

INTERNAL MEMORANDUM

To: Adam Foote - Development Control Case Officer

Reference: P/24/0050

From: Planning Policy and Implementation Section

Ask for: David James

Extension: 7053

Date: 9th April 2024

Summary

Concern raised. The application site is within a C1 flood zone. NRW's comments will therefore be crucial.

The proposal could be in accordance with Policies SW4 and EcW7, although further information would be required in this regard.

If minded to approve in principle, particular consideration should be given to the impact of the development on the character of the area, and on surrounding occupiers (Policy SW11). Additionally, the impact on historic environment assets and biodiversity in the vicinity of the site should be considered (Policies CW1 and EnW1), as well as mineral resources (EcW10 and EcW13).

Observations in respect of the above proposal

1. Proposed Development

Application for the proposed erection of 10, 6-person glamping tents, mobile toilet cubicles and a mobile shower block, at land to the west of Ynysygored Cottages, Aberfan Road, Aberfan.

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 3 To ensure the sufficient provision of land for the delivery of a range and choice of housing and affordable housing to address local housing needs.*
- *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 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.*

The following development plan policies would apply:-

- *Policy SW1: Provision of New Homes*
- *Policy SW2: Provision of Affordable Housing*
- *Policy SW3: Sustainably Distributing New Homes*
- *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 & Ecosystem Resilience*
- *Policy EnW4: Environmental Protection*
- *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 2: Planning Obligations (March 2012)*
- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 4: Sustainable Design (July 2013)*

National Planning Policy

Planning Policy Wales (Edition 12, February 2024)

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**
- **Activities in Places: Living in a Place**
- **Distinctive and Natural Places: Recognising the Special Characteristics 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 33 – National Growth Area – Cardiff, Newport and the Valleys

3. Policy Considerations

The site of the proposal is located within an Other Growth Area, and outside of the settlement boundary, as defined by the 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;
- 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 application site is located outside of the settlement boundary. As such, the above will be a key consideration. The proposal is for a tourism/recreation/leisure use, and could be considered as low-impact development. As such, it could comply with Policy SW4.

Policy SW9 relates to planning obligations. Given the nature of the proposal, on-site provision of affordable housing or open space, or a financial contribution towards affordable housing, would not be sought. Additionally, Community Infrastructure Levy (CIL) is not chargeable in this part of the County Borough.

Policy SW11 requires new development to, among other things:

1. be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;
2. integrate effectively with adjacent spaces, the public realm and historic environment to enhance the general street scene and create good quality townscape;

3. 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;
4. 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;
5. 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.

Considering the nature of the proposal and the location of the application site, in the open countryside, careful consideration should be given to these issues, and the views of the Engineering and Traffic Group Leader sought as 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. Development proposals 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 as appropriate.

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. As such, the views of the relevant Officer or external body should be sought as appropriate in this regard.

Policies EnW1 and EnW3 seek to protect biodiversity and regionally important sites, respectively. Given the proposal's countryside location, the Council's Ecologist should be 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. With regard to

flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN 15. As such, the views of the Engineering and Traffic Group Leader, and the Environmental Health department, should be sought as appropriate.

The application site lies within Flood Zone C1 as illustrated on the LDP Constraints Map. Paragraph 6.6.26 of PPW11, which considers development and flood risk, states that reference should be made to TAN 15: Development and Flood Risk and that “Developments located within flood risk areas remain at risk from flooding even if mitigation measures are applied.” Paragraph 6.6.29 further states “the ability of emergency services to respond to flood events should be taken into account when considering if a development is appropriate.”

Section 5 of TAN 15 considers the vulnerability of different land uses to flooding and identifies three separate development categories: emergency services, highly vulnerable development, which includes all residential premises, and less vulnerable development (Paragraph 5.1, Figures 1 & 2). A Flood Consequence Assessment has been submitted with the application. As such, the views of NRW should be sought.

Policy EcW7 advises 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.

Given the scale and nature of the proposal, it could be considered to be low-impact tourism. However, information should be submitted to demonstrate this, and justify the need for a countryside location. As such, the Policy could comply with Policy EcW7.

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 seeks to safeguard known mineral resource of coal, sandstone, sand and gravel, and limestone, 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 application site is within an area of sandstone and sub-alluvial mineral resource.