

# INTERNAL MEMORANDUM

**To:** David Cross - Development Control Case Officer

**Reference:** P/23/0208

**From:** Planning Policy and Implementation Section

**Ask for:** David James

**Extension:** 7053

**Date:** 25<sup>th</sup> September 2023

## Summary

No objection. The development complies with policies SW4 and SW13.

If minded to approve in principle, particular consideration should be given to the impact of the development on the character of the area, the impact on surrounding area and occupiers in terms of noise and disturbance, traffic generation and parking provision, and any other relevant risks to public health and safety (Policies SW11, SW12, EnW4 and EcW7). The impact on nature conservation, ecosystem resilience and regionally important sites, and on Special Landscape Areas, should also be given particular consideration (Policy EnW1, EnW3 and EnW5).

## Observations in respect of the above proposal

### **1. Proposed Development**

Application for the construction of mountain bike trails, access trails and an uplift track extension, and amendments, at Gethin Woodland Centre, Pentrebach/Abercanaid.

### **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 5 Infrastructure: To ensure that community infrastructure and open space supports the 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 8 Community Facilities: To support existing community facilities and suitable community led development.*
- *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 12 Economic Development: To provide and safeguard appropriate land for economic and skills development.*
- *LDP Objective 13 Rural Economy: To strengthen and diversify the rural economy.*
- *LDP Objective 15 Leisure, Recreation and Tourism: To support sustainable tourism, leisure and recreation developments and encourage an all year round tourism industry.*
- *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 SW10: Protecting and Improving Open Spaces*
- *Policy SW11: Sustainable Design and Placemaking*
- *Policy SW12: Improving the Transport Network*
- *Policy SW13: Protecting and Improving Local Community Facilities*
- *Policy CW1: Historic Environment*
- *Policy EnW1: Nature Conservation and Ecosystem Resilience*
- *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:-

- *SPG2: Planning Obligations*
- *SPG4: Sustainable Design*
- *SPG 5: Nature and Development*

## **National Planning Policy**

### **Planning Policy Wales (Edition 11, February 2021)**

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**
- **Strategic Placemaking: Previously Developed Land**

- Strategic Placemaking: Development in the Countryside
- Activities in Places: Recreational Spaces
- Economic Infrastructure: Tourism
- Making Best Use of Material Resources and Promoting the Circular Economy: Minerals
- Recognising the Special Characteristics of Places
- Recognising the Environmental Qualities of Places

### **Technical Advice Notes**

TAN 5: Nature Conservation and Planning (2009)

TAN 12: Design (March 2016)

### **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 4: Supporting Rural Communities
- Policy 9: Resilient Ecological Networks and Green Infrastructure
- Policy 33: National Growth Area – Cardiff, Newport and the Valleys

### **3. Policy Considerations**

The application site is located within the Gethin woodland, and on the Bike Park Wales site. The application site lies outside the settlement boundary (Policy SW4) as designated within the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

Policy SW4 advises that outside defined settlement boundaries, proposals will be regarded as 'countryside development' and will not be permitted unless the development:-

- 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 nature of the proposal requires a particular environment (mountain-biking) in which to operate, and it would be an addition to an existing activity of the same nature (Bike Park Wales). As such, it is

considered that it satisfies the fourth and fifth criteria, above, and would therefore comply with Policy SW4.

Policy SW9 considers the requirement for planning obligations. Due to the nature of the development, Community Infrastructure Levy (CIL) and Planning Obligations would not be chargeable.

Policy SW11 advises that development must contribute to the creation of attractive and sustainable places through high quality, sustainable and inclusive design. Where appropriate, new development will be required to (amongst other things):

- be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;
- integrate effectively with adjacent spaces, the public realm and historic environment to enhance the general street scene and create good quality townscape;
- 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;
- 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;
- 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;
- promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour.

Considering the nature of the development and the countryside location of the site particular consideration should be given to the above points. As such, the views of the Council's Environmental Health department and the Engineering and Traffic Group Leader should be sought where appropriate.

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. Developments will be expected to demonstrate how they reduce the need to travel and encourage the use of sustainable transport. As such, the views of the Engineering and Traffic Group Leader should be sought in this respect.

Policy SW13 advises that the provision of new and enhanced community facilities will be supported subject to satisfying other relevant LDP policies. The Council will protect and support the enhancement of the County Borough's existing community facilities.

As the proposal would result in the expansion and improvement of the facilities at Bike Park Wales, it is considered that this would enhance the existing facility, and would therefore comply with Policy SW13.

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.

Policy EnW1 seeks to protect nature conservation and ecosystem resilience. Policy EnW3 states 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.

The application site is within a number of Sites of Importance to Nature Conservation (including SINCs 26, 30 & 61), as well as within areas of Ancient Woodland and Tree Preservation Orders (TPOs). As such, the views of the Council's Ecologist should be sought.

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.

Policy EnW5 seeks to protect Special Landscape Areas (SLAs). Given the proposal's location, partially within the Merthyr West Flank SLA (SLA 3), the Council's Landscape Architect should be consulted.

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, maximises positive effects on the local community, economy and environment and is of an appropriate scale to its surroundings.

As mentioned above, the need for a countryside location appears to be justified for this proposal. The views of the Council's Ecologist and Landscape Architect should be sought to ensure that the proposal minimises its impact, and is of an appropriate scale.

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