

## INTERNAL MEMORANDUM

To:

Reference: P/23/0065

From: Planning Policy and Implementation Section

Ask for: [REDACTED]

Extension: [REDACTED]

Date: 10<sup>th</sup> May 2023

### Summary

Policy Objection. The proposals are contrary to Policies SW4 and EcW7 of the LDP. In relation to Policy SW4, the proposed countryside location has not been fully justified. In relation to Policy EcW7, the proposed development cannot be classed as low-impact tourism in accordance with paragraph 6.7.60 of the LDP. Further work also needs to be carried out in relation to the sequential approach of site selection, as the information currently submitted does not fully comply with national guidance and Policy 6 of Future Wales.

There are also concerns in relation to the impact of the proposals on ecology; historic landscape; visual impact and sustainability.

### Observations in respect of the above proposal

#### **1. Proposed Development**

Outline application for erection of a mixed leisure development comprising indoor snow centre (up to 39,200 sq m), waterpark (up to 7,500 sq m), indoor activity centre (up to 9,000 sq m), external activity areas, hotel accommodation (up to 418 bedrooms), forest lodge accommodation (up to 30 units), car parking (up to 830 spaces) and associated earthworks, access, drainage, servicing and utilities connections/infrastructure at land to the south west of the A470/A4102 roundabout at Rhydycar West

#### **2. Development Plan Framework**

**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 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 8 Community Facilities: To support existing community facilities and suitable community led development.*
- *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 13 Rural Economy: To strengthen and diversify the rural economy.*
- *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 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 CW1: Historic Environment.*
- *Policy EnW1: Nature Conservation and 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 EcW3: Retail Hierarchy – Supporting Retail Provision.*
- *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 1: Affordable Housing (March 2012)*
- *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**

### **Future Wales – The National Plan 2040**

Future Wales – The National Plan 2040 is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system. Matters relevant to this application include:

- Policy 1: Where Wales will grow
- Policy 2: Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 6: Town Centre First
- Policy 9: Resilient Ecological Networks and Green Infrastructure
- Policy 33: National Growth Area – Cardiff, Newport and the Valleys

### **Planning Policy Wales (Edition 11, February 2021)**

Planning Policy Wales provides guidance on matters relevant to this application, namely:

- Placemaking in Action: Good Design Making Better Places
- Strategic Placemaking: Previously Developed Land
- Activities in Places: Retail and Commercial Development
- Recognising the Special Characteristics of Places: The Historic Environment
- Recognising the Environmental Qualities of Places

### **3. Policy Considerations**

The proposals at Rhydycar West raise several issues that will require careful consideration in relation to the policies outlined above. Initially, the principle of locating these proposals in this location will need to be considered, and then the site-specific constraints will need to be closely examined. As the site lies outside the defined settlement boundary, the proposals are regarded as ‘*countryside development*’ and therefore Policy SW4 (criterion 5 in particular) will be a key consideration:

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. “***

Policy EcW3: Retail Hierarchy states that proposals for new retail, leisure, and other complementary development outside of defined centres **“will be subject to an assessment of need and a strict application of the sequential test. Proposals will then only be permitted where they avoid causing harm to town/local centre vitality and viability.”**

Policy EcW7: Tourism, Leisure and Recreation Development states that:  
**“Tourism, leisure and recreation development within settlement boundaries is generally supported, particularly where they aid the revitalisation and regeneration of the Town and Local Centres.**

**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.”**

The three policies outlined above are key considerations in establishing the principle of locating this type of development in the proposed location. The information submitted by the applicant as part of this application includes a planning statement which aims to assess “the requirements of both local and national planning policy relevant to the site location and the proposals”.

In regard to Policy SW4, the key issue is that locating tourism, leisure or recreation facilities in a countryside location, such as this application site, must be fully justified. This issue is only very briefly covered in the Planning Statement, stating that the proposed site is the only option for this development due to the slope required for the ski centre and that “the size of the development has also precluded an ‘in-settlement’ and in centre location.” As the proposal’s countryside location has not been fully justified, the application is contrary to Policy SW4 of the LDP.

Similarly, Policy EcW7 states that in countryside locations, low impact tourism, leisure and recreation facilities will be favoured, provided the need for this location is fully justified. Again, the information submitted by the applicant briefly addresses this issue, referring to several other reports submitted in order to justify categorising the proposals as low impact tourism.

Paragraph 6.7.60 of the LDP states that *“Low-impact tourism, leisure and recreation development is development that, through its low environmental impact, either enhances or does not significantly diminish environmental quality. It should directly benefit local communities and be respectful to wildlife. It includes tourism, leisure and recreation land-based activities that are capable of being removed without leaving a permanent trace or where impacts are small-scale or seasonal such as camping, orienteering, rock climbing and treks and trails for hiking, mountain biking and horse riding. The plan seeks to support low-impact tourism, leisure and recreation that minimises environmental impacts, in ‘countryside locations’.* Given the scale and nature of the proposed development, the proposal cannot be regarded as low-impact tourism and is therefore contrary to Policy EcW7 of the LDP.

‘Policy 6 – Town Centre First’ of ‘Future Wales – The National Plan 2040’ outlines the national planning policy approach in relation to the location of certain types of development. The policy states that *“Significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres. They should have good access by public transport to and from the whole town or city and, where appropriate, the wider region. A sequential approach must be used to inform the*

*identification of the best location for these developments and they should be identified in Strategic and Local Development Plans.” Furthermore, Welsh Government have recently published a position statement on Town Centres, acknowledging the challenges facing town centres in Wales, and outlining a number of actions to address these issues. The statement re-emphasises the importance of town and city centres; seeks to allow for diversification within these centres; and also seeks to “strengthen the implementation of the Town Centre First policy in planning and empower local planners to refuse developments which do not meet the policy and to propose new plans for the adaptive reuse of out of town developments.”*

Section 5.6 of the Planning Statement covers the issue of sequential site location. The statement outlines that there are no suitable alternative sites for this development within, or on the edge of Merthyr Tydfil Town Centre, with the reasoning being the scale of the proposals, and the slope/ natural environment required for the development. There is no actual assessment of any alternative site included. Again, given the scale and nature of the proposals, a sequential test proportionate to the proposals would be expected. The planning statement mentions the Tesco site in Merthyr Tydfil Town Centre, and then simply states that *“There are simply not sites within or on the edge of the town centre which are large enough or which meet these requirements.”* The approach taken towards the sequential test does not fully comply with Technical Advice Note 4: Retail and Commercial Development which states that *“Only when retail and commercial centres and edge of centre locations have been considered and found to be unsuitable can out-of-centre options within, and then outside, a settlement area be considered. Where out of centre sites are concerned preference should be given to brownfield sites which are or will be well served by a choice of means of transport and are close to an established retail and commercial centre.”* The planning statement does not consider any out of centre options, or alternative sites outside settlement boundaries.

Whilst the documents contained with the application do seek to address these issues regarding the principle of development, more detailed justification is required to demonstrate that the principle of locating the development on the proposed site is in accordance with the LDP. This issue is of particular importance given the scale, nature and location of the proposed development, and the sensitivity of the proposed site in regard to a number of constraints outlined further below.

In addition to the issues highlighted above in regard to the overall principle of development, there are a number of other constraints that will need to be carefully considered as part of these proposals.

A key constraint is the location of the development in relation to the Cwmglo and Glyndyrus Site of Special Scientific Interest (SSSI). The proposed indoor snow centre and access road for the development are located within the SSSI, with the majority of the remaining site boundary lying adjacent to the SSSI. Policy EnW2 clearly sets out the criteria that need to be satisfied in order to permit development affecting Internationally and Nationally Protected Sites and Species. The entirety of the site is located within the Rhydycar West Site of Importance for Nature Conservation (SINC) and Policy EnW3 sets out the criteria that need to be satisfied in order to permit development affecting local/regional designations such as SINCs. The views of the Council’s Ecologist and Natural Resources Wales will be critical in assessing the impact of the proposals on these designations.

Policy CW1 sets out how proposals will be assessed regarding their impact on the historic environment, with the aim of conserving and enhancing the integrity of our historic environment assets. Designated assets within the site boundary include two Scheduled

Ancient Monuments (SAMs) and a listed building, and there are a number of other designated assets in relatively close proximity to the site. Policy CW1 states that ***“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.”*** The proposals also impact on undesignated assets such as Urban Character Areas, and Policy CW1 states 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 site is situated within the Merthyr West Flank Special Landscape Area (SLA) and Policy ENW5 outlines the criteria against which development within SLAs will be assessed.

The site is also situated on a Primary Shallow Coal Resource, which is safeguarded in the RLDP, and this issue will need to be considered in the context of Policies EcW10 and EcW13.

There are also concerns in regard to the sustainability and accessibility of the proposals given the site's detachment from Merthyr Tydfil town centre and public transport links. It is therefore unclear if the proposals accord with *'Policy SW11: Sustainable Design and Placemaking'* of the LDP, and *'Policy 2: Shaping Urban Growth and Regeneration – Strategic Placemaking'* of Future Wales, particularly in relation to issues such as local context and effective integration with the wider locality.

The Council may also wish to seek further advice in regard to assessing the robustness of the Strategic Economic Benefit Report.