

INTERNAL MEMORANDUM

To: Rebecca Owens - Development Control Case Officer

Reference: P/24/0039

From: Planning Policy and Implementation Section

Ask for: David James

Extension: 7053

Date: 29th February 2024

Summary

No objection raised. The development meets the relevant Replacement LDP policies (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 and the surrounding residents/occupiers (Policy SW11)
- any relevant historic environment assets
- the impact on SINC 48 and biodiversity in general (Policies EnW1 & EnW3)
- the impact on SLA 4 (Policy EnW5)
- any other relevant risks to public health and safety such as flooding (Policy EnW4)
- any relevant mineral resources (Policies EcW10 & EcW13)

Observations in respect of the above development

1. Proposed Development

Application for the erection of a replacement bridge, and associated works, at, Feeder Pipe Bridge (footbridge Crossing River Taff) To The South Of Fiddlers Elbow Viaduct, Treharris.

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.*

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

The following supplementary planning guidance is applicable:-

- *SPG 2: Planning Obligations*
- *SPG 4: Sustainable Design*
- *SPG 5: Nature & 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*
- *Strategic Placemaking: Previously Developed Land*
- *Strategic Placemaking: Development in the Countryside*
- *Strategic Placemaking: Supporting Infrastructure*
- *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 8: Flooding
- 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 part of the River Taff, the river bank, and adjoining land. The majority of the site is located within an adjoining Local Authority, with the part located in MTCB being outside the settlement boundary (LDP Policy SW4).

Policy SW4 states 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; or 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 replacement of a feeder pipe/footbridge) would satisfy the criteria above, in relation to public utilities and infrastructure. As such, it is considered acceptable in principle, subject to the proposals being compatible with the Plan’s other policies and all other material considerations.

Policy SW9 considers the requirement for planning obligations. Due to the size and nature of the development, a financial contribution to affordable housing would not be sought. Additionally, Community Infrastructure Levy (CIL) is not chargeable in this part of the County Borough.

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;

Considering the nature of the development, and the location of the site (in the open countryside, crossing a river, and providing access for the public) particular consideration should be given to the above 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. 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. The proposal would replace a damaged pedestrian footbridge, which encourages a sustainable mode of transport, and would therefore comply with Policy SW12.

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 and Archaeologically Sensitive Areas should have regard to their special character and archaeological importance.

The impact of the proposal on any relevant historic environment assets should be considered, and the relevant Council Officer and/or external Heritage organisation should be consulted as appropriate.

Policy EnW1 state that 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 states that 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 site is partially within a Site of Importance for Nature Conservation (SINC 48: Lower Taf and Edwardsville). The impact of the proposal on this site, and any other relevant natural environment assets, should therefore be considered, and the Council's Ecologist 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. As such, the views of the Engineering and Traffic Group Leader, and the Environmental Health department, should be sought as appropriate.

With regard to flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN 15. The site is partially within a C2 flood zone. As such, the requirements of TAN 15 should be considered, and NRW consulted.

Policy EnW5 states that certain allocated areas are designated as Special Landscape Areas (SLAs). Development proposals will be permitted 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.

The site is partially within SLA 4: Pontygwaith EnW5. As such, impact of the proposal on this area should be carefully considered, and the Council's Landscape Architect consulted as appropriate.

Policies EcW10 and EcW13 seek to safeguard a sustainable supply of minerals. The proposal is located within a limestone, area. EcW10 states that mineral resources should be safeguarded from permanent development which would sterilise them or hinder their extraction. EcW13 states that 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 application site is partially within an area of mineral safeguarding (sandstone with potential for high specification aggregate).