



FULL COUNCIL REPORT

Date Written	20 th December 2019
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Service Area	Planning and Countryside
Exempt/Non Exempt	Non Exempt
Committee Date	29 th January 2020

To: Mayor, Ladies and Gentlemen

Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016 – 2031: Inspector's Report and Adoption

1.0 SUMMARY OF THE REPORT

1.1 This report has been prepared to formally adopt the Replacement LDP as required by Regulation 25 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended). It advises Council of the Inspector's binding report on the Examination into the Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016 – 2031.

2.0 RECOMMENDATIONS that

2.1 The findings of the Inspector's binding report attached at Appendix 1 are noted and the Adoption of the Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016 – 2031 is approved.

2.2 The Chief Officer for Planning and Neighbourhood Services be authorised to make minor typographical or factual corrections, presentational changes or consequential amendments to the Replacement LDP arising from the Inspector's recommended changes in accordance with paragraph 1.9 of the Inspector's report.

2.3 The necessary arrangements are made to translate and publish the Replacement Local Development Plan, including making the Plan available on the Council's website and at deposit locations in accordance with the 2005 LDP Regulations (as amended), be approved.

- 2.4 Use of adopted Supplementary Planning Guidance (SPG) prepared to supplement the policies of the existing adopted LDP 2006-2021 as material considerations in the determination of planning applications is approved until they are replaced or otherwise withdrawn.

3.0 INTRODUCTION AND BACKGROUND

- 3.1 Councillors will recall that The Planning and Compulsory Purchase (PCP) Act 2004 (Section 62) requires all local planning authorities to prepare a Local Development Plan (LDP) for their area. Local authorities are also required to monitor and review their Development Plans. In 2016 the Council prepared a Review Report on the existing Adopted LDP (2006-2021) which concluded a full review of the Plan was necessary and this was accepted by Council on 20th April 2016.
- 3.2 The Replacement LDP was submitted to Welsh Government and the Planning Inspectorate for independent examination on the 21st January 2019 in order to determine whether the Plan satisfied the procedural tests and could be considered 'sound' in accordance with the Tests of Soundness.
- 3.3 In the course of its preparation, the Replacement LDP has progressed through the following key stages:
- Approval of Delivery Agreement (August 2016)
 - Pre-Deposit Participation and Call for Candidate Sites (September – December 2016)
 - Pre-Deposit 'Preferred Strategy' Consultation (July – October 2017)
 - Deposit Plan Consultation (July – September 2018)
 - Submission and Focused Changes Consultation (January – March 2019)
 - Examination in Public (March – December 2019)
 - Matters Arising Changes Consultation (September – October 2019)
 - Inspector's Report (December 2019)
- 3.4 Once adopted the LDP will be used to guide and manage development, providing a basis by which future planning decisions in the County Borough will be made. Upon adoption the Replacement LDP will formally replace the existing LDP 2006 – 2021.

4.0 EXAMINATION IN PUBLIC AND INSPECTOR'S REPORT

- 4.1 The Ministers of the Welsh Government appointed Planning Inspector Mr Paul Selby BEng (Hons) MSc MRTPI on 20 March 2019 to conduct the independent Examination in Public into the soundness of the Replacement LDP. Topic based hearing sessions were held between 25 June – 4 July 2019 and a further hearing session was held on 21 August 2019. In response to the matters and issues raised by the Inspector the Council proposed a series of Matters Arising Changes (MACs) to the Plan. A public consultation on the proposed MACs took place from 16 September to 28 October 2019. All duly made representations were considered by the Inspector and the Inspector's report was published on 17th December 2019.

- 4.2 The 2005 LDP Regulations (Section 25) require that the Council must adopt the LDP within eight weeks of receipt of the Inspector's Report. The report concludes that together with the binding recommended changes the Merthyr Tydfil Replacement LDP 2016 – 2031 satisfies the requirements of section 64(5) of the 2004 Act and meets the Welsh Government's tests of soundness.
- 4.3 A copy of the Inspector's report is attached at Appendix 1. The Inspector's recommended changes, needed to meet legal and statutory requirements and to ensure that the Plan is sound, are binding on the Council and are set out in the Appendix to that report. A non-technical summary of the report summarising the key changes made to the LDP as a result of the Examination is shown at page 1 of the Inspector's report.
- 4.4 All of the recommended changes are Matters Arising Changes proposed by the Council during the Examination in response to the matters and issues raised by the Inspector. The majority of changes relate to policy wording clarifications or the inclusion of additional detail provided to the Inspector during the Examination. With regards to site allocations, alterations to specific housing site allocations, including deletions and additions, have been made to reflect updated deliverability evidence and examination findings. This has included the removal of sites SW3.5 Erw Las, Gellideg and SW3.31 Cwmfelin, Bedlinog as allocations due to deliverability concerns, and the identification of new sites with existing planning consent to clarify the Plan's housing land supply and to ensure there is sufficient flexibility in provision. This relates to the allocation of sites SW3.36 P&R Motors, Pentrebach, SW3.37 Land South of Bryniau Road, Pant, SW3.38 Land North of Ty Llwyd, Incline Top and SW3.39 Y Goedwig, Edwardsville.
- 4.5 In conclusion, the Inspector's report at paragraph 10.8 found that *"the Plan's policies provide a comprehensive and sound basis for managing development within the County Borough over the Plan period. No other policies are necessary to achieve the Plan's objectives or mitigate potential effects identified in the Sustainability Appraisal or Appropriate Assessment"*. Consequently, no further changes to the Replacement LDP were recommended in the Inspector's report.
- 4.6 A limited number of MACs and minor changes are not the subject of a binding recommendation. These are not identified in the main body of the Inspector's report as they are not considered to be required for soundness but are minor changes that, for example, improve the usability of the final document. Such changes are unable to be recommended by the Inspector. The Council is authorised to make any necessary minor editorial changes to the Plan arising from the inclusion of the changes recommended for soundness (Inspector's report paragraph 1.9). This includes minor typographical corrections, consequential amendments or presentational changes required in the production of the final adopted version of the Replacement LDP.
- 4.7 A tracked changes version of the Replacement LDP Written Statement, illustrating the Inspector's binding changes and minor changes, has been included as a background paper to this report and can be viewed electronically. The minor changes required include consequential amendments in terms of policy and paragraph numbering and typographical corrections that have been identified in preparation of the final version of the Adopted Plan. Final composite versions of the

Replacement LDP Written Statement and Proposals Map are available to view in the background papers listed in this report. A separate Constraints Map illustrating various environmental designations in the County Borough that are identified outside the LDP process (i.e. by other legislation or other designating bodies) will be made available as a supplementary document alongside the Replacement LDP. A copy of the separate Constraints Map has been included in the background papers list.

- 4.8 In accordance with the LDP Regulations, the Council is required to publish an 'Adoption Statement' that includes statements detailing the Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) processes undertaken throughout plan preparation. This document is also available to view as a background paper.
- 4.9 A final version of the Sustainability Appraisal Report will be published alongside the Adopted Replacement LDP. The Deposit Plan SA Report has been updated to take account of the changes made to the Plan (incorporating the findings at subsequent stages such as at the Focused Changes and Matters Arising Changes stages). The final SA Report sets out a summary of the appraisal undertaken and the SA monitoring framework. This document is also available to view as a background paper.

5.0 NEXT STEPS: PLAN ADOPTION, MONITORING AND REVIEW

- 5.1 Following Council approval and in accordance with the LDP Regulations, notification of the Plan's adoption and the availability of documents will be published on the Council's website. Notification will also be sent to all consultees who have requested to be kept informed. The adopted Replacement LDP and associated documents will be published on the Council's website and made available to view at deposit locations.
- 5.2 Once adopted the Replacement LDP 2016-2031 becomes the statutory Development Plan for the County Borough (excluding Brecon Beacons National Park) and the existing LDP 2006-2021 will cease to have effect. From the date of adoption the Replacement LDP will be subject to a six week challenge period to the High Court provided under section 113 of the PCP Act 2004 and as referenced at paragraph 2.5 of the Adoption Statement.
- 5.3 Following the adoption of the Replacement LDP the Council must publish and submit to Welsh Government an Annual Monitoring Report (AMR) (LDP Regulation 37). The first AMR is required to be published by 31st October in the first full year following adoption (i.e. October 2021). This will assess the extent to which the Plan's strategy, policies and key site allocations are being delivered (i.e. whether the Replacement Plan is being implemented as intended).
- 5.4 As with previous AMRs, the reports will consider what action, if any, is required in line with the list of options summarised in the Plan's monitoring framework. This includes considering whether further training, additional/amended SPG, site development briefs or further policy research is required. Where monitoring indicators suggest that policies are failing to be implemented as intended, a policy review can be undertaken to consider what action may be required. Where there are

significant concerns that the Plan's strategy is unable to be delivered an early plan review could be triggered. Whilst trigger points for individual indicators alone may not require an early plan review, the monitoring and policy review processes available will inform future Plan reviews. In this respect, the Council must undertake a mandatory full Plan review 4 years following its adoption to ensure that the LDP remains up to date. This would take place in January 2024.

- 5.5 Members are advised that whilst a basic version of the Replacement LDP Written Statement will initially be made available (i.e. the final composite version of the Written Statement in the background papers list), a graphically designed version of the Replacement LDP Written Statement will be published and made available as soon as reasonably practicable following adoption. Web based interactive proposals and constraints maps will also be made available in addition to the fixed scale proposals and constraints maps (shown in the list of background papers). The final version of the Adopted Replacement LDP will be published in Welsh and English.

6.0 SUPPLEMENTARY PLANNING GUIDANCE

- 6.1 The Council has a number of adopted Supplementary Planning Guidance documents (SPGs) which were prepared to supplement the policies contained in the existing adopted LDP 2006-2021. In order to ensure conformity with the Replacement LDP policies, a review of this guidance will be carried out as soon as is practicable following adoption of the Replacement Plan. In the interim it is proposed that these will be carried forward for the use as material considerations in the determination of planning applications. This includes the following existing SPGs:
- Affordable Housing
 - Planning Obligations
 - Shopfront Design
 - Sustainable Design
 - Nature and Development
 - Householder Design
- 6.2 Additional SPGs have been proposed in the Replacement LDP and these will be produced within 2 years following adoption, in line with the Plan's monitoring and implementation proposals. This includes new SPG on Parking Standards and Landscape Design, Management and Protection.

7.0 FINANCIAL IMPLICATION(S)

- 7.1 Funding for the Replacement LDP was previously agreed by Council as part of the approval of the Delivery Agreement in 2016. Consequently, preparation of the Replacement Plan has been undertaken within this planned budget.

8.0 INTEGRATED IMPACT ASSESSMENT

	Positive Impacts	Negative Impacts	Not Applicable
1. Merthyr Tydfil Well-being Objectives	4 of 4	0 of 4	0 of 4
2. Sustainable Development Principles - How have you considered the five ways of working: <ul style="list-style-type: none"> • Long term • Prevention • Integration • Collaboration • Involvement 	5 of 5	0 of 5	0 of 5
3. Protected Characteristics (<i>including Welsh Language</i>)	10 of 10	0 of 10	0 of 10
4. Biodiversity	1 of 1	0 of 1	0 of 1

Summary:

The main positive impact(s) against:

- The **Well Being Objectives** are that the LDP will contain policies and land use allocations that help to create an environment where residents of the County Borough can enjoy the best start to life; and live/work in a healthy environment.
- The **Sustainable Development Principles** is that the entire strategy of the LDP is based on providing sufficient land to provide for the needs of the population of the County Borough over the next 15 years.
- The **Protected Characteristics** and **Welsh Language** is that the Plan will facilitate the delivery of services and infrastructure that can be used by all.
- **Biodiversity** are that the LDP contains a number of policies and land use designations that will directly assist in maintaining and enhancing biodiversity and ecosystem resilience in the County Borough.

There are no negative impacts identified.

JUDITH JONES
CHIEF OFFICER PLANNING AND
NEIGHBOURHOOD SERVICES

COUNCILLOR DAVID HUGHES,
CABINET MEMBER FOR PLANNING AND
NEIGHBOURHOOD SERVICES

Appendix 1 - Inspector's Report on the Examination into the Merthyr Tydfil Replacement LDP 2016 – 2031 (December 2019)

BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
1. Tracked Changes Version of the Replacement Deposit LDP Written Statement	January 2020	See background papers link
2. Final Composite Version of the Replacement LDP Written Statement	January 2020	
3. Final Composite Version of the Replacement LDP Proposals Map	January 2020	
4. Final Composite Version of the Replacement LDP Constraints Map	January 2020	
5. The Adoption Statement	January 2020	
6. Final Sustainability Appraisal Report	January 2020	
Does the report contain any issue that may impact the Council's Constitution?		No

Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.