

## **Representer Number 128**

### **Merthyr Mawr Community Council (MMCC) Submission to the Inquiry into BCBC RLDP 2018-2033**

#### **Continued Objection to allocation: Land South of Bridgend SP1(2) and COM 1(2) due to unsoundness.**

##### **Protection of Landscape**

**Planning Policy Wales TAN 24: The Historic Environment May 2017** states -

*Planning authorities should protect those assets included on the register of historic landscapes in Wales.*

Merthyr Mawr Landscape of Outstanding Historical Interest (LOHI) lies within 200 metres of SP2(2) Island farm and within 30 metres of Com1(2) Craig-Y-Parcau.

The land to the south contains many designations reflecting the huge heritage, biodiversity, and recreation value. Despite what the RLDP states regarding the sensitive landscaping of the southern edge of the development, 788 houses plus tennis academy cannot be merged into the historic landscape without a substantial buffer along the southern edge.

The RLDP has failed to acknowledge the following points regarding the immediate and wider setting. MMCC believes that this amounts to a dereliction of duties and erodes faith in its further management of the developments in relation to the historic, cultural and leisure context of this area. It indicates a lack of seriousness regarding the protection of the SLA, LOHI and multi designated landscape to the south. The points are:

- Impact that increased traffic would have on scheduled ancient monument/ grade 2\* listed bridge, both materially and eroding its context and value as a much loved and used heritage and recreation asset that contributes to wellbeing objectives.
- Lack of due consideration of the visual impact of a building the size of the Tennis Academy, (over 11 metres high, floor area approx. 100m X 80m), on

the SLA given the description in the Design and Access Statement, - *“The terrace is elevated above the external tennis courts which, due to the natural site slope, sit c1.2m lower. This sunny, southerly facing terrace..... offering spectacular views of the hills and valley leading to the coast beyond”*. This puts into question the rigorousness with which BCBC protects its landscape assets from visual intrusions.

- Much of the development site sits within HLCA 017 Ochr Draw and Island Farm This is not noted in the LDP.
- The Sustainability Appraisal (SD88) in “SA of Proposed Strategic Sites” cites 23 beneficial effects and no adverse effects for SP2(2)/Sp9(2) Island Farm.  
Adverse effects should include: SA9f – Proximity to LWS/SINC/LNCS, SA9i - Presence of valued habitats and features, SA9k – Agricultural land classification, SA13a – Proximity to Scheduled monument, SA13b – Proximity to listed buildings, SA13d – Effect on designated sites, SA14a – Proximity to SLA or Heritage Coast, SA9g – Potential effects on designated sites.
- COM1(2) adverse effects does not include the above despite lying within metres of the scheduled ancient monument/listed grade 2\* New Inn Bridge and Merthyr Mawr LOHI. Serious vehicular damage has been done to the scheduled ancient monument/grade 2\* listed New Inn Bridge on several occasions in recent years due to increases in vehicular traffic. Currently missing a third of its coping stones on one side, unrepaired for 6 months.
- The RLDP emphasises the active travel route/“green lung” which will be enabled through the adoption of this allocation. This already exists as a footpath also used by cyclists following the river, going under the A48 and reaching New Inn Bridge without stepping on a highway. Merthyr Mawr Estate informed us, when asked, that no approaches have been made by the council regarding any further enhancements. The proposed active travel route, for reasons of land ownership, would have to cross the A48 which would lead to a less safe and beneficial outcome. Increase in New Inn Road traffic resulting from SP1(2) would have a deleterious effect on already existing, if unformalized active travel route.
- A historic asset appraisal should have been undertaken given the Registered Park and Garden, LOHI etc, since a key sustainability issue in the

LDP review is *“the need to protect and enhance landscape character”* SA p16

### **New Inn Road Traffic**

New Inn Road is a de facto active travel route. The length increasingly used for active travel is the western end between New Inn Bridge (scheduled ancient monument) and junction to Merthyr Mawr. This is the route for walkers as well as cyclists from Bridgend town via Newbridge Fields recreation area and New Inn Bridge to Merthyr Mawr. At any time of year, but particularly school holidays and weekends, this is a busy route, used by many children. In the Summer the Dipping Bridge is intensively used by children for jumping, swimming and general recreation.

The traffic report for Island Farm has omitted the effects the increased traffic would have on New Inn Road as has the Transport Strategy for the LDP, which does however refer to rat-running as a means of minimising the effect of developments on the highway network. (SD95 Technical Note series p206 chapter 4 Additional Improvements Required and linked to Candidate sites). In accordance with BCBC nil detriment policy regarding traffic, it includes several upgrades to the A48 between Laleston and Waterton roundabouts.

- Probable 30mph speed limit along the stretch between Broadlands and Ewenny roundabouts.
- Enlargement of Broadlands roundabout,
- Signalised T-Junction at the entrance to Island Farm development,
- Changing Ewenny Roundabout to a signalised crossroad
- Possibility of lights at Picton roundabout (the acquirement of third party land is required to increase the roundabout capacity to achieve nil detriment). The nil detriment across related junctions is in comparison to the 2012 approved planning application for a stadium complex that got no nearer to being delivered than a construction entrance approved just prior to the reserved matters deadline. The stretch of A48 next to the development has a worse outcome than the consented development.

New Inn Road constitutes part of the positive experience of the Merthyr Mawr Heritage Area. In the Summer there can be upwards of 40 people, mainly kids, using the Dipping Bridge as a recreation area. The existing uses that contribute to the wellbeing of many local inhabitants, are incompatible with the increase in traffic resulting from the allocations and related increase in

signalised junctions on the A48. New Inn Road is a recreation area and will be a rat run. This will contravene many well-being objectives laid out in the Wellbeing of Future Generations Act 2015, including safety of pedestrians.

Amongst the tables of junctions demonstrating nil detriment (compared with the consented scheme) is a junction that will not exist for public use but will apparently have an increase in traffic of 104 vehicles per day. This puts into question the credibility of an assessment which is, not, in any case, based on real data since the 2008 application was never built. BCBC should not be using speculative data from 15 years ago to justify traffic increases whilst further stating that the development will result in improved traffic outcomes.

The predicted pcu during the AM rush hour period at Ewenny Roundabout for 2033 is 3030. The revised application for Island Farm, would add another 579pcu making an increase of over 20%. (Existing traffic baseline data 2021 suggests a possible underestimation. SD132 P27). This is in addition to the 6% increase in AM traffic volume resulting from the Bryntirion allocation. In terms of the experience of people travelling this road it is hard to imagine that a 26% increase in traffic will feel like nil detriment. The Transport Strategic Appraisal 6.3.4 states that, regarding Ewenny Roundabout, "All options resulted in a saturated or near saturated junction". It would be understandable and in keeping with the LDP Transport Strategy regarding rat-runs, if people sought to avoid the congestion and lights on this stretch of road by using New Inn Road as a rat run.

No note has been taken of the effect huge traffic increases at Ewenny roundabout during the Summer as it is a nexus for people seeking the coast at Ogmere and traffic and west to Porthcawl. Traffic monitoring on Ewenny roundabout for BCBC Transport Strategy was conducted on a single 12 hour period in October.

After exceeding NO<sub>2</sub> levels in 2009 and 2010 "in 2018 Ewenny roundabout was *monitored for nitrogen dioxide levels however it was subject to a number of challenges including data retrieval and power supply failures.... therefore has a resultant low data capture for the year..... The chemiluminescent NO<sub>x</sub> Analyser had a total data capture of 39.3% and the Met One E Sampler for PM<sub>10</sub> captured 44.1%.*"

MMCC questions whether the 2018 data is robust and whether the increase in traffic from these developments might cause the junction to exceed safe, legal limits and questions why this has not been modelled as part of the LDP.

**Policy ENV 7 (Natural Resource Protection and Public Health); “Development proposals will only be permitted where it can be demonstrated that they would not cause a new, or exacerbate an existing, unacceptable risk of harm to health, biodiversity and/or local amenity due to: air pollution”.**

### **Biodiversity**

In recent years Welsh Government has emphasised the embedding of biodiversity protection and improvement into the planning process from the beginning.

**Section 6 of the Environment (Wales) Act 2016-** *Public authorities must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystem. Further flesh was put on the bones of this legislation in 2021 regarding implementation.*

**Extent:** *to ensure mechanisms allow for the identification of potential habitat, the maintenance of existing assets and networks and promote the restoration of damaged, modified or potential habitat and the creation of new habitat..... planning decisions should incorporate measures which seek the creation, restoration and appropriate management of green networks and linkages between habitats and maintaining and enhancing other green infrastructure features and networks;*

**Condition:** *Ecosystems need to be in a healthy condition to function effectively, to deliver a range of important ecosystem services. Planning decisions should not compromise the condition of ecosystems. By taking an integrated approach to development, for example, which considers both direct and wider impacts and benefits it should be possible to make a positive contribution. Planning for the long term management of retained habitats is key to maintaining condition through for example, the use of planning obligations;*

**Connectivity:** *to take opportunities to develop functional habitat and ecological networks within and between ecosystems and across landscapes, building on existing connectivity and quality and encouraging habitat creation, restoration and appropriate management. The opportunities could include enlarging*

*habitat areas, developing buffers around designated sites or other biodiversity assets or corridors, including transport and river corridors.... which will strengthen the ability of habitats and ecological networks to adapt to change, including climate change.*

Also produced in 2021 the **Terrestrial and freshwater Resilient Ecological Networks: a guide for practitioners in Wales** – NRW, seeks to bring about a habitats network approach to reversing the bio-diversity collapse in Wales linking statutory sites e.g. Merthyr Mawr dunes (SSSI, SAC) and non-statutory sites e.g. Island farm SINC, connecting the **core areas** through an **intervening land-use matrix**. Stating *“When implementing a REN, the planning system is a major statutory instrument”*.

The SINC at Island Farm, to function properly as a habitat supporting 2 Priority 1 species, lesser horseshoe bats and dormice, needs to be in a healthy **condition**. The sustainability report states that most houses on island farm would be largish family homes. Consider the pressure of c3000 people with cats, dogs and street lighting so near the SINC. The effect on the SINC would be impossible to mitigate against effectively. In the absence of meaningful ecological advice and to remain compliant with legislation, the housing quantity must be reduced.

BCBC cites “over-riding need” to justify this housing allocation over the detrimental impacts it would have (and which the LDP has failed to effectively assess and mitigate), however the predominant need in the Bridgend area is for smaller social rent homes (947.9), intermediate need housing (965.85) during the LDP period, *housing market assessment p50 4.6.13*. If over-riding need is used as a justification for a housing allocation then the over-riding need should be made explicit in the LDP.

Regarding the effect of street lighting on lesser horseshoe bats, Emma Stone of Bats and research lighting project in “Bat Conservation International” states that the behaviour of lesser horseshoe bats are significantly more susceptible to light pollution than other faster flying bats. *“We documented dramatic reductions in activity of lesser horseshoe bats during all the illuminated nights .... demonstrated how artificial lighting disrupts the behaviour of lesser horseshoe bats. We found no evidence of habituation:”*.

Regarding **connectivity**, BCBC has neglected to give proper weight to how the SINC will be buffered from the impact of the housing development or how the

linkages across the landscape will be managed and enhanced both towards the LNR upstream and Merthyr Mawr SAC/SSSI downstream where it is known that lesser horseshoe bats also roost. The ecology report for the LDP references an ecology report submitted in 2009 for the previous application. Given the strengthening in bio-diversity legislation since then, this report is out of date.

BCBC Local biodiversity Action Plan states 2 of 3 risks to the Merthyr Mawr SAC are *1. Uncontrolled recreational access to the dune system and their vulnerable habitats and 2. Urban encroachment south of Bridgend.* The SAC/SSSI should be afforded stronger weighting in the RLDP given the European-wide importance.

To ensure the protection and enhancement of the SINC and implement a REN, BCBC needs to engage in a dialogue with Merthyr Mawr Estate, the predominant landowner to the south and west of the site, however to the knowledge of MMCC, this has not happened. To rely solely on the planning process, by which time pressures of affordability and trade-offs will come into play, eg. the Council's objective re. centralised heat network and car charging points for every house, primary school, replacement for Heronstone Special Needs school, A48 junction upgrades and possibly the funding for the Tennis Academy (although this has never been explicit), and weaken the council's ability to properly engage in the mitigation and enhancement measures outlined in the 2021 update of Section 6 and the Resilient Ecological Networks guide.

In England, the Environment Act 2021 mandated a 10% net gain in biodiversity for all new developments. The approach by Welsh Government has the same intent – *to deliver an overall improvement in biodiversity putting the emphasis on proactive consideration of biodiversity and wider ecosystem benefits within a placemaking context early in the design process.* **Welsh Government's Approach to Net Benefits for Biodiversity and the DECCA Framework in the Terrestrial Planning System CIEEM Briefing Paper September 2022.**

In 2019, Welsh Government's Chief Planner issued a letter to the Heads of Planning to explain how biodiversity enhancements should be secured as part of a development proposal stating that *.....development should contribute to and not erode biodiversity, ecosystem resilience and the ecosystem services of the site and wider ecosystem..... We want to move away from development and practices that damage biodiversity and then seek to mitigate that damage.*

There is no mention in the LDP as to how the net benefit will be achieved. BCBC has accepted a 14 year old survey in support of an entirely different development rather than engaging in a proactive dialogue regarding the bio-diversity enhancement of the SINC and its linkages to the wider ecosystem in accordance with REN guidelines. It was updated by a single walkover in March 2020. Given the high bio-diversity value of the SINC and the changes in legislation since 2009 requiring a 10% net gain in biodiversity and the fact that the housing development will entail a much increased pressure on the SINC since the people and pets will be there permanently rather than coming and going as re. previous application, there is a large question mark over how the development and the SINC will be able to sit together and whether BCBC has been stringent enough in its screening of the site from an ecological perspective.

The Sustainability and Environmental Evidence Division of WAG objected to the loss of BMV agricultural land in the approved application. This was countered by HD, saying that over 10 Ha of land would remain reversible since it was going to be under playing fields. The claim that the existing planning permission on the land means that there will be no loss of BMV land is therefore not entirely true.

### **Conclusions:**

- The passive approach and lack of engagement regarding Section 6, and the lack of HRA re. potential harm to SAC considering findings in BCBC LBAP (see above) etc. raises questions re. the deliverability of this site in the light of biodiversity and wellbeing legislation.
- Over-riding need is justified by the new Heronstone school and fulfilment of housing requirement close to Bridgend conurbation. The over-riding housing need in the Bridgend town area is for affordable 1 and 2 bed houses. The Sustainability Appraisal acknowledges most of the houses on Island Farm, for economic reasons, will be largish family homes. In the trade-off between adverse and beneficial effects of allocations, MMCC's view is that benefits have been "over-egged" and adverse effects, given high amenity, heritage and bio-diversity assets of the area, under acknowledged and provided for. Without a detailed, robust and up to date ecology appraisal 788 houses risks BCBC breaching biodiversity legislation.
- BCBC has sacrificed objectives around FGWA, Section 5.2.b

- That a well planted buffer of meaningful width along New Inn Road to mitigate the effects on visual amenity of the SLA etc. plus habitat degradation/fragmentation is not in the RLDP, indicates the scant attention BCBC pays to its duties re. special and historic landscape and biodiversity.
- If the allocation proceeds, a strategy to mitigate traffic pressures on New Inn Road, must be devised and implemented to fulfil well-being, active travel, and safety objectives. This could include a conversation re. decommissioning and reserving for active travel, some sections.
- Negative biodiversity impacts may be somewhat mitigated through a collaborative approach with Merthyr Mawr Estate and other stakeholders enabling the implementation of a REN.