

INTERNAL MEMORANDUM

To: Gareth Davies - Development Control Case Officer

Reference: P/25/0199

From: Planning Policy and Implementation Section

Ask for: David James

Extension: 7053

Date: 28th October 2025

Summary

No objection raised. The development meets the requirements of Policies SW4 & EcW7.

Particular consideration should also be given to the impact of the development on the character and appearance of the open countryside, the impact on the amenity of surrounding residents, the impact on biodiversity and on any relevant heritage assets, and the impact on highway safety (Policies SW11, SW12, CW1, EnW1, EnW2, EnW3, EnW4 and EnW5).

Observations in respect of the above proposal

1. Proposed Development

An application for the erection of permanent fencing (1.5m in height), at Furnace Row/Ash Road, Troedyrhiw, Merthyr Tydfil.

2. Development Plan Framework

The existing development plan framework in Merthyr Tydfil is provided by:-

The Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016 - 2031)

The relevant LDP Objectives are:-

- *LDP Objective 1 Sustainable Population Growth: To encourage a sustainable level and distribution of population growth.*
- *LDP Objective 2 Welsh Language and Culture: To protect and enhance Welsh language and culture.*
- *LDP Objective 4 Regeneration: To promote the suitable reuse of previously developed land and the continued regeneration of local communities.*
- *LDP Objective 6 Sustainable Design: To promote high quality, sustainable and inclusive design and support measures which mitigate the predicted effects of climate change.*

- *LDP Objective 7 Transport: To support an integrated transport system, promote active travel and ensure new developments are accessible by walking, cycling and public transport links.*
- *LDP Objective 9 Heritage and Cultural Assets: To protect, enhance and promote all heritage, historic and cultural assets.*
- *LDP Objective 10 Biodiversity: To improve ecosystem resilience and connectivity which support habitats and species of principle importance.*
- *LDP Objective 11 Countryside and Landscape: To protect and enhance the character and appearance of the landscape and the countryside.*
- *LDP Objective 13 Rural Economy: To strengthen and diversify the rural economy.*
- *LDP Objective 17 Minerals: To ensure a sustainable supply of minerals.*

The following development plan policies would apply:-

- *Policy SW4: Settlement Boundaries*
- *Policy SW9: Planning Obligations*
- *Policy SW11: Sustainable Design and Placemaking*
- *Policy SW12: Improving the Transport Network*
- *Policy CW1: Historic Environment*
- *Policy EnW1: Nature Conservation & Ecosystem Resilience*
- *Policy EnW2: Internationally and Nationally Protected Sites and Species*
- *Policy EnW3: Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species*
- *Policy EnW4: Environmental Protection*
- *Policy EnW5: Landscape Protection*
- *Policy EcW7: Tourism, Leisure and Recreation Development*
- *Policy EcW10: Sustainably Supplying Minerals*
- *Policy EcW13: Minerals Safeguarding*

The following supplementary planning guidance is applicable:-

- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 2: Planning Obligations (March 2012)*
- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 4: Sustainable Design (July 2013)*
- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 5: Nature and Development (May 2015)*

National Planning Policy

Planning Policy Wales (Edition 12, February 2024)

Planning Policy Wales provide guidance on matters relevant to this application, namely:

- **Placemaking in Action: Good Design Making Better Places**
- **Placemaking in Action: Sustainable Management of Natural Resources**
- **Placemaking in Action: Placemaking in Rural Areas**
- **Strategic Placemaking: Previously Developed Land**
- **Strategic Placemaking: Development in the Countryside**
- **Activities in Places: Living in a Place**

- Distinctive and Natural Places: Recognising the Special Characteristics of Places
- Distinctive and Natural Places: Recognising the Environmental Qualities of Places

Future Wales: The National Plan 2040 (February 2021)

Future Wales provides guidance on matters relevant to this application, including, but not limited to:

- Policy 1: Where Wales will grow
- Policy 2: Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 5: Supporting the rural economy
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

3. Policy Considerations

The site of the proposal is located within an Other Growth Area, as defined by the LDP. It is also located outside the settlement boundary where development is regarded as ‘countryside development’ (**Policy SW4**), and will not be permitted unless certain criteria are met:

- is for the purposes of agriculture or forestry;
- is associated with rural enterprises or the winning and working of minerals;
- is for the re-use, adaptation, or replacement of rural buildings and dwellings;
- supports the expansion of an existing business in the countryside;
- is for tourism, recreation or leisure facilities or complementary development where the need for a countryside location is fully justified;
- is for the provision of public utilities, infrastructure or waste management facilities that cannot reasonably be located elsewhere;
- is required for the reclamation or treatment of unstable or contaminated land;
- is for renewable energy in accordance with Policy EcW8;
- is for affordable housing in accordance with Policy SW5;
- or is low-impact One Planet Development.

Where ‘countryside development’ is acceptable in principle, the proposal must also satisfy other relevant plan policies.

The proposal – the erection of permanent fencing – would be located on part of a wider existing tourist/recreation/leisure asset (ie the Taff Trail). It is being erected to replace temporary fencing, in a similar location, and is for safety purposes. As such, it appears that it would constitute complementary development to an existing tourism, recreation or leisure asset. As such, the development could be in accordance with Policy SW4.

Policy SW9 relates to planning obligations. Given the nature of the proposal, on-site provision of affordable housing or open space, or a financial contribution towards affordable housing, would not be sought. Additionally, Community Infrastructure Levy (CIL) would not be chargeable.

Policy SW11 requires new development to, among other things:

1. be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;

2. integrate effectively with adjacent spaces, the public realm and historic environment to enhance the general street scene and create good quality townscape;
3. not result in an unacceptable impact on local amenity, loss of light or privacy, or visual impact, and incorporate a good standard of landscape design;
4. contribute to the provision of green infrastructure, including open space in accordance with the Council's standards, sustainable drainage systems where appropriate, and ensure that the County Borough's network of green infrastructure is accessible and connected;
5. allow access for the widest range of people possible, and demonstrate that any traffic movements will not have an unacceptable impact on local amenity or highway safety and satisfy the Council's parking standards;
6. incorporate resource efficient/adaptable buildings and layouts using sustainable design and construction techniques;
7. minimise the demand for energy and utilise renewable energy resources;
8. provide and protect relevant utility services and infrastructure without causing any unacceptable environmental impacts;
9. incorporate measures to improve ground and surface water quality wherever possible;
10. provide adequate facilities and space for waste collections and recycling; and
11. promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour.

The proposed fencing would be located in the open countryside, on a well-used Right Of Way/Active Travel Route, and adjacent to a street of dwellings. Considering this, careful consideration should be given to the impact of the fencing on the character of the countryside, and its impact on the amenity of the adjacent dwellings. As such, criterion 1, 2, 3 and 10, above, would be particularly important. The views of the Engineering and Traffic Group Leader should be sought in respect of highway safety issues.

Policy SW12 supports development that encourages a modal shift towards sustainable transport, including the enhancement of pedestrian, cycle, rail and bus facilities, in addition to any necessary road improvements. Development proposals will be expected to demonstrate how they reduce the need to travel and encourage the use of sustainable transport.

The proposal would be located on a well-used and promoted Right Of Way/Active Travel Route, namely the Taff Trail. As such, the views of the Engineering and Traffic Group Leader and Rights of Way Officer should be sought in this respect.

Policy CW1 advises that the integrity of our historic environment assets will be conserved and enhanced. Development proposals will only be permitted where it can be demonstrated they would preserve or enhance the architectural quality, character or the historic or cultural importance of our designated historic environment assets. And that, development affecting undesignated historic environment assets including, Locally Listed Buildings or structures, Landscapes of Outstanding Historic Interest in Wales, Urban Character Areas (UCA) and Archaeologically Sensitive Areas should have regard to their special character and archaeological importance.

The site lies within a Landscape of Outstanding Historic Interest. The impact of the development on the character of this, and any other relevant Heritage assets, should be particularly considered. As such, the views of the appropriate Council Officer, or Heritage body, should be sought as required.

Policy EnW1 advises that development proposals will be required to promote the resilience of ecosystems. In particular, proposals will be required to maintain and enhance biodiversity interests unless it can be demonstrated that:

1. The need for the development clearly outweighs the biodiversity value of the site; and
2. The impacts of the development can be satisfactorily mitigated and acceptably managed through future management regimes.

Policy EnW2 states that development likely to have an adverse effect either directly or indirectly on the conservation value of an internationally or nationally designated site, 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, avoidance, minimisation, mitigation, compensation and enhancement measures are provided.

Policy EnW3 advises that development proposals likely to have an adverse impact on Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, or Priority Habitats and Species will only be permitted where it can be demonstrated that:

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

Given the proposal's countryside location, and its proximity to SINC 58 (Afon Taf), and an area of Ancient Woodland, the Council's Ecologist should be consulted.

Policy EnW4 advises that 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 have been incorporated to reduce, or minimise the impact identified to the lowest possible acceptable level. Planning conditions may be imposed or legal obligation entered into, to secure any necessary mitigation and monitoring processes. With regard to flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN 15. As such, the views of the Engineering and Traffic Group Leader, and the Environmental Health department, should be sought as appropriate.

Policy EcW7 states that low-impact tourism, leisure and recreation development outside settlement boundaries will be favoured provided the need for a 'countryside location' is fully justified, the proposal minimises environmental and amenity impacts, maximizes positive effects on the local community, economy and environment and is of an appropriate scale to its surroundings.

The proposed fencing is required to improve the safety of users and surrounding residents of an existing tourist/leisure/recreation asset in this countryside location (the Taff Trail). Additionally, it is of a relatively small scale (1.5m high and approx. 80m long), As such, the countryside location is justified, and it could be considered as low-impact development, and be in accordance with Policy EcW7.

Policies EcW10 and EcW13 seek to safeguard a sustainable supply of minerals. The proposal is located within a sandstone and sub-alluvial safeguarding area.