



MERTHYR TYDFIL COUNTY BOROUGH COUNCIL LOCAL DEVELOPMENT PLAN 2006 - 2021

ADOPTED PLAN

SUSTAINABILITY APPRAISAL (SA) STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

Final Sustainability Appraisal Report May 2011

Appendix 12

SA of Proposed Changes arising from the Programme of Further Work (Volume 1: March 2010)

Prepared by:

enfusion



MERTHYR TYDFIL COUNTY BOROUGH COUNCIL
LOCAL DEVELOPMENT PLAN 2006-2021
ADOPTED PLAN

SUSTAINABILITY APPRAISAL (SA) incorporating
STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

Final Sustainability Appraisal Report

Appendix 12
SA of Proposed Changes arising from the
Programme of Further Work
(Volume 1: March 2010)

For and on behalf of Enfusion Ltd

<i>date:</i>	<i>May 2011</i>	
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Examination of Merthyr Tydfil Local Development Plan 2006-2021

Programme of Further Work - Sustainability Appraisal of Proposed Changes

1.0 Purpose of the Report.

- 1.1 Merthyr Tydfil County Borough Council has prepared policy changes in response to the programme of further work identified in relation to the Examination of the Merthyr Tydfil Local Development Plan. This programme was agreed with the Inspector after the Examination Hearing Sessions which took place between November 2009 to February 2010. The changes were forwarded to Enfusion Ltd to determine if there were likely to be any significant sustainability effects arising from those changes to the plan. A screening assessment of each proposed policy change was undertaken; this considered the significance of the policy change and whether there was likely to be a significant sustainability effect as a result of the change.
- 1.2 The Screening Assessment is provided at Appendix 1 and summarised below. It was considered that most of the changes were minor in nature and/or provided clarification of policies and the supporting text or made changes which improved the overall sustainability of the relevant policies. Although Policy BW5 and the written justification have been completely rewritten the predicted effects are not significantly different and represent an improvement of the sustainability of the policy. As such it was considered that the changes were unlikely to have a significant effect and that no further detailed Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment work is required.

2.0 Summary of Screening Assessment

Policy TB6: Special needs housing and gypsy and traveller accommodation

- 2.1 Following comments by the Inspector the deposit plan first criterion of this policy was considered to be unduly onerous and should aim to provide more flexibility. It should also be compatible with Policy TB5.
- 2.2 The policy was subject to SA early in the process and changes made to improve its performance against sustainability objectives. This change introduces the need to illustrate a qualitative and quantitative need to allow provision outside defined settlements boundaries whereas the policy formerly stated that any proposals should be located within settlement boundaries. Therefore the policy widens the opportunities for provision and improves the



sustainability performance of the policy in relation to housing and community SA Framework objectives.

Policy BW5: Landscape and Biodiversity

- 2.3 As required, the revised policy focuses more directly on the main aspects of natural heritage and includes cross reference to national policy in the justification where appropriate.
- 2.4 Whilst the content of the policy has been altered by the omission of reference to natural resources such as water, air and soil and natural drainage of surface water, these issues are adequately covered by other plan policies. Criterion 2 now refers to national and local designations which encompass landscape, biodiversity and archaeological designations rather than referring solely to ecological sites, thereby increasing the context and scope of future implementation of the policy. The inclusion of specific reference to protected and priority species is a welcome addition which further improves the SA performance of the policy.
- 2.5 The revised justification now clearly signposts Planning Policy Wales (PPW) guidance in relation to European protected species and Sites of Special Scientific Interest (SSSIs). Links are also made to other plan policies relating to Sites of Interest for Nature Conservation (SINCs) and area of historic landscape interest. The relationship between the LDP and the Biodiversity Action Plans (BAPs) is also indicated. In combination, the revised policy and text have brought about an overall improvement to the predicted sustainability effects of the policy.

BW8: Development and the Water Environment

- 2.6 The revised policy proposes to remove the word “normally” from the first sentence of the policy and replace paragraph two with revised wording. The deletion of “normally” moves towards a more controlling policy which improves the SA performance in relation to the water environment.
- 2.7 The replacement text for paragraph two also moves towards a stronger policy and makes it clear that all development proposals will be required to avoid exacerbating flood risk and that sustainable urban drainage systems (SuDS) will be the expected mechanism to dispose of surface water unless there are specific practical or environmental reasons for using other drainage techniques. The alterations to the policy justification reflect the changes made to the policy and direct reference is made to TAN15 rather than repeating that guidance.



- 2.8 This more robust approach to the need for SuDs leads to an overall improvement in the predicted sustainability effects when considered against the SA Framework objectives for water, biodiversity, health and climate change.

AS18 Retail Hierarchy

- 2.9 Clarification was required with reference to the distinction between District and Local Centres and the role of Treharris in the retail hierarchy. The SA of the Deposit Plan policy found that positive effects could be predicted on objectives which seek equality of access for all and for climate change and transport through the potential to retain and improve the range of goods available locally. The proposed changes do not significantly alter the findings of the original SA.

BW15 Community Facilities

- 2.10 The revised policy wording, which now seeks to “protect and enhance” existing community facilities, improves the performance of the policy against SA Framework objectives for health, access, transport and communities through seeking to protect and enhance existing facilities. Reference to “satisfying other relevant policies of the LDP” ensures that issues such as biodiversity and landscape which are not specifically mentioned in the policy are not overlooked. The alterations to the policy justification reflect the changes made to the policy. Overall the changes proposed improve the predicted sustainability effects of the policy.
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Appendix 1: Screening of Proposed Changes

(SA/SEA Screening commentary provided in right-hand column)

All following text in *red italics* to be deleted. New and/or replacement text in **green**.

REF. NUMBER	POLICY/ PARAGRAPH/ OTHER	PROPOSED CHANGE	JUSTIFICATION	SA/SEA SCREENING
Policy TB6: Special needs housing and gypsy and traveller accommodation				
Proforma 5	Policy TB6	<p>Revision of criterion 1 as below:</p> <p>Development proposals for static caravans, residential mobile homes and gypsy/traveller accommodation will be permitted where:-</p> <ul style="list-style-type: none"> The proposal must be located within defined settlement boundaries unless it can be demonstrated that no appropriate site exists to accommodate a facility for which there is qualitative and quantitative need. The proposal is acceptable in terms of siting, scale, design and materials. The proposal does not have an un-acceptable impact on the character and amenity of the immediate neighbourhood. The proposal does not have an 	<p>Following comments by the Inspector the first criterion of this policy in the deposit plan was considered to be unduly onerous and should aim to provide more flexibility. It also ensures compatibility with Policy TB5.</p>	<p>The policy was subject to SA early in the process and changes made to improve the sustainability. This change introduces the need to illustrate a qualitative and quantitative need to allow provision outside defined settlement boundaries whereas the policy formerly stated that any proposals should be located within settlement boundaries. Therefore the policy widens the opportunities for provision and improves the social sustainability performance of the policy. It is considered that no further SA is required.</p>



REF. NUMBER	POLICY/ PARAGRAPH/ OTHER	PROPOSED CHANGE	JUSTIFICATION	SA/SEA SCREENING
		<p>unacceptable impact on the character, amenity and landscape quality of the area including any historical features present.</p> <ul style="list-style-type: none"> • The development does not pose an unacceptable risk to nature conservation interests including habitats and species within the site and within the vicinity of the site. • The development does not pose an unacceptable risk to the water environment including watercourses, groundwater catchment areas and river quality. • The proposals do not conflict with transportation considerations including access, parking, traffic generation, accessibility to public transport and enjoyment of public rights of way. • The proposal is capable of being provided with the relevant utility services and infrastructure. 		



REF. NUMBER	POLICY/ PARAGRAPH/ OTHER	PROPOSED CHANGE	JUSTIFICATION	SA/SEA SCREENING
Policy BW5: Landscape and Biodiversity				
Proforma 8	Policy BW5	<p>Former Policy BW5 deleted and replaced with Policy BW5: Natural Heritage.</p> <p>The Council will protect and support the enhancement of the County Borough's distinctive natural heritage. Development proposals will only be permitted where they maintain, enhance or do not cause unacceptable harm to:</p> <ul style="list-style-type: none"> • The character of the County Borough's settlements and landscape setting including its countryside • National and local designations • Trees, woodlands and hedgerows that have natural heritage value or contribute to the character and amenity of the area; and • Other biodiversity interests including protected and priority species and ecological networks. 	<p>In response to matters raised by the Inspector at the LDP Hearing session 24.11.09 the Council accepts the need to focus the policy more directly on the main aspects of natural heritage and to cross reference to national policy in the justification where appropriate.</p>	<p>The content of the policy has been altered by the omission of reference to natural resources such as water, air and soil and natural drainage of surface water. These issues are adequately covered by other plan policies. Criterion 2 now refers to national and local designations which encompass landscape, biodiversity and archaeological designations rather than referring solely to ecological sites. The outcome of the SA is not significantly affected and further SA is not required.</p>



REF. NUMBER	POLICY/ PARAGRAPH/ OTHER	PROPOSED CHANGE	JUSTIFICATION	SA/SEA SCREENING
	Paras 3.5.1 – 3.5.7	<p>Paras 3.5.1 – 3.5.7 deleted and replaced with :</p> <p>3.5.1 Merthyr’s natural heritage, which includes both its landscape and biodiversity, has been highly influenced by human activity most notably during the Industrial Revolution, which had a profound effect on the condition and appearance of the County Borough. Much has been done to eradicate the negative evidence of such human activity and natural regeneration has contributed greatly to the improvement of large areas of land. The result is that today’s County Borough offers a distinctive natural environment in terms of both landscape and biodiversity.</p> <p>3.5.2 This resource is important both for its own sake and its contribution to the quality of life for people living here. It is therefore vital that our surroundings are managed sensitively and, whilst change is inevitable, it must be both appropriate and controlled if our environmental resources are not devalued, degraded or destroyed.</p>		The revised justification now clearly signposts PPW guidance in relation to European protected species and national designations e.g. SSSIs. Links are also made to other plan policies relating to SINCs and areas of historic landscape interest. Clear links are also made with Biodiversity Action Plans (BAPs) at all levels.



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		<p>3.5.3 Policy BW5 applies to any proposals that would, or would be likely to, have an impact on landscape and biodiversity interests. Two area-specific policies also directly relate. Policy AS4 identifies two areas of historic landscape interest where particular priority will be given to their protection, conservation and enhancement and Policy AS6 covers development proposals affecting SINCS and identifies the level of restriction such designations place on development.</p> <p>3.5.4 Whilst there are no international nature conservation designations within the LDP area, the County Borough contains two national nature conservation designations, namely Cwmglo / Glyndyrus SSSI and Cwm Taf Fechan Woodlands SSSI. Planning Policy Wales (2002) sets out a clear statement of national development control policy for SSSIs in paragraph 5.5.8 and this will also be used to assess all development proposals which affect the Authority's SSSIs.</p>		



REF. NUMBER	POLICY/ PARAGRAPH/ OTHER	PROPOSED CHANGE	JUSTIFICATION	SA/SEA SCREENING
		<p>3.5.5 A variety of European protected species are present within the County Borough and development proposals that are likely to affect such species will also be assessed against the requirements of Planning Policy Wales (2002), specifically, paragraphs 5.5.11 and 5.5.12. National and local priority species and habitats are identified within the UK, Welsh and Local Biodiversity Action Plans.</p> <p>3.5.6 The spatial expressions of existing landscape and biodiversity designations such as TPOs and SSSIs are shown on the LDP Constraints Map whilst proposed designations such as historic landscapes and SINCs are delineated on the LDP Proposals Map. A corresponding list of features is included at Appendix 1</p>		
BW8: Development and the Water Environment				
Proforma 14	Policy BW8	<p>Changes as below:</p> <p>Proposals for built development will <u>normally</u> only be permitted where:-</p> <ul style="list-style-type: none"> · They avoid identified river flood plains in order that these areas continue to 	<p>In response to matters raised by the Inspector at the LDP Hearing session of 24th November, the Council accepts that Policy BW8 should be reworded to actively require and encourage the use of</p>	<p>The proposed changes to the wording strengthen the policy through the removal of the word "normally". The deletion moves to a more controlling policy which improves the SA</p>



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		<p>fulfil their flood flow and water storage functions.</p> <ul style="list-style-type: none"> · They do not have an adverse affect on the quality and/or quantity of surface waters or groundwater resources. · Adequate water and sewerage systems exist, or are reasonably accessible, or are capable of being provided prior to the development becoming operational without placing unacceptable pressure on existing capacity or causing unacceptable environmental harm. <p><i>In taking account of the impact of surface water drainage, development proposals will be required, where necessary and appropriate, to include mitigation measures that acceptably manage its disposal. Such measures may include the incorporation of soakaways, sustainable drainage systems (SuDS) and green /alternative roofs.</i></p> <p>In addition, development proposals will be required to avoid exacerbating flood risk locally and elsewhere within the river catchment by incorporating sustainable drainage systems (SuDS) for the disposal of surface water.</p> <p>Alternative methods of surface water disposal will only be considered where a developer demonstrates that the incorporation of SuDS is inappropriate for</p>	<p>SuDS and to ensure arrangements for the ongoing maintenance of such systems are in place.</p>	<p>performance in relation to the water environment.</p> <p>The replacement text also moves towards a stronger policy and makes it clear that all development proposals will be required to avoid exacerbating flood risk and that SuDs will be the expected mechanism to dispose of surface water unless there are specific practical or environmental reasons for their exclusion.</p> <p>The replacement text also improves the performance of the policy against SA Framework objectives and it is considered that no further further SA is required.</p>



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		practical or environmental reasons.		
	Paragraph 3.8.1	<p>Policy Justification 3.8.1 Rivers and streams feature strongly in the landscape of <i>Merthyr Tydfil. The Taff Fawr, Taff Fechan and Taff Bargoed, together with the many other smaller watercourses</i> the County Borough: <i>are all important</i> these features that have influenced the LDP's spatial priorities and have been taken into account in assessing the potential for flood risk in the Plan's proposed patterns of development. In line with current good practice, the Plan has been screened to ascertain whether a strategic flood consequence assessment is necessary and the results set out at Appendix 9.</p>		Minor changes to support changes to the policy; no further SA required.
	Paragraph 3.8.3	<p>In accord with <i>the provisions of TAN 15: Development and Flood Risk (2004)</i>, and to afford consistency with the LDPs spatial priorities, proposals for built development will not normally be permitted on areas of land which are known to be liable to flood risk in order that the flood plain storage capacity is retained and the flood flows remain unimpeded. <i>Unforeseen changes in local circumstances may result in the need to consider land which lies within the flood plain for development. In such</i></p>		The alterations to the policy justification reflect the changes made to the policy and direct reference is made to TAN 15 rather than repeating that guidance. No further SA is required.



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		<p><i>circumstances, exceptions to the general approach of flood plain avoidance might apply where a detailed flood consequence assessment, submitted as part of the planning application process, can be used to demonstrate a proposal's potential acceptability, or, where a proposal is for the provision of essential transport and utilities infrastructure. In case of the latter, these should be designed and constructed so as to remain operational even at times of flood with no resulting loss of flood plain storage capacity or reduction in opportunity for flood flow (i.e. so that flood risk is not increased elsewhere).</i> Should it be necessary to consider land within these areas the relevant assessments and guidance contained with TAN 15 (para 6.2) should be adhered to. It should be noted that technical solutions to flood risk do not in themselves provide complete justification for allowing development in the flood plain.</p>		
	Paragraph 3.8.4	The Council recognises that many proposals for new development have the potential to result in an increase in surface water run off as permeable surfaces are replaced by impermeable surfaces such as paving and tarmac. As well as a consequent reduction in groundwater infiltration, this can also result in increased		Minor changes to support changes to the policy; no further SA required.



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		<p>risk of flooding downstream with other possible consequential effects including pollution, silt deposition or damage to habitats. <i>New developments will therefore only be permitted where the Council is satisfied that they will not result in adverse affects on the quality and/or quantity of surface waters or groundwater resources.</i></p>		
	Paragraph 3.8.5	<p>A sustainable solution to these risks involves the use sustainable urban drainage systems (SuDS) which manage flood risk and other environmental damage by minimising changes in the volume and rate of surface water run off from development sites. <i>In addition, developers will, wherever necessary and appropriate, be required to incorporate environmentally sympathetic mitigation measures into their proposals. This will:</i></p> <p>These systems are more sustainable than conventional methods because they:</p> <ul style="list-style-type: none"> · allow for the management of any surface water runoff at source, · protect and enhance water quality · <i>help maintain public safety,</i> <p>manage water runoff rates, reducing the impact of urbanisation on flooding, are systematic to the environmental setting and the needs of the local community;</p> <ul style="list-style-type: none"> · provide or enhance wetland habitat, · encourage natural groundwater 		<p>Minor changes to support changes to the policy; no further SA required.</p> <p>NB should this be sympathetic ?</p>



REF. NUMBER	POLICY/ PARAGRAPH/ OTHER	PROPOSED CHANGE	JUSTIFICATION	SA/SEA SCREENING
		replenishment protect water resources through recycling		
	Paragraph 3.8.6	<u>Agreement on the long-term maintenance of such measures will be required prior to any planning consent being granted.</u> The Council will pursue the use Of SuDS through the planning process and will seek to ensure their implementation and future maintenance through either a Section 106 agreement or conditions attached to the planning permission. The most appropriate method will be at the discretion of the Council and dependant on the scale of development.		The policy justification supports the Council's commitment to the use of SuDS in line with national policy; no further SA required.
	Paragraph 3.8.7	New text : The benefit of securing SuDS through a Section 106 agreement allows for the financial contributions in the form of a bond or periodic payment for the ongoing upkeep/maintenance of those SuDS. Further information on the use and management of SuDS is provided within Section 8 and Appendix 4 of TAN:15 Development and Flood Risk.		The policy justification supports the Council's commitment to the use of SuDS in line with national policy; no further SA required.
AS18 Retail Hierarchy				
Proforma 16	Policy AS18	Changes as below: Merthyr Tydfil Town Centre is the favoured location for retail development, being situated at the head of a the retail	To clarify the distinction between District and Local Centres.	The minor changes clarify the role of Treharris in the retail hierarchy. No significant change and no further SA required.



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		<p>hierarchy which also includes and being followed by the district centre of Treharris followed by alongside the local centres of Dowlais, Gurnos, Cefn Coed, Brecon Road/Morgantown, Troedyrhiw and Aberfan. Proposals for new and enhanced retail provision in all these centres will be permitted where they improve the vitality and viability of the centre(s) concerned.</p> <p>Outside the above centres, proposals will be subject to an assessment of need and a strict application of the sequential test. Proposals will then only be permitted where they:-</p> <ul style="list-style-type: none"> · Contribute to sustaining and enhancing town / district / local centre vitality and viability · Reinforce a sense of place · Improve or avoid detracting from the quality and attractiveness of the centre concerned 		
	Paragraphs 4.18.2 and 4.18.3	<p>4.18.2 In order to meet future retail needs in a co-ordinated and sustainable manner, a hierarchy of retail centres has been established. At the top of the hierarchy is Merthyr Tydfil town centre (regional facility), followed by Treharris (district centre), then, seven alongside six local centres and, finally, three out-of-centre</p>		Minor points of clarification to support revision to Policy AS18. No significant change and no further SA required.



REF. NUMBER	POLICY/ PARAGRAPH/ OTHER	PROPOSED CHANGE	JUSTIFICATION	SA/SEA SCREENING
		<p>retail parks at Cyfarthfa, Pengarnddu and Pentrebach.</p> <p>4.18.3 Proposals for new or enhanced retail provision will normally be directed towards Merthyr Tydfil town centre with Treharris district centre and each of the local centres also being considered favourably where the proposals would have the effect of improving the vitality and viability of those centres <i>without detracting from their attractiveness</i>. Outside this, proposals will be subject to an assessment of need and a strict application of the sequential test as set out in Planning Policy Wales (2002).</p>		
Policy BW15: Community Facilities				
Proforma	Policy BW15	<p>Changes as below:</p> <p>The Council will seek to protect and enhance County Borough's community facilities including schools, libraries, health centres, post offices, public halls, public houses and local shops. Development proposals resulting in improvements to the quality and accessibility of the County Borough's community facilities <i>including schools, libraries, health centres, post offices, public halls, public houses and local shops</i> will be favourably considered subject to <i>considerations of access</i>.</p>	<p>In response to matters raised by the Inspector, the Council accepts that the potential of Policy BW15 is not fully realised in relation to securing protection for existing community facilities and the issues of access, residential amenity and location in relation to development proposals.</p>	<p>The revised policy wording improves the performance of the policy against social SA Framework objectives by now seeking to protect and enhance existing facilities. Reference to "satisfying other relevant policies of the LDP" ensures that issues such as biodiversity and landscape which are not specifically mentioned in the policy are not overlooked. It is considered that no further SA is</p>



REF. NUMBER	POLICY/ PARAGRAPH/ OTHER	PROPOSED CHANGE	JUSTIFICATION	SA/SEA SCREENING
		<i>residential amenity and location within defined settlement limits</i> satisfying other relevant policies of the LDP.		required.
	Paragraph 3.15.2	<i>Changes in Matters of</i> lifestyle, mobility and demography all have the potential to <i>increase or decrease</i> influence demand for <i>a particular</i> community <i>facility over a period of time</i> . The Council continues to monitor the quality and level of provision and, <i>where possible and appropriate, will seek improvements</i> will seek to protect and enhance facilities, helping to facilitate improvements where possible and appropriate to ensure that no section of the local community is excluded from having access to basic facilities and services – the overall aim being to create and maintain vibrant and sustainable places to live, work and spend leisure time.		The alterations to the policy justification reflect the changes made to the policy and no further SA is required.

