

APPENDIX D

POLICY WORDING

National Policy

Well being of Future Generations Act 2015

To make sure we are all working towards the same vision, the act puts in place 7 well-being goals.

Well-being goals

A prosperous Wales

A resilient Wales

A healthier Wales

A more equal Wales

A Wales of cohesive communities

A Wales of vibrant culture and thriving Welsh language

A globally responsible Wales



MTCBC First Replacement LDP 2016 – 2031 Relevant Policy wording

Policy SW4: Settlement Boundaries

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, settlement boundaries will be defined as follows:

Primary Growth Area: • Merthyr Tydfil

• Trefechan

Other Growth Areas:

- Troedyrhiw
- Aberfan and Merthyr Vale
- Quakers Yard, Edwardsville, Treharris and Trelewis
- Bedlinog

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.

Policy SW11: Sustainable Design and Placemaking

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:

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;
6. incorporate a range of inclusive/adaptable design specifications, a mix of house types, tenures and sizes to meet identified local needs;
7. incorporate resource efficient/adaptable buildings and layouts using sustainable design and construction techniques;
8. minimise the demand for energy and utilise renewable energy resources;
9. provide and protect relevant utility services and infrastructure without causing

any unacceptable environmental impacts;
10. incorporate measures to improve ground and surface water quality wherever

possible;
11. provide adequate facilities and space for waste collections and recycling;

and
12. promote the creation of healthy and active environments and reduce the

opportunity for crime and anti-social behaviour.

Policy EnW1: Nature Conservation and Ecosystem Resilience

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.

6.6.12 Where the development will be likely to have an adverse impact on biodiversity, the need for development must be weighed against the biodiversity value of the proposed development site. Where a development will have an adverse impact on the biodiversity value of a site, the development must demonstrate that the need for the development clearly outweighs the biodiversity value of the site. In line with national policy, where the harmful environmental effects

of development clearly outweighs other material considerations planning permission will be refused.

6.6.13 Developers must demonstrate what measures have been taken to avoid an adverse impact on biodiversity and what mitigation measures will be undertaken to minimise the impact on biodiversity. Where reasonable avoidance measures and mitigation are not sufficient

in minimising an adverse impact, any residual impact should be addressed by appropriate and proportionate compensation measures. Compensation should be located as close as possible to the original site and be on a 'like-for-like' basis with the aim to provide for ecological connectivity and resilience, and to maintain or enhance biodiversity interests. Mitigation measures and compensation sites should therefore be chosen so that they are located appropriately to provide for ecological connectivity, resilience and serve to maintain and enhance biodiversity features or resources. It should be chosen with reference to available Green Infrastructure Assessments, use a landscape-scale approach and take account of the five key ecosystem resilience attributes contained in the Section 6 Duty (Biodiversity and Resilience of Ecosystems Duty) of the Environment (Wales) Act. A long-term management plan detailing the agreed mitigation and/or compensation measures should be provided.

Policy EnW2: Internationally and Nationally Protected Sites and Species

Development likely to have an adverse effect either directly or indirectly on the conservation value of an internationally or nationally designated site, including the area, structure and function of designated features, will only be permitted where it is demonstrated that:

1. There is no suitable alternative to the proposed development; and
2. It can be demonstrated that the benefits from the development clearly outweigh the special interest of the site; and
3. Appropriate compensatory measures are secured; or
4. The proposal contributes to the protection, enhancement and positive management of the site.

Development proposals likely to affect protected species will only be permitted where it is demonstrated that:

1. The population size, range, distribution and long-term prospects of the species will not be significantly adversely impacted;
2. There is no suitable alternative to the proposed development;
3. The benefits of the development clearly outweigh the adverse impacts on the protected species; and
4. Appropriate, avoidance, minimisation, mitigation, compensation and enhancement measures are provided.

Policy EnW3: Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

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.

Policy EnW4: Environmental Protection

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.

In respect of the water environment, development proposals will be required to incorporate measures to improve water quality where opportunities exist. With regard to flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN 15. No highly vulnerable development will be permitted within Development Advice Map (DAM) zone C2. Development will only be permitted in areas at risk of flooding where it can be demonstrated that the site can comply with the justification and assessment requirements set out in TAN 15.

Improving our Economic Well-being

6.7.1 PPW defines economic development broadly so that it can include forms of development that generates wealth, jobs and income. The Council's Employment Land Review (2018) provides the evidence base for the Plan's economic development policies and employment land provision. The study has considered the growth strategy for the plan period, employment land forecasts and has reviewed the County Boroughs' employment land portfolio, through a comprehensive property market assessment and audit of employment sites.

6.7.2 In terms of the local employment market, the Employment Land Review found that while the overall workforce is active, the County Borough had the highest unemployment rate in the Cardiff Capital Region, albeit a rate which has reduced significantly since the end of the national recession. Merthyr Tydfil has high levels of public sector employment, with 36.8% of the County Borough's workforce employed in public administration, education and health, in 2015. This employment is focused in the health sector, particularly the Prince Charles Hospital. The local manufacturing sector is an important contributor, with 14.9% of the working population in manufacturing jobs, although this is in line with the Cardiff Capital Region. In terms of service sectors, business administration and support services, along with ICT have are most typical roles.

Policy EcW2: Protecting Employment Sites

In order to protect the employment function of the County Borough's business and employment sites, development will be permitted at Rhydycar Business Park where:-

- it falls within Use Class B1; or
- it provides an ancillary facility or service that supports the primary employment use.

At Pengarnddu, Pant Industrial Estate, Goatmill Road, EFI Industrial Estate, Cyfarthfa Industrial Estate, Triangle Business Park, Merthyr Tydfil Industrial Park, The Willows/ Abercanaid Industrial Estate, and at allocated employment sites, development will be permitted if:-

- It is within Use Classes B1(b), B1(c), B2 or B8; or
- It provides an ancillary facility or service that supports the primary employment use, or
- It is an acceptable complementary commercial service outside class B uses, or
- It is an appropriate waste management facility compatible with existing industrial and commercial activities.

Development proposals for uses other than those stipulated and that would result in the loss of employment land / premises at the above sites will only be permitted where it can be demonstrated that the proposal would not lead to an unacceptable change in the nature of the employment site and where the existing use is

inappropriate or the land / premises are surplus to the requirements of the employment market.

At existing employment sites and premises outside the sites identified development proposals for non B-class uses that would result in the loss of the employment land / premises will be permitted where it can be demonstrated that the existing use is inappropriate or the land / premises are surplus to the requirements of the employment market.