



MAMHILAD

ENVIRONMENTAL STATEMENT

CHAPTER 3
PLANNING POLICY



Consultation Draft

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3 Planning Policy Context

3.1 Introduction

3.1.1 In assessing the acceptability of the proposals for the site in planning and environmental terms consideration has been given to the following:

- National Planning Policy
- Development Plan Policies
- Other Material Considerations

3.2 National Planning Policy

Planning Policy Wales (Edition 9) November 2016

Plan Led System

3.2.1 PPW outlines in paragraph 2.1.1 that the aim of the planning system is to make planned provision for an adequate and continuous supply of land to meet society's needs in a way that is consistent with sustainability principles. Paragraph 2.1.2 further outlines that up to date Local Development Plans are a fundamental part of a plan-led planning system. Planning applications must be determined in accordance with the adopted plan unless material considerations indicate otherwise as directed by Section 38(6) of the Planning and Compulsory Purchase Act 2004.

Sustainability Objectives

3.2.2 PPW outlines the Welsh Government's duty under the Well-being of Future Generations (Wales Act) 2015 to place the principles of sustainability and sustainable development at the heart of its decision making processes (paragraph 4.1.3 refers). Paragraph 4.2.1 confirms that the planning system is central to achieving sustainable development and paragraph 4.2.2 confirms that the planning system provides for a presumption in favour of sustainable development.

3.2.3 In contributing to the Well-being of Future Generations Act goals, paragraph 4.4.3 sets out a list of objectives that planning policies, decisions and proposals should deliver. They include:

- Promoting resource-efficient and climate change resilient settlement patterns which minimise land take and urban sprawl, especially through the reuse of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites;
- Play an appropriate role to facilitate sustainable building standards whilst maximising the use of renewable resources;
- Play an appropriate role in securing the provision of infrastructure to for the physical basis for sustainable communities;
- Contributing to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems;
- Promoting access to, inter alia, employment and community facilities, maximising opportunities for community development and social welfare;
- Respecting and encouraging diversity in the local economy.
- The location of development so as to minimise the demand for travel, especially by private car;
- Ensuring that all communities have sufficient good quality housing for their needs;

- Fostering improvement to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity.
- Fostering social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that the development is accessible by means other than the private car;
- Helping to ensure the conservation of the historic environment and cultural heritage;
- Positively contribute to the well-being of the Welsh language;

3.2.4 In respect of those policy objectives it is germane that the application to which this statement relates:

- involves the efficient use of an allocated site within the urban limits of Mamhilad including the conversion and re-use of existing listed buildings;
- will provide much needed good quality housing in association with a mixed use development providing employment, community, recreational and educational facilities to create a 'sustainable urban village'; and
- will create a number of new jobs during the construction and operation of the new village.

Natural Heritage

3.2.5 Chapter 5 of PPW refers to the importance of nature conservation, natural heritage and the protection of statutory designated sites when considering proposals for development. It is stated at paragraph 5.1.3 that 'a key role of the planning system is to ensure that society's land requirements are met in ways that do not impose unnecessary constraints on development whilst ensuring all reasonable steps are taken to safeguard or enhance the environment'. The application site is not located within a nationally or internationally designated ecological site. The site however lies in part close to the periphery of the Brecon Beacons National Park.

3.2.6 In respect of National Parks, paragraph 5.3.4 of PPW outlines that their purpose is to conserve and enhance their natural beauty, wildlife and cultural heritage and to promote opportunities for public understanding and enjoyment of their special qualities. Where it appears that there is a conflict between those purposes, greater weight shall be given to the first objective. The guidance goes on to state that National Parks must be afforded the highest status of protection from inappropriate developments.

3.2.7 PPW further outlines that the effect of a development proposal on the wildlife or landscape of any area can be a material consideration and, in order to achieve sustainable development, it is necessary to balance conservation objectives with the wider economic needs of local businesses and communities. PPW goes on to state that if development does occur it is important to ensure that all reasonable steps are taken to safeguard or enhance the environmental quality of land (paragraph 5.5.1 refers).

Historic Environment

3.2.8 Chapter 6 of the PPW, entitled 'Conserving the Historic Environment', provides policy for planning authorities, property owners, developers and others on the conservation and investigation of heritage assets. Overall, the objectives of Chapter 6 can be summarised as seeking to:

- preserve or enhance the historic environment, recognising its contribution to economic vitality and culture, civic pride and the quality of life, and its importance as a resource for future generations; and specifically to
- protect archaeological remains, which are a finite and non-renewable resource, part of the historical and cultural identity of Wales, and valuable both for their own sake and for their role in education, leisure and the economy, particularly tourism;
- ensure that the character of historic buildings is safeguarded from alterations, extensions or demolition that would compromise a building's special architectural and historic interest; and to

- ensure that conservation areas are protected or enhanced, while at the same time remaining alive and prosperous, avoiding unnecessarily detailed controls over businesses and householders.
- 3.2.9 The former Nylon Spinners factory situated on site is Grade II* Listed. Specifically, Chapter 6 of PPW states that where a development proposal affects a Listed Building or its setting the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses (paragraph 6.5.9).
- 3.2.10 In addition to the above, parts of the Monmouthshire and Brecon Canal to the west of the site located within the Torfaen administrative area are also designated as a Conservation Area. Paragraph 6.4.6 of PPW outlines that development proposals will be judged for their effect on the character and appearance of conservation areas, to ensure that any new development is in accord with the area's special architectural and historic interest. The guidance goes on to state that while the character or appearance of conservation areas must be a major consideration, it cannot prevent all new development.

Transport

- 3.2.11 Chapter 8 of PPW relates to transport issues and outlines that land use planning can help to achieve the objectives for transport through:
- Reducing the need to travel, especially by private car, by locating development where there is good access to public transport, walking and cycling;
 - Locating development near other related uses to encourage multi-purpose trips and reduce length of journeys;
 - Improving accessibility by walking, cycling and public transport;
 - Ensuring that transport is accessible to all, taking into account the needs of disabled and other less mobile people;
 - Promoting walking and cycling;
 - Supporting the provision of high quality public transport;
 - Supporting traffic management measures;
 - Promoting sustainable transport options for freight and commerce;
 - Supporting sustainable travel options in rural areas;
 - Supporting necessary infrastructure improvements; and
 - Ensuring that, as far as possible, transport infrastructure does not contribute to land take, urban sprawl or neighbourhood severance.
- 3.2.12 The document also outlines that Local Authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past; it confirms, therefore, that 'minimum parking standards are no longer appropriate' (paragraph 8.4.2 refers).

Housing

- 3.2.13 Chapter 9.1.1 explains that the Welsh Government's approach to housing is to provide more housing of the right type and to offer more choice; improve homes and communities, including the energy efficiency of new and existing homes; and to improve housing-related services and support, particularly for vulnerable people and people from minority groups.
- 3.2.14 In furtherance of these objectives paragraph 9.1.1 states that the Welsh Government will seek to ensure that previously developed land is used in preference to greenfield sites and that new housing and residential environments are well designed, meet national standards for the sustainability of new homes, make a significant contribution to promoting community regeneration, and improve quality of life.
- 3.2.15 PPW further outlines that Local Planning Authorities should promote sustainable residential environments which promote mixed tenure communities, are easily accessible by public transport, walking and cycling,

have good access to employment, retail and other services, have attractive landscapes with useable open space, are of a good quality of design, make the most efficient use of land and are 'barrier free' (paragraph 9.1.2 refers).

- 3.2.16 PPW further advises at paragraph 9.1.4 that Local authorities must understand their 'whole housing system' so that they can develop evidence-based market and affordable housing policies in their local housing strategies and development plans. They should ensure that development plan policies are based on an up-to-date assessment of the full range of housing requirements across the plan area over the plan period.
- 3.2.17 PPW also advises that new housing developments should be well integrated with and connected to the existing pattern of settlements (paragraph 9.3.1 refers).

Economic Development

- 3.2.18 Chapter 7 of PPW supports economic and employment growth alongside social and environmental considerations within the context of sustainable development. To this end, it advocates that local planning authorities should aim to facilitate the provision of sufficient land required by the market. In addition, wherever possible local planning authorities should seek to guide and control economic development to facilitate regeneration and promote social and environmental sustainability. In so doing, they should aim to:
- co-ordinate development with infrastructure provision;
 - support national, regional, and local economic policies and strategies;
 - align jobs and services with housing, wherever possible, so as to reduce the need for travel, especially by car;
 - promote the re-use of previously developed, vacant and underused land; and
 - deliver physical regeneration and employment opportunities to disadvantaged communities.
- 3.2.19 Paragraph 7.6.1 goes on to outline that local planning authorities should adopt a positive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:
- the numbers and types of jobs expected to be created or retained on the site;
 - whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment;
 - a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.

Infrastructure and Services

- 3.2.20 Chapter 12 of PPW advises that adequate and efficient infrastructure, including services such as education and health facilities along with water supply, sewers, waste management, energy supply and telecommunications is crucial for the economic, social and environmental sustainability of all part of Wales (paragraph 12.1.1).

Environmental Risks and Pollution

- 3.2.21 Chapter 13 of PPW relates to minimising and managing environmental risks and pollution. In relation to flood risk, the document outlines that development proposals in areas defined as being of high flood hazard should only be considered where:
- New development can be justified in that location, even though it is likely to be at risk from flooding; and
 - The development proposal would not result in the intensification of existing development which may itself be at a risk; and

- New development would not increase the potential adverse impacts of a flood event.

3.2.22 In respect of contaminated land, it is noted that planning decisions need to take into account:

- The potential hazard that contamination presents to the development itself, its occupants and the local environment; and
- The results of a specialist investigation and assessment by the developer to determine the contamination of the ground and to identify any remedial measures required to deal with any contamination.

Technical Advice Note 1: Joint Housing Land Availability Studies (2015)

3.2.23 The Welsh Government's revised and updated TAN 1 was adopted in January 2015. The TAN seeks to align the housing land supply and LDP monitoring processes and forms part of the Welsh Government's wider proposals to improve local delivery of the planning system as set out in its consultation paper 'Positive Planning'.

3.2.24 The TAN outlines, at paragraph 2.1, that 'The requirement to maintain a 5-year supply of readily developable housing land in each LPA across Wales remains a key planning policy requirement of the Welsh Government' and, at paragraph 6.2, that 'The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with national planning policies'.

3.2.25 In addition, the TAN proposes that only local planning authorities with an adopted LDP (or an adopted Unitary Development Plan that is still within the plan period) will be able to undertake a JHLAS calculation (using the residual methodology) and thus be able to demonstrate that they have a 5 year housing land supply. This approach is aimed at incentivising the preparation and adoption of LDPs.

Technical Advice Note 2: Planning and Affordable Housing (2006)

3.2.26 TAN 2 provides advice to Local Authorities about the delivery of affordable housing through the planning system. It defines affordable housing as 'housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers' (paragraph 5.1 refers).

3.2.27 The TAN also states at paragraph 5.4 that there is a strong presumption that affordable housing will be provided on application sites so that it contributes to the development of socially mixed communities. It, however, makes it clear that it is vital that local authorities understand their local housing market through having up-to-date Local Housing Market Assessments to enable them to develop sound and robust policies and strategies regarding the requirement for both market and affordable housing in their area.

Technical Advice Note 5: Nature Conservation and Planning (2009)

3.2.28 TAN 5 promotes biodiversity conservation through sustainable development and encourages positive planning for nature conservation within every appropriate development proposal. TAN5 requires local planning authorities to fully consider the effect of planning decisions on biodiversity, and to ensure that appropriate weight is attached to statutory nature conservation designations, protected species and biodiversity and geological interests within the wider environment. It also considers the potential biodiversity and geological conservation gains which can be secured within developments, including the use of planning obligations.

Technical Advice Note 11: Noise (1997)

3.2.29 Guidance on noise relating to planning for new developments in Wales is given in TAN 11. The TAN specifically seeks to ensure that noise generating development does not cause an unacceptable degree of disturbance on existing uses, and that noise-sensitive development is not located in areas which are, or are expected to become, subject to unacceptably high levels of noise.

Technical Advice Note 12: Design (2014)

3.2.30 TAN 12 was revised in July 2014 to remove the previous Code for Sustainable Homes (CfSH) and BREEAM planning policy requirements. TAN 12 provides advice on design considerations and, in relation to housing design, it advises that local planning policies and guidance should aim to:

- create places with the needs of people in mind, which are distinctive and respect local character;
- promote layouts and design features which encourage community safety and accessibility;
- focus on the quality of the places and living environments for pedestrians rather than the movement and parking of vehicles;
- avoid inflexible planning standards and encourage layouts which manage vehicle speeds through the geometry of the road and building;
- promote environmental sustainability features, such as energy efficiency, in new housing and make clear specific commitments to carbon reductions and/or sustainable building standards;
- secures the most efficient use of land including appropriate densities; and
- consider and balance potential conflicts between these criteria.

Technical Advice Note 15: Development and Flood Risk (2004)

3.2.31 TAN15 is concerned with the risk of flooding upon developments and seeks to direct new development away from areas which are at high risk of flooding (paragraph 3.1). The advice outlines that the planning authority will need to be satisfied that a proposal is justified and the consequences of flooding are acceptable (paragraph 3.4).

3.2.32 Appendix 1 of the TAN states that the prime objective of a flood consequences assessment is to develop a full appreciation of:

- The consequences of flooding on the development;
- The consequences (i.e. the overall impacts) of the development on flood risk elsewhere within the catchment for a range of potential flooding scenarios up to that flood having a probability of 0.1%.;
- The assessment can be used to establish whether appropriate mitigation measures can be incorporated within the design of the development to ensure that development minimises risk to life, damage to property and disruption to people living and working on the site or elsewhere in the floodplain; (paragraph A1.2).

3.2.33 In relation to new development within flood zone C1 or C2, it further advises that development within Zone C1 or C2 must be flood free in the 1% (1 in 100) annual chance event (including climate change), have acceptable consequences of flooding in the extreme [0.1% (1 in 1000) annual chance] event and must not cause flooding elsewhere.

3.2.34 TAN 15 also recognises that Sustainable Drainage Systems (SuDS) can be effective in any new developments to reduce the causes and impacts of surface water flooding with paragraph 8.2 stating that: "SuDS can perform an important role in managing run-off from a site and should be implemented, wherever they will be effective, in all new development proposals, irrespective of the zone in which they are located." Paragraph 8.3 goes on to say that "Development in one part of a catchment may increase run-off and hence flood risk elsewhere, therefore, the aim should be for new development not to create additional run-off when compared with the undeveloped situation, and for redevelopment to reduce run-off where possible. It is accepted that there may be practical difficulties in achieving this aim".

Technical Advice Note 18: Transport (2007)

3.2.35 TAN 18 states that sustainable development should be achieved through:

- integration of transport and land use planning;

- integration between different types of transport; and
 - integration of transport policy with policies for the environment, education, social justice, health, economic development and wealth creation. (Page 2 refers).
- 3.2.36 The TAN goes on to outline that the integration of land use planning and development of transport infrastructure can help the Welsh Government achieve its wider sustainable development policy objectives by:
- promoting resource and travel efficient settlement patterns;
 - ensuring new development is located where there is, or will be, good access by public transport, walking and cycling thereby minimising the need for travel and fostering social inclusion;
 - managing parking provision;
 - ensuring that new development and major alterations to existing developments include appropriate provision for pedestrians (including those with special access and mobility requirements), cycling, public transport, and traffic management and parking/servicing;
 - encouraging the location of development near other related uses to encourage multi-purpose trips;
 - promoting cycling and walking;
 - supporting the provision of high quality, inclusive public transport;
 - supporting provision of a reliable and efficient freight network;
 - encouraging good quality design of streets that provide a safe public realm and a distinct sense of place; and
 - ensuring that transport infrastructure or service improvements necessary to serve new development allow existing transport networks to continue to perform their identified functions. (Pages 2-3 refers).
- 3.2.37 Paragraph 3.2 of the TAN encourages local authorities to maximise relative accessibility. Accessibility is the relative ability to take up services, markets or facilities. Focusing on accessibility is important in addressing social exclusion and for maximising choice in services, employment and recreational opportunities.

3.3 Development Plan Policies

- 3.3.1 The development plan for the area comprises the Torfaen Local Development Plan (LDP) which was adopted in December 2013.
- 3.3.2 The proposals map outlines that the development site is allocated within the Mamhilad Strategic Action Area under Policy SAA4 of the LDP.
- 3.3.3 Policy SAA4 (Mamhilad Strategic Action Area, Pontypool) outlines that the Mamhilad Strategic Action Area is allocated for the construction of approximately 1,700 dwellings (690 dwellings to be delivered during the Plan Period), employment uses, re-use of the Grade II* Listed Building, neighbourhood centre, primary school, open space and recreation facilities as part of a mixed use scheme to create a sustainable urban village within a landscaped setting.
- 3.3.4 The policy justification included within policy outlines that the land provides a description of the site as comprising a 'derelict and operational industrial and office buildings and large areas of farmland totalling an area of approximately 72.65 hectares. The SAA is located to the north east of Pontypool and is situated between the A4042 dual carriageway and the Monmouthshire and Brecon Canal. The site is highly visible from the Canal and will require sensitive planning in order to provide an appropriate scheme for this area'.
- 3.3.5 The policy goes on to outline that the Council's vision for this SAA is the transformation of a dated employment area and surrounding land to a mixed-use sustainable urban village with links to the nearby key settlement of Pontypool in order to provide employment and housing opportunities and bring wider

regeneration benefits to the Pontypool area. Specifically the Council wish to see a development proposal comprising the following elements:

- Retention and enhancement of employment in the existing offices at Mamhilad Park and Parke-Davis which accommodate up to 1,500 people;
- Retention and conversion of the Nylon Spinners building to provide a new mixed use development opportunity including housing, office, leisure and professional services which respects the building and its setting and provides a sustainable reuse;
- Provision of up to approximately 1,700 dwellings (with 690 dwellings to be delivered during the Plan Period);
- Provision of a neighbourhood centre including local retail facilities;
- Provision of a primary school;
- Provision of open space and recreation facilities in accordance with the Fields in Trusts up-to-date benchmark standards;
- Provision of a through route for the site north to south that links to the A4042 trunk road and surrounding road infrastructure; and
- Provision of public transport, including pedestrian, cycle and bus routes. Any proposal must provide for the maximum amount of public transport that is practical in order to ensure that public transport is accessible for all. Public transport provision within the SAA must also link well and contribute to Pontypool Town Centre and the proposed Pontypool/New Inn Park and Ride/Share Scheme.

3.3.6 Other LDP Policies of relevance to the development proposals include:

- S2 Sustainable Development
- S4 Place Making / Good Design
- S7 Conservation of the Natural and Historic Environment
- BW1 General Policy - Development Proposals
- H4: Affordable Housing
- H5: Provision for Recreation, Open Space, Leisure Facilities and Allotments
- BG1 Locally Designated Sites for Biodiversity and Geodiversity
- HE1 Buildings and Structures of Local Importance

3.4 Other Material Considerations

3.4.1 Other guidance, relevant to the proposals includes:

- Mamhilad Urban Village Development Strategy which was prepared by RPS in support of the LDP allocation for the strategic development site within the Torfean LDP. The draft development brief has yet to be adopted by the Council. The development proposals included within this ES however accord with the development strategy for the site.
- Draft Monmouthshire & Brecon Canal Conservation Area Design Guide (2011) which provides a detailed description of the canal and information which underpins its Conservation Area Designation. The document has yet to be adopted by the Council.