

INTERNAL MEMORANDUM

To: Adam Foote

Reference: P/23/0065

From: Planning Policy and Implementation Section

Ask for: Craig Watkins

Extension: 6277

Date: 15th July 2024

Summary

The additional policy comments included below have been made due to revisions to Planning Policy Wales (PPW) Chapter 6 and the Environmental Statement addendum/additional information submitted by the applicant, and should be read in conjunction with the policy comments dated May 2023.

Policy objection remains. The proposals are contrary to Policies SW4, EcW3 and EcW7 of the LDP. In relation to Policy SW4, the proposed countryside location has not been fully justified. In relation to the sequential approach of site selection, the information submitted does not comply with national guidance and Policy 6 of Future Wales, and is contrary to Policy EcW3 of the LDP. In relation to Policy EcW7, the proposed development cannot be classed as low-impact tourism in accordance with paragraph 6.7.60 of the LDP.

The proposals conflict with Chapter 6 of PPW in relation to development on designated sites, and Future Wales - Policy 9 regarding resilient ecological networks.

Observations in respect of the above proposal

1. Proposed Development

Outline application for erection of a mixed leisure development comprising indoor snow centre (up to 39,200 sq m), waterpark (up to 7,500 sq m), indoor activity centre (up to 9,000 sq m), external activity areas, hotel accommodation (up to 418 bedrooms), forest lodge accommodation (up to 30 units), car parking (up to 830 spaces) and associated earthworks, access, drainage, servicing and utilities connections/infrastructure at land to the south west of the A470/A4102 roundabout at Rhydycar West

2. Development Plan Framework

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 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 SW11: Sustainable Design and Placemaking.*
- *Policy SW12: Improving the Transport Network*
- *Policy CW1: Historic Environment.*
- *Policy EnW1: Nature Conservation and 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 EcW3: Retail Hierarchy – Supporting Retail Provision.*
- *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 1: Affordable Housing (March 2012)*
- *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

Future Wales – The National Plan 2040

Future Wales – The National Plan 2040 is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system. Matters relevant to this application include:

- Policy 1: Where Wales will grow
- Policy 2: Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 6: Town Centre First
- Policy 9: Resilient Ecological Networks and Green Infrastructure
- Policy 33: National Growth Area – Cardiff, Newport and the Valleys

Planning Policy Wales (Edition 12, February 2024)

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

- Placemaking in Action: Good Design Making Better Places
- Strategic Placemaking: Previously Developed Land
- Activities in Places: Retail and Commercial Development
- Recognising the Special Characteristics of Places: The Historic Environment
- Recognising the Environmental Qualities of Places

3. Policy Considerations

Further information submitted by the applicant as part of this application includes a submission dated 9th April 2024, which aims to address previous concerns in relation to the above policies, however the submission does not include any further justification of the proposal against Policies SW4 and EcW3.

Since the initial policy comments were provided, a revised version of Planning Policy Wales has been published including a number of amendments to Chapter 6: Distinctive and Natural Places. A key constraint is the location of the development in relation to the Cwmglo and Glyndyrus Site of Special Scientific Interest (SSSI).

PPW Paragraph 6.4.25 states that:

“Development in a SSSI which is not necessary for the management of the site must be avoided. This is a matter of principle to ensure that these sites can continue to fulfil their role at the heart of resilient ecological networks. What may be necessary for the management of a site will need to be considered on a case by case basis but it is likely to be limited to activities needed to meet its conservation objectives, including restoration and nature recovery, as well as site management infrastructure, natural flood management and other appropriate nature based solutions...”

Paragraph 6.4.26 states that:

“There is a presumption against all other forms of development in a SSSI as a matter of principle and this presumption should be appropriately reflected in development plans and development management decisions. There is also a presumption against development not within a SSSI but likely to damage a SSSI. In such cases, proposals must be carefully

assessed to ensure that effects on those nature conservation interests which the designation is intended to protect are clearly understood and development should be refused where there are adverse impacts on the features for which a site has been designated..."

Paragraph 6.4.27 states that:

"In wholly exceptional circumstances and only where development is considered to be appropriate and is not likely to damage a SSSI and there is broad and clear agreement for mitigation and enhancement as part of a development plan should development be proposed. This means that development will be considered unacceptable in the absence of an agreed position in a development plan which indicates that it is acceptable in terms of its effect on the notified features of a SSSI."

The proposed development is not necessary for the management of the SSSI and is a form of development that there is an in-principle presumption against within SSSI's, or in locations likely to damage a SSSI. Therefore, the proposal is in conflict with paragraphs 6.4.25 and 6.4.26 of PPW.

In regard to paragraph 6.4.27, the issues of likelihood of damage to the SSSI, and agreement on mitigation and enhancement will require the input of the Council's Ecologist and Natural Resources Wales. The first part of this paragraph states that development should only be proposed on SSSIs ***"In wholly exceptional circumstances and only where development is considered to be appropriate..."*** There is no clear definition of wholly exceptional circumstances, however the proposed development cannot be considered to be appropriate given the concerns raised in regard to Policy SW4, EcW3 and EcW7.

Given that the development, as described in the Planning Statement would be of *"national significance in Welsh and UK terms"*, it would be reasonable to expect a sequential test to be carried out locally, regionally and nationally in order to identify if there is a policy compliant site anywhere else in the region or in Wales or the UK. Whilst the applicant has argued why the proposal cannot be located in the town centre they have failed to carry out a sequential test as required by policy as they have not tested any alternative sites in Merthyr Tydfil or anywhere else. If the development was to be regarded as 'wholly exceptional circumstances' in terms of its scale, significance and nature, then it would be reasonable to expect a more robust and substantial assessment of potential sites to be included.

Future Wales Policy 9 - Resilient Ecological Networks and Green Infrastructure sets out Welsh Government's policy stance in relation to the *"enhancement of biodiversity, the resilience of ecosystems and the provision of green infrastructure"*. The policy aims to reverse biodiversity decline and improve connectivity between designated ecological sites. *"The strategic focus of Future Wales on urban growth requires an increased emphasis on biodiversity enhancement (net benefit) in order to ensure that growth is sustainable."* The proposals are contrary to this policy.