

INTERNAL MEMORANDUM

To: David Cross - Development Control Case Officer

Reference: P/19/0073

From: Planning Policy and Implementation Section

Ask for: Natasha Lade

Extension: 6220

Date: 14/05/2019

Observations in respect of the above planning application number P/16/2019 proposed on land to the west of A470 between Pentrebach and Rhydycar, Abercanaid, at Bike Park Wales Gethin Woodland Centre, Merthyr Tydfil CF48 1YZ

Proposed Development

A planning application has been submitted for the provision of: 36 camping pods and 5 chalets; the erection of shower/toilet block and creation of play and picnic area; construction of new parking area comprising 141 spaces with overflow car park for 85 spaces; together with a trail maintenance yard; new highway access routes; ground profile works; drainage; infrastructure and landscape works at Bike Park Wales Gethin Woodland Centre Abercanaid, Merthyr Tydfil.

Development Plan Framework

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

The adopted *Merthyr Tydfil Local Development Plan 2006-2021*(May 2011) and the following development plan policies apply:

- *Policy BW1: Development Strategy Primary Growth Area;*
- *Policy BW4: Settlement boundaries / locational constraints;*
- *Policy BW5: Natural Heritage;*
- *Policy BW6: Townscape and built heritage;*
- *Policy BW7: Sustainable Design and placemaking;*
- *Policy BW8: Development and the water environment;*
- *Policy BW10: Mineral safeguarding;*
- *Policy BW12: Development proposals and transport;*
- *Policy BW16: Protecting/ enhancing the network of leisure facilities;*
- *Policy AS4: Historic landscape;*
- *Policy AS6: Local nature conservation designations and*
- *Policy TB11: Access, parking and accessibility of local facilities.*

The following Supplementary Planning Guidance (SPG) is also applicable:-

- *SPG4 Sustainable Design and*
- *SPG5 Nature and Development.*

National Planning Policy

Planning Policy Wales Edition 10 (December 2018)

Development in the countryside: Paragraph 3.34 aims to conserve and where possible enhance the countryside's attributes including, amongst other things, ecological, historical, archaeological, landscape and natural resources balanced against the economic, social and recreational needs of local communities and visitors. Whilst paragraph 3.56 states that 'All new development should be of a scale and design that respects the character of the surrounding area'.

Car parking: Paragraph 4.1.51 supports a design led approach to car parking which ensures an appropriate level of parking in ways which that do not dominate a development; keeps parking levels down and is informed by the local context with the aim in reducing the reliance on the private car.

Tourism: Paragraph 5.5.3 states that *'In rural areas, tourism-related development... should be sympathetic in nature and scale to the local environment'* moreover Paragraph 5.5.6 states that LPAs should *'consider the scale and broad distribution of existing and proposed tourist attractions and enable complementary developments such as accommodation and access to be provided in ways which limit negative environmental impacts as well as consider the opportunities to enhance biodiversity'*.

Section 6 Distinctive and Natural Placemaking and Well-being: states that places which are distinctive and natural contribute to the seven goals of the Well-being of Future Generations Act. For example, **A Prosperous Wales** can be realised by valuing the quality of our landscapes as important for tourism *'to be accessed, used and enjoyed by local communities. By protecting and enhancing biodiversity, and our natural environment more generally, it will be possible to future proof economic assets in response to the challenges presented by climate change, to promote low carbon and appropriate resource choices which address the causes of climate change.'*

Non-statutory designations: Paragraph 6.3.12 discusses the designation of Special Landscape Areas (SLAs), and paragraph 6.4.20 states that non-statutory designations, which includes Sites of Importance for Nature Conservation (SINCs), should be given adequate protection but not preclude appropriate developments, where there are no adverse impacts on the features for which the site is designated.

Maintaining and enhancing biodiversity: Paragraph 6.4.21 discusses a step by step approach to maintaining and enhancing biodiversity by prioritising **avoiding** damage to biodiversity and ecosystem functioning firstly by considering alternative sites; secondly modifying development proposals to ensure that elements of biodiversity or green infrastructure are

retained on site; thirdly by attaching **conditions, obligations or advisory notes** to planning permissions to secure biodiversity outcomes; fourthly, when all other options have been exhausted and are not sufficient to secure biodiversity outcomes to require off-site **compensation** and finally, where the adverse effect on the environment clearly outweighs other material considerations, the development should be **refused**.

Trees and woodlands: Paragraph 6.4.25 states that LPAs should protect 'areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function.....permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting'.

Sustainable Drainage Systems (SUDs): Paragraph 6.6.19 states that 'Development should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle...'

Technical Advice Note- 13: Tourism – (October 1997)

Paragraph 15 states that 'the planning system can respond to changes in tourism without compromising policies to safeguard the countryside and, in exceptional cases, holiday occupancy conditions can reconcile these two objectives.....Authorities should continue to use seasonal occupancy conditions to prevent the permanent residential use of accommodation which, by its construction or design, is unsuitable for continuous occupation especially in winter months. Seasonal occupancy conditions may also be appropriate to protect the local environment, for example where the site is near a habitat which requires protection at particular times of the year'.

Technical Advice Note- 16: Sport, Recreation and Open Space – (January 2009)

Paragraph 1.3, states that the Welsh Government seeks to foster a sense of 'public ownership' in relation to the countryside, recognising that many socially excluded groups do not currently enjoy available social, cultural and health benefits.

Paragraph 3.5, states that outdoor facilities like cycle routes and woodland can provide significant health, and environmental benefits for the community and that the poor condition may be a constraint on their use, particularly in relation to the quality of facilities, surfaces and drainage. In such circumstances it may be more appropriate to prioritise improvements rather than to seek additional provision.

Paragraph 3.38, states that access to the countryside when linked to recreation, is a means of improving health and well-being and particular regard should be had to the needs of people with mobility issues, disabilities, young families, black and ethnic minorities and residents of Communities First areas who do not traditionally make use access opportunities.

Paragraph 3.42 & 3 state that LPAs should ensure sport and recreational facilities are accessible by public transport, walking and cycling. In environmentally sensitive locations, it may be appropriate to use dedicated public transport links. Where this is not possible, the provision of suitable bus or rail services, or adequate parking for sport and recreation users, particularly where participants have their own, sometimes bulky, equipment should be considered.

Paragraphs 4.10 - 4.12 which relate to accessibility state that *'in and around areas of ecological and environmental value, local planning authorities should ensure that the impact of increased access on existing features and uses is fully considered'*, *'proposals likely to result in significant trip generation, should be accompanied by travel assessments and implementation information to ensure that the location is accessible by public transport, cyclists and walkers'* and *'Planning agreements to secure the provision and maintenance of cycle/walking routes and cycle storage and, where appropriate, showering and changing facilities, may be useful'*.

Technical Advice Note- 23: Economic Development – (February 2014)

Paragraphs 2.1.2 – 2.13 state that *'Where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary'* and *'where a proposed development would cause unacceptable environmental or social harm, demand should be steered to an alternative location, unless the harm is outweighed by the additional benefit of development at the original site in question'* and moreover paragraph 2.17 states that *'some existing firms may not be able to grow unless they are allowed to expand on their existing site, or close to it'*. In addition to **alternative** sites the TAN requires two further tests namely: **Jobs accommodated:** how many direct jobs will be based at the site? (2.1.9) and **Special merit:** would the development make any special contribution to policy objectives? (2.1.11).

Paragraph 3.1.3 states that there are special contributions that are relevant to rural development such as when businesses expand, they may need to do so insitu as it may be impractical for them to relocate to a sequentially preferable site. However, *'Development on land not allocated in the development plan should, however, only be permitted in exceptional circumstances and must be fully justified '(3.1.6).*

Policy Considerations

The application site lies within the Primary Growth Area of the LDP strategy where LDP Policy BW1 applies. This policy supports targeting growth to the main settlement area.

The site is situated to the west of the A470, between Pentrebach and Rhydycar, outside the settlement boundary as identified by the adopted LDP proposals map, where LDP Policy BW4 applies. This policy regards development outside settlement boundaries as 'countryside development' and sets out specific criteria for development that may be acceptable in such locations. This includes development that supports the expansion of an existing business in the countryside and development for tourism, recreation or leisure facilities where the need for a 'countryside' location is fully justified. In addition, LDP Policy

BW16 supports the enhancement of the existing network of leisure facilities in order to ensure their continued use for recreation and amenity.

Permission was granted for the creation of a mountain bike centre comprising a visitor centre with a cafe, office and shop, 17 forest bike trails, a campsite with 5 wooden camping pods and shower block, associated car parking for 204 spaces and landscaping works, in October 2012 (P/12/0235). Following this, permission was granted for a revised car parking layout, including additional parking spaces totalling 236, with new track to link the parking areas and two wood clad huts (to be used as a drying room and entrance facility for staff), in April 2016 (P/16/0055).

This latest proposal is for new and improved facilities including the construction of a new parking area comprising 141 spaces with overflow car park for 85 spaces (i.e. 226 additional spaces); 36 camping pods; 5 chalets; a shower/toilet block and natural play/picnic area, together with a trail maintenance yard; new highway access routes; ground profile works; drainage; infrastructure and landscape works, adjacent to the Existing BikePark Wales site and surrounded by woodland and grassland. This proposal would be supported in principle by LDP policies BW4 and BW16 subject to satisfying all other relevant plan policies and providing relevant justification.

Parts of the application site are designated as Sites of Importance for Nature Conservation (SINCS), namely Abercarnaid Fields and Craig Gethin, primarily designated for the conservation value of the ancient/ancient semi-natural woodlands, which also benefit from Tree Preservation Order (TPO) status (the most up to date designations can be viewed on the Replacement LDP Constraints Map dated July 2018). As such LDP policies BW5 and AS6 which seek to maintain and enhance such natural conservation designations are relevant and the views of the Council Ecologist should be sought in this regard. This is particularly important as a number of priority species (as listed in Section 7 of the Environment (Wales) Act 2016) are present or likely to be present on the site or the surrounding area.

In addition, Carn Castell y Meibion Ring Carn (GM586) is located to the far west of the site near the County Borough border and as such Policy BW6 which seeks to preserve and enhance the architectural quality, character and setting of Scheduled Ancient Monuments is relevant. The views of the Conservation Officer in relation to this matter should therefore also be sought.

Parts of the site lie within mineral safeguarding areas where LDP Policy BW10, applies. This policy seeks to protect such areas from permanent development that may sterilise or hinder future mineral extraction. It may be that, in line with the original consent, the nature of the development (and extent of new permanent development) is such that it is unlikely to hinder future potential mineral extraction and therefore comply with this policy.

The proposal includes the provision of 36 camping pods and 5 chalets for overnight stay to cater for the increased demand and to act as a catalyst for a further increase in visitor numbers. Three different pods of varying size land-pods, camping pods and shepherds huts are proposed to offer a diverse range of accommodation all set on a pad of compacted crushed stone with timber edging. 3 of the chalet or lodges will be supported by timber

frames and will be set up to 5m above existing ground level and two will be set on concrete pads submerged below ground level. In line with TAN 13 guidance seasonal occupancy conditions should be considered in order to protect the local environment. Regard should also be had to LDP Policy BW7 in respect to incorporating good standards of landscape design and of being appropriate to its local context in terms of scale, height, massing, elevational treatment, material and detail, layout, form mix and density. Whilst some supporting accommodation may be justified under policies BW4 and BW16 you should be satisfied that the scale and impact of the proposal is justified.

In addition, Paragraph 4.2.4 of the Environmental Statement states that there are approximately 150 – 170 car parking spaces currently on-site; the proposals for additional parking seek to address the increase in visitor numbers that BikePark Wales is currently facing (4.2.7) and new parking areas and roads will inevitably increase the hard standing area of the site (4.2.8). Given the increase in parking and potential visitor numbers regard should also be had to LDP Policy BW12 which, where appropriate, requires development proposals to demonstrate how they will: help reduce the need to travel; discourage car usage; avoid increase in trip generations to unacceptable levels and avoid exacerbating highway safety issues. The views of the Engineering and Highways Officer should be sought in relation to these matters.

In relation to parking, paragraph 4.28 of the statement further states that *'care has been taken in the design to integrate the infrastructure into the site landscape, to advocate the use of natural materials that replicate those used for the existing site infrastructure, and to use planting to screen and assimilate the infrastructure'* and that *'generally, surfaces will be finished in locally sourced self-binding stone. It is proposed that surface drainage will rely primarily on the self-draining nature of the self-binding construction, however, ditch soakaways will also be provided to deal with any excess surface water'*. Regard should therefore be had to LDP Policy BW8, which relates to development and the water environment and in particular, to ensure sustainable management of any surface water run-off is in keeping with the setting and in line with new legislation a separate application should be made to the Drainage section of the Engineering and Highways Department and the views of the Landscape Architect should be sought in relation to all landscaping proposals.

Finally, consideration should be given to how the proposal complies with Policy TB11: Access, parking and accessibility of local facilities, which seeks to ensure that the access needs and mobility requirements of all sections of the community, particularly those with special needs and disabilities, are met. The views of the Engineering and Highways Officer should also be sought in relation to these matters.

Replacement LDP.

With regards to emerging local planning policy, the Replacement Deposit LDP contains revised policies, for example relating to, countryside development, nature conservation, transport, design and landscape protection. As the Replacement LDP has yet to progress through the Examination stage and be found sound by an independent Inspector the existing

Adopted LDP 2006-2021 remains the statutory development plan and should be referred to in the first instance.

So that you are aware, the Replacement Deposit LDP contains a revised Tourism, Leisure and Recreation Development policy (Policy EcW7) which sets out criteria for leisure and tourism development in countryside locations. It supports low-impact tourism, leisure and recreation development provided the need for a countryside location is fully justified; it minimises environmental impacts and is of an appropriate scale to its surroundings.

In addition, the site lies within the proposed Merthyr West Flank Special Landscape Area (SLA) under Replacement LDP Policy EnW5. The Policy is not intended to prevent development but requires proposals to be sensitive to their special characteristics. In order to protect the landscape in general, proposals should demonstrate that there is no satisfactory alternative; that the benefits can be demonstrated to outweigh the harm and where damage to local landscape character cannot be avoided appropriate mitigation is secured. In addition, future development proposals in SLAs should set out how regard has been had to the likely landscape and visual impacts and how these can be minimised. This should ensure that, where development is acceptable, careful consideration is given to the design and scale of the development, including siting, orientation, layout, landscaping and the special qualities and characteristics for which the SLA has been designated are protected.

Conclusion

No policy objection to the principle of the development proposal provided the need for further tourism development in the countryside is fully justified and the policy criteria of the Adopted LDP referenced above can be satisfactorily addressed.