

INTERNAL MEMORANDUM

To: Hugh Towns - Case Officer

Reference: P/25/0037

From: Planning Policy and Implementation Section

Ask for: David James

Extension: 7053

Date: 12th May 2025

Summary

The development meets the relevant Replacement LDP policies (SW4, SW10 & EcW7).

If minded to approve in principle, particular consideration should be given to the impact of the development on the character of the open countryside and surrounding area, the impact on relevant historic environment assets and biodiversity, the impact on the amenity of surrounding occupiers, and the impact on flooding, drainage and water pollution (Policies SW11, SW12, CW1, EnW1, EnW2, EnW3, EnW4 & EnW5).

Observations in respect of the above proposal

1. Proposed Development

An application for the Variation of conditions 4 (Duration of Restoration), 6 (Approved Plans) and 50 (Restoration Strategy), of planning permission APP/U6925/A/10/2129921 involving a revision to the restoration scheme, at Ffos Y Fran Land Reclamation Scheme, East of A4060 Slip Road, Merthyr Tydfil.

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 12 Economic Development: To provide and safeguard appropriate land for economic and skills development.*
- *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 16 Renewable Energy: To promote the efficient use of materials and resources and ensure an integrated network of waste management facilities.*
- *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 SW10: Protecting and Improving Open Spaces*
- *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 & 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 EcW1: Provision of Employment Land*
- *Policy EcW7: Tourism, Leisure and Recreation Development*
- *Policy EcW8: Renewable Energy*
- *Policy EcW9: District Heating*
- *Policy EcW10: Sustainably Supplying Minerals*
- *Policy EcW11: Minerals Development*
- *Policy EcW12: Minerals Buffer Zones*
- *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)*
- *Merthyr Tydfil Local Development Plan Supplementary Planning Guidance Note 5: Nature and Development (May 2015)*

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
- Placemaking in Action: Sustainable Management of Natural Resources
- Strategic Placemaking: Accessibility
- Strategic Placemaking: Previously Developed Land
- Strategic Placemaking: Development in the Countryside
- Moving within and between places: Transport
- Activities in a Place: Recreational Spaces
- Economic Infrastructure: Economic Development
- Productive and Enterprising Places: Energy
- Making Best Use of Material Resources and Promoting the Circular Economy: Minerals
- 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 9 - Resilient Ecological Networks and Green Infrastructure
- Policy 16 – Heat Networks
- Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

3. Policy Considerations

The site of the proposal is an open-cast mine. It is located within the Primary Growth Area as defined by the LDP, and outside the settlement boundary. Policy SW4 states that this is 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 site is an open-cast mine which has reached the end of its operational life, and is to be restored. The restored land would be utilised for tourism, recreation and leisure purposes, and would reclaim the land from its current state and use. The proposal would therefore comply with the relevant above criteria and would be in accordance with Policy SW4.

Policy SW9 relates to planning obligations. A S106 Agreement exists in relation to the original planning consent. Additionally, Community Infrastructure Levy (CIL) would not be chargeable.

Policy SW11 requires new development to, among 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.
- incorporate resource efficient/adaptable buildings and layouts using sustainable design and construction techniques;
- minimise the demand for energy and utilise renewable energy resources;
- provide and protect relevant utility services and infrastructure without causing any unacceptable environmental impacts;
- incorporate measures to improve ground and surface water quality wherever possible;

The site covers a substantial area, and is visually prominent from the surrounding area. Given the nature and scale of the proposal, particular consideration should be given to whether it is appropriate to its local context, how it integrates with adjacent spaces, and its impact on local and visual amenity. The land would be restored to a more natural form and habitat, and so should contribute to the Green Infrastructure network of the County Borough.

The restoration would include various water bodies, and so should incorporate sustainable drainage systems and measures to improve ground and surface water quality. As such, the views of the Head of Engineering and Highways should be sought in this respect.

Policy SW10 states that development proposals that improve the quality, quantity or access to open space will generally be supported. The restoration scheme would provide additional areas of informal recreation and open space, and so would be in accordance with Policy SW10.

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.

The site includes an area of land which is safeguarded for a future rail line extension. The land would also be publicly accessible. As such, the views of the Rights of Way section, and the Head of Engineering and Highways should be sought in this respect.

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.

A number of historic environment assets are located within the site:

- An Archaeologically Sensitive Area: Dowlais Ironworks; Supporting Infrastructure; Dowlais Gas.
- Scheduled Ancient Monuments: Sarn Howell Pond and Watercourses, & Deserted Iron Mining Village, Ffos-y-fran.
- Listed Buildings: Timber Aqueduct over Former Taff Bargoed Railway (Grade II).

The site is also located within a Landscape of Outstanding Historic Interest in Wales. As such, these and other relevant historic environment assets should be taken into consideration, and the views of the relevant Officer and external Heritage body sought in this regard.

Policy EnW1 seeks to protect nature conservation and ecosystem resilience. Policy EnW2 seeks to protect internationally and nationally protected sites and species. Policy EnW3 states that 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.

SINC 4: Merthyr Common Central is located within the site. Additionally, given the scale and nature of the proposal, the views of the Council's Ecologist should be sought.

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 Head of Engineering and Highways and Public Health Manager should be sought in this respect. The Coal Authority should also be consulted, due to land stability/historic mining in this area.

Policy EnW5 states that the following areas are designated as Special Landscape Areas (SLAs):

- SLA1: Nant Morlais & Cwm Taf Fechan;
- SLA2: Winchfawr;
- SLA3: Merthyr West Flank;
- SLA4: Pontygwaith and
- SLA5: Gelligaer and Taf Bargoed.

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 located within SLA 5: Gelligaer and Taf Bargoed. Given the scale of the proposal, consideration should be given to the above points, and the Council's Landscape Architect, or other appropriate Officer, should be consulted.

Policy EcW1 allocates 30.65 Ha of employment land to support economic development. One of the allocated areas (EcW-1.3: Land east of A4060 at Ffos Y Fran), is located within the application site. It appears that this land would remain available following the revised scheme. As such, the proposal would comply with Policy EcW1.

Policy EcW7 states 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, maximizes positive effects on the local community, economy and environment and is of an appropriate scale to its surroundings.

The proposal would restore more natural landscape and habitats to the area, which would be publicly-accessible. This could be considered low-impact, and would comply with Policy EcW7.

Policy EcW8 states the use of renewable energy will be supported as a tangible means of reducing our local carbon footprint, where appropriate to do so.

Development proposals for renewable energy will be permitted where:

- They do not have an unacceptable landscape and visual impact, including on the setting of the Brecon Beacons National Park.
- There would be no unacceptable cumulative impacts in combination with existing or consented development.
- Satisfactory mitigation can be put in place to minimise the impacts of the renewable energy proposal and its associated infrastructure.
- Proposals make provision for the appropriate restoration and after-care of the land for its beneficial future re-use.

It is noted that the application site includes a Local Search Area for Solar Energy.

The proposal would be located within a Heat Priority Area. Policy EcW9 states that within Heat Priority Areas, major development will be expected to incorporate, where viable and technically feasible, infrastructure for district heating and to connect to existing systems where available. Developers should submit an energy strategy along with their application. These should set out the consideration of energy efficiency and feasibility for incorporating of renewable energy technologies, in particular they should:

- Set out the projected annual energy demands for heat and power from the proposed development against the appropriate baseline (2006 Building Regulations Part L standards), along with the associated CO2 emissions;
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- Demonstrate how these demands have been reduced via energy efficiency or low carbon energy sources such as CHP and district heating, and set out the CO2 emissions associated with the residual energy demand, and
 - Consider the viability and technical feasibility of district heating and renewable energy technologies to reduce these demands.

Policies EcW10 – EcW13, relating to minerals, are relevant. The site is a Permitted Minerals Reserve (related to its former use, and contains areas of sandstone reserves).