise pollution. New development proposals will be required to reduce, or at the very least minimise the impact identified to the lowest possible acceptable level.** If, as a result of consultation with bodies such as Natural Resources Wales and Health and Safety Executive, the Council considers that a development proposal would lead to unacceptable pollution, then planning permission will not be granted.

6.7.28. Policy EnW4 follows the precautionary approach and the Council encourages developers to assess any impact at the earliest stage so that development proposals reduce any impact present to ~~an~~ **the lowest possible acceptable level, wherever it is practical and feasible to do so, in order to safeguard the environment, amenity, public health and well-being.** Where development is permitted conditions will be attached to the approval to minimise any potential pollution levels and, where appropriate, **to** monitor the effects of the development.

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- b. Should the reasoned justification provide greater clarity about how proposals would be assessed where these would have the potential to detrimentally affect air quality or increase exposure within an Air Quality Management Area (AQMA)?

Yes, presently the reasoned justification text does not specifically refer to how proposals would be assessed where they have the potential to affect air quality or exposure in an AQMA. The Council would therefore propose inserting additional paragraphs following 6.7.28 to address this.

Proposed Matters Arising Change

Insert additional supporting text under policy EnW4 following paragraph 6.7.28 as follows:

6.7.29 Air quality indicates how healthy the air we breathe is. Air pollution leads to poor air quality, which can have a detrimental impact on human, animal and plant health and the environment. The Council has identified that nitrogen dioxide, a pollutant associated with vehicle emissions, is of concern and therefore monitors it throughout the Council area.

6.7.30 In January 2017 the Council declared an Air Quality Management Area (AQMA) at Twynyrodyn Road (from the roundabout at the Western end of Twynyrodyn Road to the crossroads between Gilfach-Cynon and Arfryn Place to the east) and is shown on the Constraints Map. An Air Quality Action Plan was approved by the Council in June 2018⁵, which proposes measures to improve air quality within the AQMA. Where further deterioration in air quality would be of significant concern within the AQMA, development proposals will need to demonstrate that appropriate mitigation measures can be implemented, or have been incorporated into the design of the development, to reduce or minimise the effects on existing and future population exposure.

6.7.31 Since monitoring may identify other areas of exceedances outside the designated AQMA, developers are advised to engage in early consultation with the Council where proposals have the potential to have a significant impact on air quality to confirm whether an Air Quality Assessment (AQA) would be required to support an application. Where the need for mitigation is identified, the AQA should demonstrate that appropriate measures have been incorporated or

⁵ Merthyr Tydfil County Borough Council Air Quality Action Plan 2018 (ED033)

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can be implemented to ensure that the development does not cause significant risk to air quality by virtue of emissions from the development itself or from additional new traffic movements.

c. Should indicator 7.4 monitor the application of Policy EnW4 with reference to levels of air pollution within AQMAs rather than solely the number of AQMAs?

Yes. Whilst levels of air pollution can be affected by additional traffic movements the indicator is more relevant to the application of policy EnW4 and could be added to monitoring indicators under Objective 6 relating to sustainable design.

Although levels of nitrogen dioxide are measured throughout the County Borough area, if levels are exceeded in a particular area this could be due to a number of factors and may not necessarily be due new development proposals alone or signify a failure of the policy. If a new AQMA were triggered, or the existing area extended, the significance of this would more clearly show a failure of the policy.

In this respect, AQA's produced to support development proposals need to provide information on the extent to which the proposal would increase the number of individuals exposed in an area likely to fail UK air quality objectives (proposed or in regulations), either within an AQMA or in other areas that might result in a AQMA. The provision of AQA's would therefore provide a reliable source of evidence in order to monitor the indicator.

Given that a reliable source of information would be available and the designation of new AQMAs would provide a clear indication of policy failure it is considered appropriate to retain the monitoring indicator related to the designation of new AQMAs. However, it is accepted that an additional local indicator could usefully be added that monitors the average annual nitrogen dioxide levels within the AQMA. Amendments have also been proposed to include additional reference to the extension of the existing AQMA.

In addition to this LDP monitoring, the Sustainability Appraisal monitoring framework (SD06, table 8.1, p53) includes an indicator which measures annual mean concentration of nitrogen dioxide with the target trend set to decrease the 2015 baseline of 41.5 µg/m3. This indicator will provide an additional contextual indicator that will provide monitoring evidence which can be used to reflect on the range of reasons behind the County Borough wide changes identified.

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Proposed Matters Arising Change

Ref No	Indicator Core/local	Monitoring target	Trigger Point	Data Source
7.4	Local Number of Air Quality Management Areas (AQMA's).	No more than 1 current AQMA in action.	One or more additional AQMA's.	MTCBC Environmental Health Monitoring.
6.4	<u>Local Number of Air Quality Management Areas (AQMA's).</u>	<u>No new or extended AQMA designations.</u>	<u>An extension to the existing AQMA or designation of a new AQMA.</u>	<u>MTCBC Environmental Health Monitoring.</u>
6.5	<u>Local Average nitrogen dioxide levels within the designated Twynyrodyn Road AQMA.</u>	<u>Decrease the average annual concentration µg/m3) of nitrogen dioxide within the AQMA.</u>	<u>Two consecutive years of average annual increases in nitrogen dioxide levels within the AQMA.</u>	<u>MTCBC Environmental Health Monitoring.</u>

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- d. The final part of Policy EnW4 requires proposals to incorporate measures to improve water quality where opportunities exist. Given the separate consenting process for sustainable drainage systems, should the reasoned justification at 6.7.31 explain how this would apply in relation to planning applications?

Yes, it is considered that additional text should be incorporated into this paragraph to explain how the new consenting regime for sustainable drainage systems would apply to planning applications.

Proposed Matters Arising Change

Amend paragraph 6.7.31 as follows:

6.7.31 The Council recognise the role the planning system can play in helping realise the objective of the Water Framework Directive to improve water quality. New development will be expected to incorporate measures to improve ground and surface water quality wherever opportunities exist. **In addition to the provision of Sustainable Drainage Systems (SuDS) to reduce diffuse pollution,** this could include measures such as, ~~sustainable drainage systems (SuDS) to reduce diffuse pollution,~~ the provision of fish passages, preventing the spread of non-native species, the provision of dedicated river access points or fencing to prevent damage from livestock, people, or pets, and river bank stabilisation works including tree and vegetation planting to reduce erosion and silt disturbance.

6.7.32 It should be noted that all new developments of more than 1 dwelling house, or where construction is 100m² or more, will require Sustainable Drainage Systems for surface water that meets the statutory sustainable drainage standards set by Welsh Government. Approval from the SuDS Approval Body (SAB) will be required before construction takes place. In accordance with Standard S3 (Water Quality), treatment for surface water run-off should be provided in order to prevent negative impacts on the receiving water quality and/or protect downstream drainage systems, including sewers. Under the standards, the aim should be to ensure the SuDS effectively manage sediment and other pollutants, ensuring discharges from the systems are of an acceptable quality and will not cause a pollution risk. Consideration should also be given to supporting current or future quality objectives for the water body over the lifetime of the development.

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6.5 Landscape Protection (Policy EnW5)

a. Does the evidence⁶ provide a robust and credible basis for the Special Landscape Area designations, consistent with national policy and guidance⁷

Yes. The Special Landscape Areas (SLAs) have been identified using methodology referenced in national policy (PPW Edition 10, paragraphs 6.3.11 and 6.3.12). Full details are provided in the Merthyr Tydfil Special Landscape Areas Background Paper June 2018 (document SD26).

The evidence for the designation of the SLAs was derived from LANDMAP assessment data, supported further by the Historic Landscape Characterisation of Merthyr Tydfil (produced by Gwent Glamorgan-Gwent Archaeological Trust), and by on-site confirmation of boundaries. Section 7 of the background paper sets out the methodology for the approach, and section 8 provides the evaluation of the proposed SLAs against the identified strategic criteria. The assessment process was carried out in line with Natural Resources Wales (NRW) *LANDMAP Guidance Note 1: LANDMAP and Special Landscape Areas*. Liaison with Natural Resources Wales' Senior Landscape Specialist was also maintained throughout the process to ensure that appropriate use was made of the LANDMAP data and that the final results were sound.

The Council's response to representations received at the Preferred Strategy stage resulted in an up-dated background paper (SD26). The response explained that the use of moderate LANDMAP evaluation scores (referred to in Table 1 and paragraph 7.5 of SD26) were incorporated to reflect local landscapes with a unique significance to the County Borough Area. This approach was discussed with NRW and was considered to be justified and in accordance with the scope of the guidance for designating SLAs which are local level non-statutory designations. The methodology and approach was applied consistently to all potential SLA designations across the County Borough.

Consequently, it is considered that the designation of SLAs is based on robust and credible evidence and is consistent with national policy and LANDMAP guidance notes published by NRW.

⁶ Background Paper: Special Landscape Areas [SD26]

⁷ PPW paragraph 6.3.11; LANDMAP Guidance Note 1 – LANDMAP and Special Landscape Areas 2017 (Natural Resources Wales)

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6.6 Any Other Matters

The Council would make the Inspector aware that since publication of the Deposit Plan and Focused Changes a necessary amendment to the settlement boundary in Treharris has been identified. The area of land has extant consent for residential development for 5 dwellings and is the remaining part of a partly implemented consent.

This change has arisen from the amendment of the settlement boundary in the Replacement LDP to align the settlement boundary more closely with existing built development and to accommodate the proposed Special Landscape Areas in the Treharris / Quakers Yard area. Given the land has extant consent and would be an additional windfall site it would be appropriate to exclude this land from the settlement boundary.

Consequently, a Matters Arising Change to the Proposals Map has been proposed and is shown at Appendix 2 of this statement.

Appendix 1



Cyngor Bwrdeistref Sirol
MERTHYR TYDFIL
County Borough Council

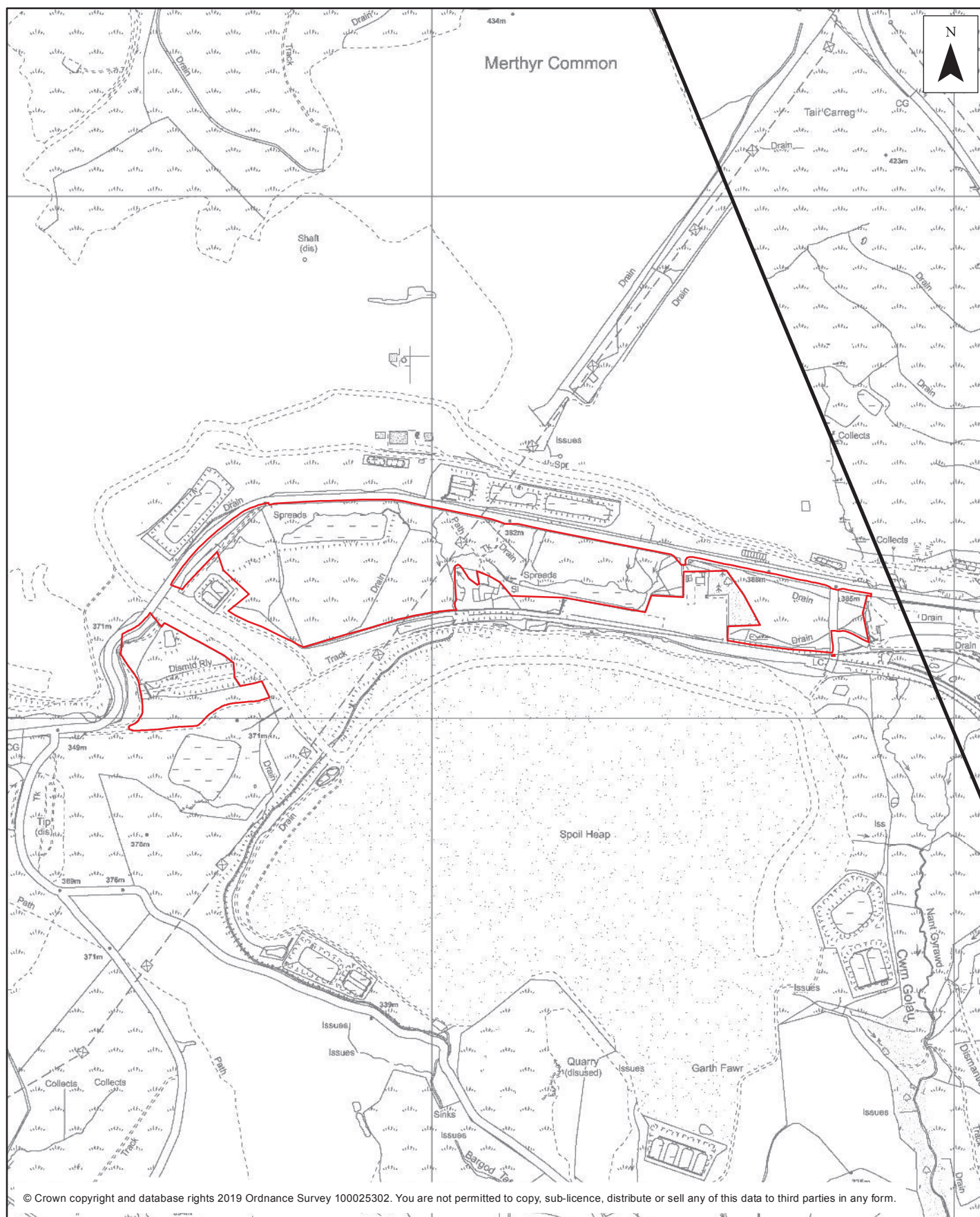
Merthyr Tydfil Local Development Plan 2016-2031

Site of Importance for Nature Conservation (SINC)

Ref: SINC 4

Name: Merthyr Common Central

Site Size: 22.28



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Replacement LDP boundary

Merthyr Tydfil CBC boundary

0 100 200 300
Metres



Cyngor Bwrdeistref Sirol
MERTHYR TYDFUL
County Borough Council

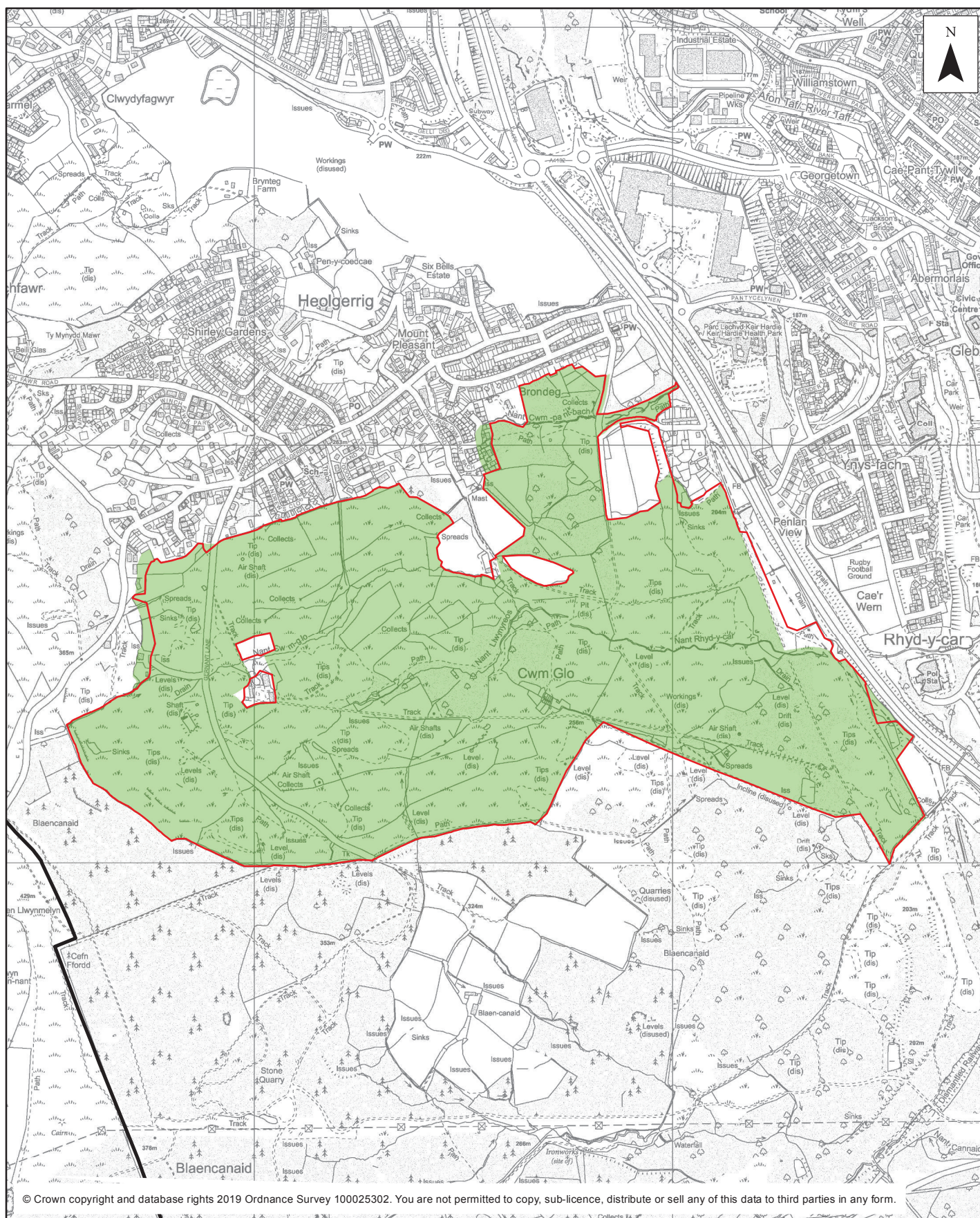
Merthyr Tydfil Local Development Plan 2016-2031

Site of Importance for Nature Conservation (SINC)

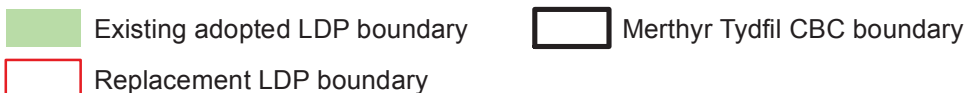
Ref: SINC 12

Name: Cwm Glo

Site Size: 127.79



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0 100 200 300
Metres



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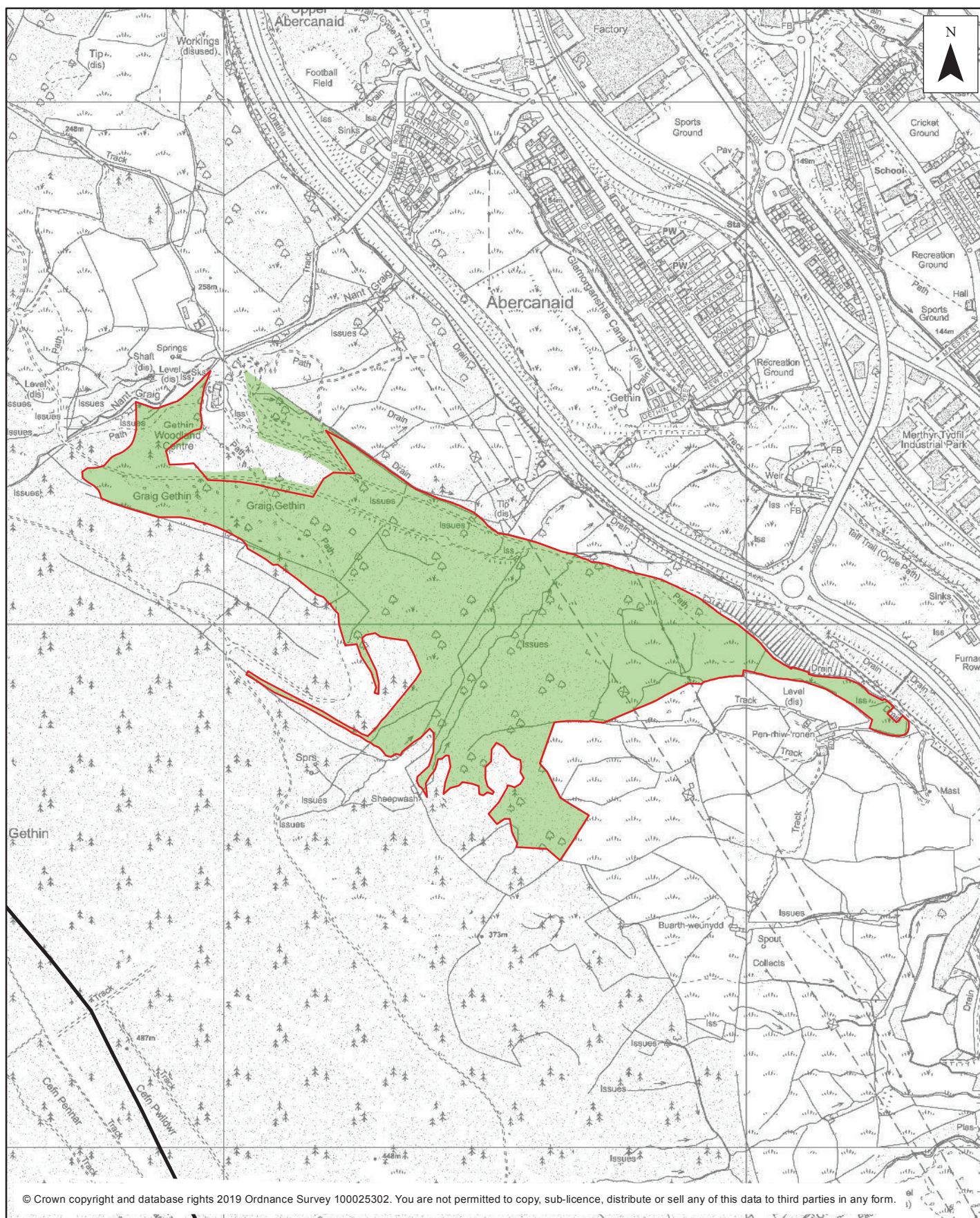
Merthyr Tydfil Local Development Plan 2016-2031

Site of Importance for Nature Conservation (SINC)

Ref: SINC 30

Name: Graig Gethin

Site Size: 36.95



Existing adopted LDP boundary

Merthyr Tydfil CBC boundary

Replacement LDP boundary

0 100 200 300
Metres



Cyngor Bwrdeistref Sirol
MERTHYR TYDFIL
MERTHYR TYDFIL
County Borough Council

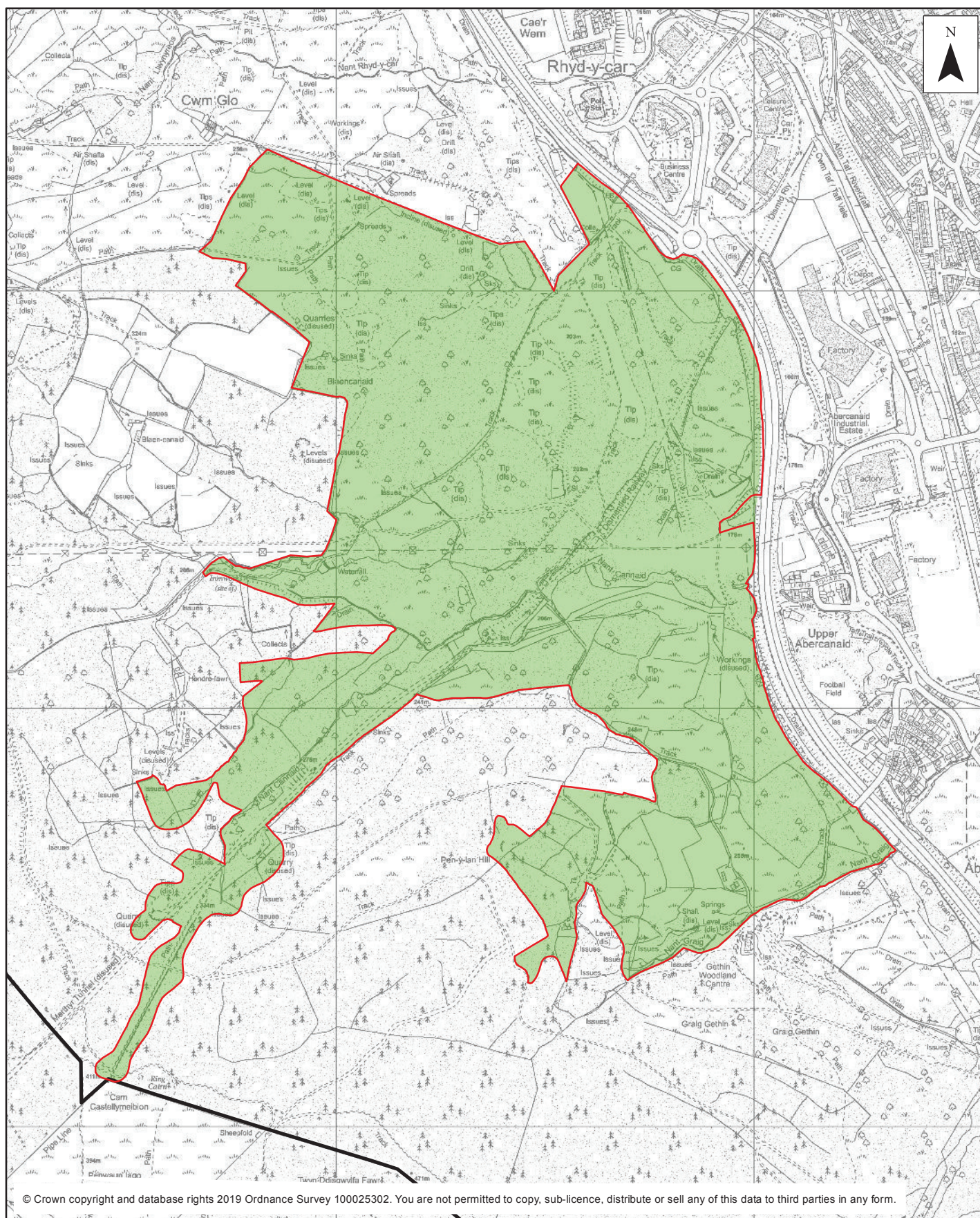
Merthyr Tydfil Local Development Plan 2016-2031

Site of Importance for Nature Conservation (SINC)

Ref: SINC 36

Name: Rhydy-car West

Site Size: 177.68



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Existing adopted LDP boundary
Replacement LDP boundary
Merthyr Tydfil CBC boundary

0 100 200 300
Metres

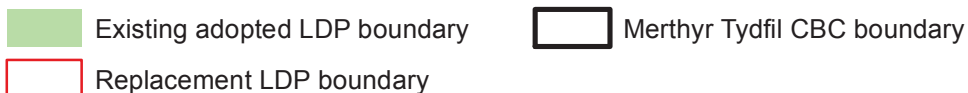
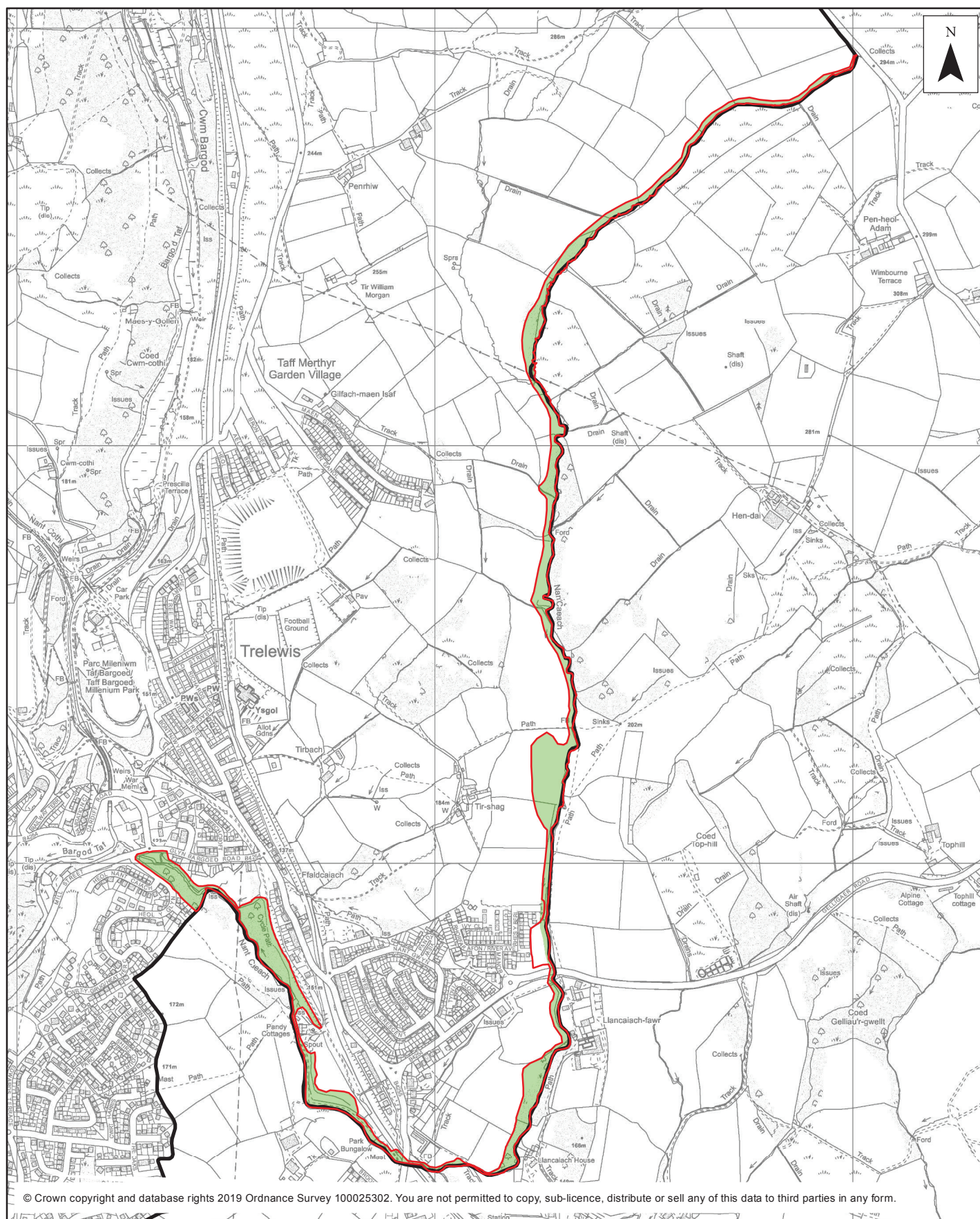
Merthyr Tydfil Local Development Plan 2016-2031

Site of Importance for Nature Conservation (SINC)

Ref: SINC 56

Name: Nant Caiach

Site Size: 11.25



0 100 200 300
Metres

Merthyr Tydfil Local Development Plan 2016-2031

Site of Importance for Nature Conservation (SINC)

Ref: SINC 60

Name: Coed Meirig Pastures

Site Size: 4.52





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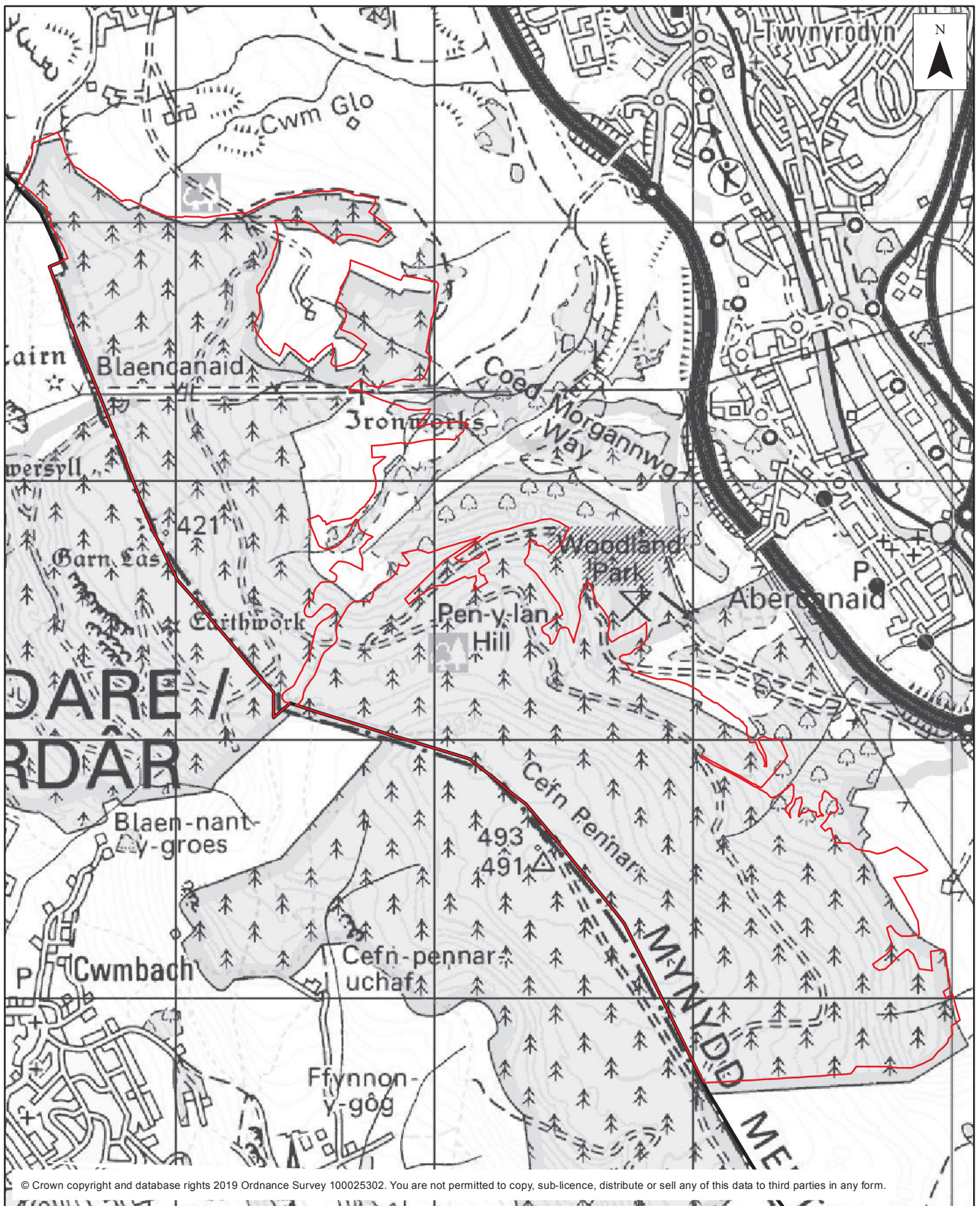
Merthyr Tydfil Local Development Plan 2016-2031

Site of Importance for Nature Conservation (SINC)

Ref: SINC 61

Name: Gethin Forest

Site Size: 390.78



Replacement LDP boundary

Merthyr Tydfil CBC boundary

0 250 500
Metres



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County Borough Council

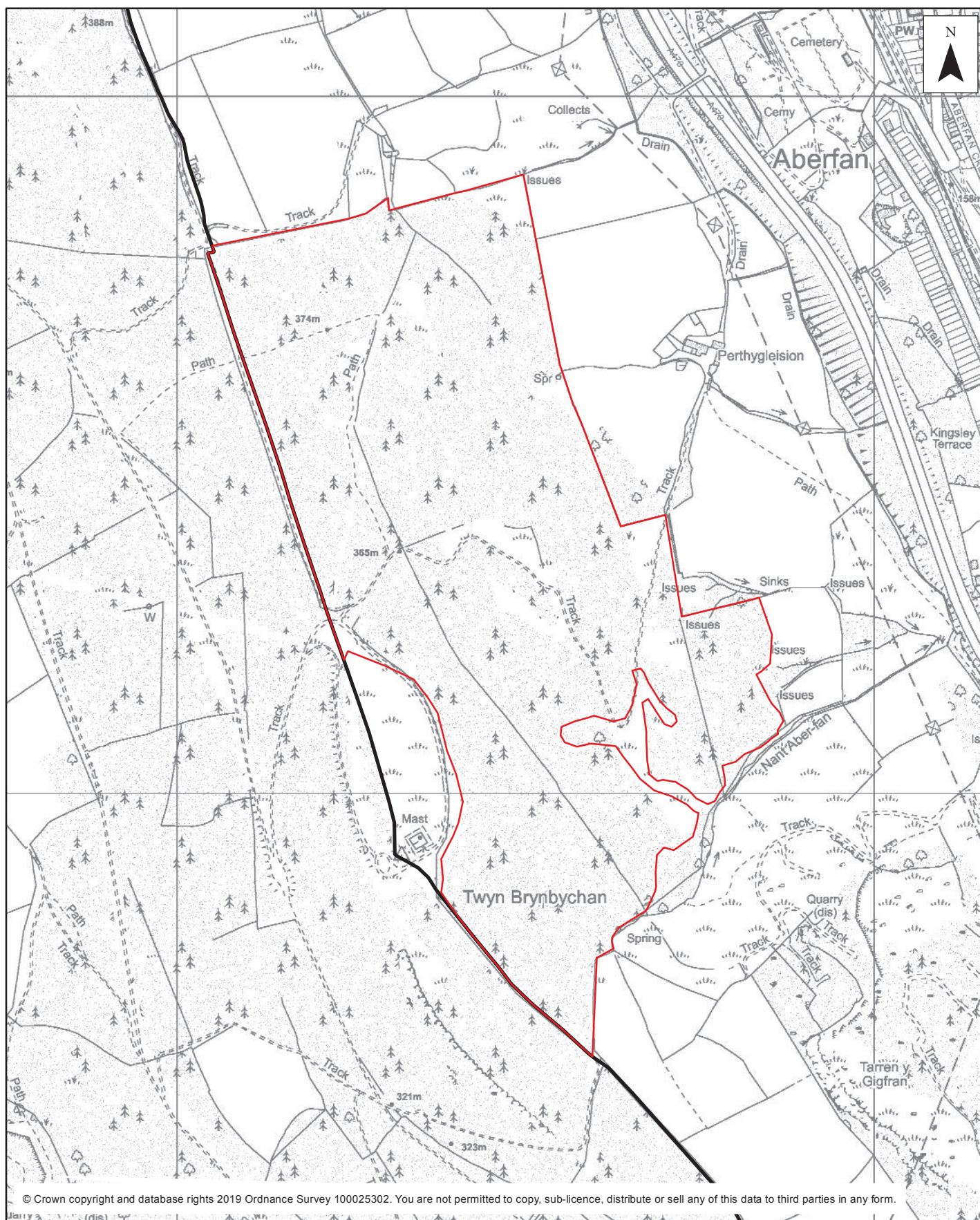
Merthyr Tydfil Local Development Plan 2016-2031

Site of Importance for Nature Conservation (SINC)

Ref: SINC 62

Name: Cefn Forest

Site Size: 47.49



Replacement LDP boundary

Merthyr Tydfil CBC boundary

0 100 200
Metres

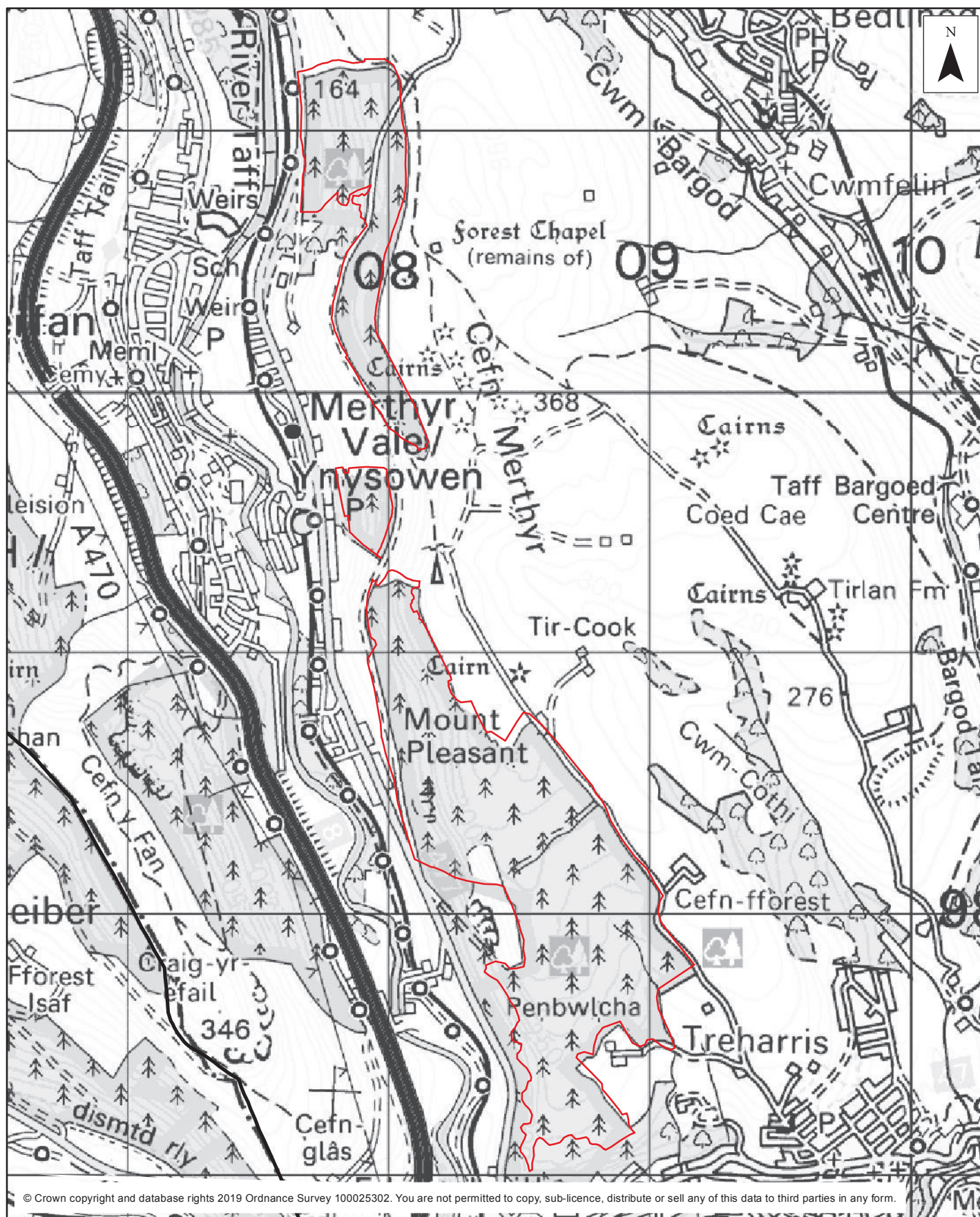
Merthyr Tydfil Local Development Plan 2016-2031

Site of Importance for Nature Conservation (SINC)

Ref: SINC 63

Name: St Tydfil Forest (East)

Site Size: 148.54



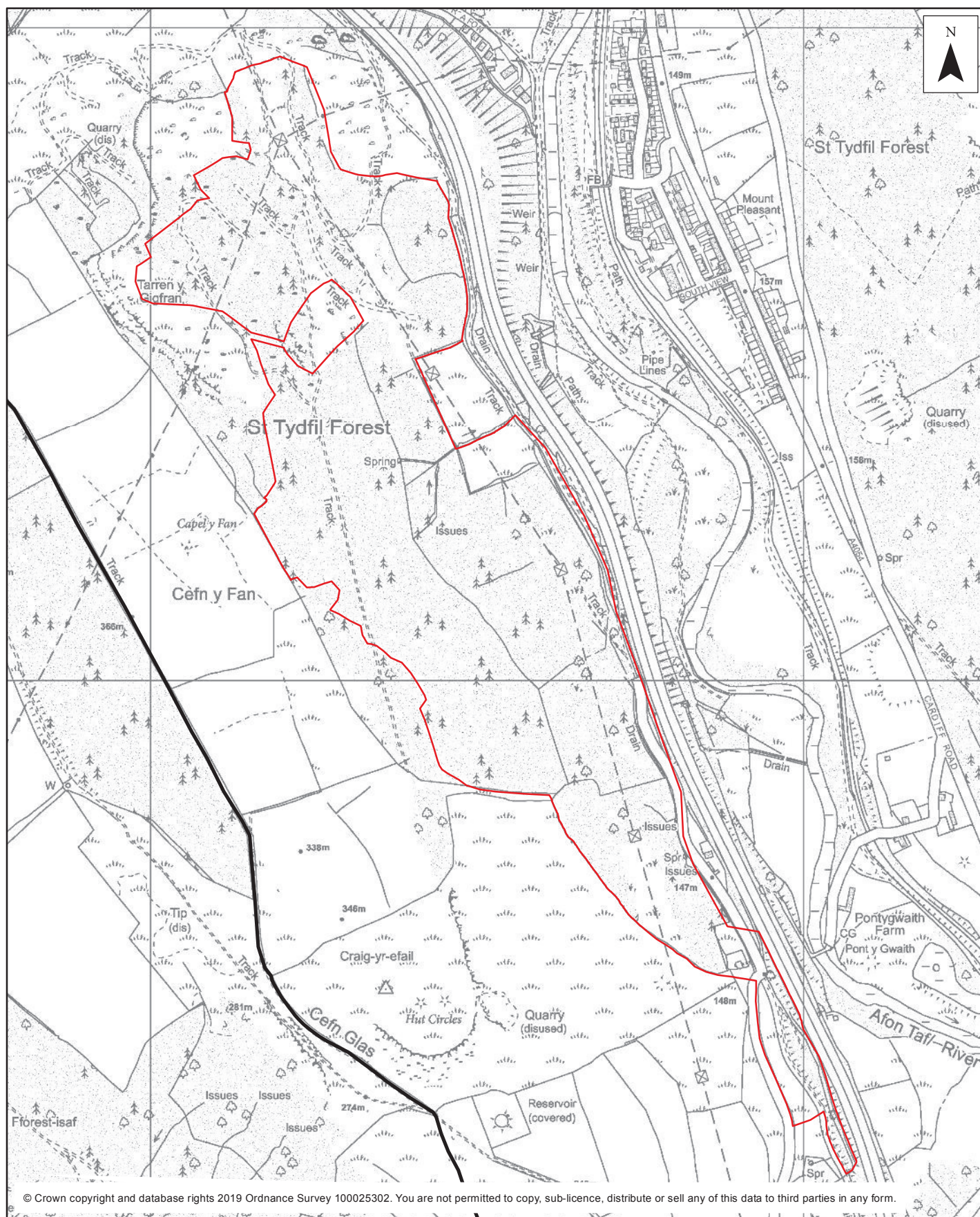
Merthyr Tydfil Local Development Plan 2016-2031

Site of Importance for Nature Conservation (SINC)

Ref: SINC 64

Name: St Tydfil Forest (West)

Site Size: 44.81



Appendix 2

Proposed Matters Arising Change Plan. Ref: MACXX




Policy: Settlement Limits (Policy SW4)

Amendment: Amend Settlement Limit boundary in Treharris on the Proposals Map

Site Name: N/A



 Amended Settlement Limit boundary (Proposed Matters Arising Change)

 Settlement Limit boundary (Deposit Plan)

Scale = 1:1,500

0 20 40
Metres