

INTERNAL MEMORANDUM

To: David Cross - Development Control Case Officer

Reference: P/20/0228

From: Planning Policy and Implementation Section

Ask for: David James

Extension: 7053

Date: 8th October 2020

Summary

No objection in principle. The development complies with policy SW4.

If minded to approve in principle, particular consideration should be given to the impact of the development on the character of the area (Policies SW11 & CW1), the impact on biodiversity and the SINC (Policies EnW1 & EnW3), the visual impact on the landscape (Policy EnW5), 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).

Observations in respect of the above planning application

1. Proposed Development

Application for the construction of a 9ML 2-cell reservoir, and associated engineering, access and landscaping works at Pengarnddu Service Reservoir, Pengarnddu Industrial Estate, Dowlais Top, 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 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 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 17 Minerals: To ensure a sustainable supply of minerals.*
- *LDP Objective 18 Sustainable Resources & Waste: To promote the efficient use of materials and resources and ensure an integrated network of waste management facilities.*

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 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 EcW10: Sustainably Supplying Minerals*
- *Policy EcW13: Minerals Safeguarding*

The following supplementary planning guidance is applicable:-

- *SPG2: Planning Obligations*
- *SPG4: Sustainable Design*
- *SPG5: Nature and Development*

National Planning Policy

Planning Policy Wales (Edition 10, December 2018)

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: Supporting Infrastructure*
- *Moving within and between places: Transport*
- *Making Best Use of Material Resources and Promoting the Circular Economy: Minerals*

- Recognising the Special Characteristics of Places: The Historic Environment
- Recognising the Special Characteristics of Places: Green Infrastructure
- Recognising the Special Characteristics of Places: Landscape
- Recognising the Special Characteristics of Places: Biodiversity and Ecological Networks
- Recognising the Environmental Qualities of Places: Water and Flood Risk

3. Policy Considerations

The site of the proposal is located on undeveloped land, adjacent to Pengarnddu Industrial Estate, and adjacent to existing reservoirs. The site is also located within the Primary Growth Area (Policy SW4).

Policy SW4 seeks to encourage development within urban areas, support the re-use of previously developed land, and to protect and support the functioning of our rural economy and the countryside. The site of the proposal is located outside the defined settlement boundary. As such, the proposal is regarded as 'countryside development' and will not be permitted unless the development (among other criteria):-

- is for the provision of public utilities, infrastructure or waste management facilities that cannot reasonably be located elsewhere.

The proposed development is for a reservoir required by Welsh Water. Information supplied with the application advises that Water require additional capacity at the site of the existing reservoir at Pengarnddu. This, and other outstanding requirements of the Drinking Water Inspectorate, would be fulfilled by the proposed development.

The suitability of other sites was explored, however the alternative sites would require significant works to connect the existing network. Additionally, Pengarnddu is a strategically good location in the network to provide additional storage due to the multiple locations it supplies, and there is insufficient space for upgrade works of the pumping station at the Pontsticill Water Treatment Works.

As such, the proposed development satisfies the above criteria. It would therefore comply with Policy SW4, and is considered acceptable, in principle in this location.

Policy SW9 considers the requirement for planning obligations and in this case, no planning obligations are sought. Due to the nature of the development Community Infrastructure Levy (CIL) would not be chargeable.

Policy SW10 advises that Development proposals that would have an unacceptable adverse impact on or result in a loss of open space will not be permitted unless:

- It would not cause or exacerbate a deficiency of open space in accordance with the Council's open space standards or;
- The majority of the open space can best be retained and enhanced through the redevelopment of a small part of the site or;
- Satisfactory equivalent community benefit or enhanced compensatory provision can be provided in accordance with the Council's open space standards and
- in all cases, the open space has no significant nature or historic conservation importance.

The proposed development would be located on undeveloped land which forms part of a larger area of common land. This area is utilized for informal recreation. As such, the above criteria should be carefully considered and the views of the Council's Landscape Architect sought.

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;
- provide and protect relevant utility services and infrastructure without causing any unacceptable environmental impacts;
- incorporate measures to improve ground and surface water quality wherever possible.

Considering the nature of the development (the construction of a reservoir and associated works), and the location of the site (in close proximity to existing industrial, commercial and a limited number of residential uses), particular consideration should be given to the mix of land uses, the form and visual impact of the development, and the impact of the development on surrounding occupiers in terms of loss of privacy, disturbance and traffic movements. As such, the views of the Engineering and Traffic Group Leader should be sought.

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 CW1 advises that 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.

Development affecting undesignated historic environment assets including, Locally Listed Buildings or structures, Landscapes of Outstanding Historic Interest in Wales, Urban Character Areas and Archaeologically Sensitive Areas should have regard to their special character and archaeological importance.

The site is located within a Landscape of Outstanding Historic Interest, which should be considered when assessing the impact of the proposal on the surrounding area.

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 EnW3 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 that the site of the proposed development is undeveloped land, and is partially within the Blaenmorlais SINC, 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 EnW4 seeks to protect against negative environmental impacts and, as such, the Environmental Health department should be consulted if appropriate.

Policy EnW5 advises that Development proposals will be permitted, within Special Landscape Areas (SLAs), where it can be satisfactorily demonstrated that:

- a) It would not cause unacceptable harm to the character and quality of the landscape setting of the County Borough;
- b) Development within Special Landscape Areas are sensitive to their special characteristics;
- c) Development respects the local distinctiveness and historic character of the landscape;

- d) Development will safeguard local landscape character and landscape features, including views, which make a significant contribution to the character, history and setting of the locality;
- e) Development secures the enhancement of the character, appearance and quality of the landscape, through restoration, management or enhancement where possible;
- f) There is no satisfactory alternative and the benefits associated with the development can be demonstrated to outweigh the harm; and
- g) Where damage to local landscape character cannot be avoided appropriate mitigation has been secured.

Policy EcW10 seeks to contribute to meeting society's need for a continuous and secure supply of minerals by:

- Safeguarding mineral resources from permanent development which would sterilise them or hinder their extraction;
- Maintaining a minimum 10 year land bank of permitted aggregate reserves;
- Favouring proposals which promote the sustainable use of minerals and encourage the use of secondary and recycled resources; and by,
- Safeguarding the mineral freight railway facilities at Cwm Bargoed.

Policy EcW13 advises that Known mineral resource of coal, sandstone, sand and gravel, and limestone are safeguarded as shown on the proposals map. New development will only be permitted in an area of known mineral resource where it has first been demonstrated that:

1. Any reserves of minerals can be economically extracted prior to the commencement of development, and in the case of primary coal resources, there are wholly exceptional circumstances to justify its prior extraction; or
2. Prior extraction would have an unacceptable impact on environmental or amenity considerations; or
3. The resource in question is of poor quality / quantity; or
4. The development would have no significant impact on the possible future working of the resource by reason of its nature, location or size.

The site of the proposed development is located within an area of sandstone resource. As such, careful consideration should be given to the above criteria.