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Ms Jeanette John  
Programme Officer  
Blaenau Gwent County Borough Council  
The Works Site  
Steel Works Road  
Ebbw Vale  
Blaenau Gwent  
NP23 6YL

May 30 2012

Your reference: ED.1  
Representor ID No: 80

Dear Ms John

**Comments on Council Analysis**  
**Summary of Representations (pages 462 – 469)**  
**Alternative Site reference: AS (N) 21**  
**Alternative Site name: Ty Pwdr**

Further to our recent telephone conversation and in the Inspector's 'Guidance Notes for Participants', I attach four hard copies of the responder's submission of further details (15 pages each) along with a list of all documents incorporated within and attached to this submission. All documentation has been provided within your deadline period which is 12 noon Friday 1 June 2012.

To assist in the Authority providing information to all necessary parties, the full submission (excluding paper plans) will be provided as attachments to an email and/or via a flash drive.

Yours sincerely



Ian Roberts



**RTPI**

mediation of space - making of place

**Documents relating to  
Comments on Council Analysis  
Summary of Representations (pages 462 – 469)**

**Alternative Site reference: AS (N) 21**

**Alternative Site name: Ty Pwdr**

**Representor ID No: 80**

Documents/Plans attached and/or incorporated within Representor's  
response (15 pages) to Authority's LDP Council Analysis  
relating to land at Ty Pwdr land – AS (N) 21

- **Figure 1** (incorporated within document) – Plan of Sites of Historical and Archaeological Interest
- **Appendix 1** (incorporated within document) – Memo dated 29/05/08 on archaeological matters
- **Figure 2** (attached to document) – Plan extract showing Gwent Wildlife Trust Habitats Survey
- **Figure 3** (attached to document) – 1/2500 Plan showing SINC boundary and Ty Pwdr development site
- **Figure 3A** (attached to document) – Plan and email explanation confirming ownership of land at Ty Pwdr and Greenmeadow Farm
- **Figure 4** (incorporated within document) – Plan produced by SEWBReC dated 14 July 2008 for Blaenau Gwent County Borough Council Candidate Site LDP screening showing Ty Pwdr section of site outside the SINC boundary

## **Comments on Council Analysis Summary of Representations (pages 462 – 469)**

**Alternative Site reference: AS (N) 21**

**Alternative Site name: Ty Pwdr**

### **1.0 Introduction**

1.1 A deliverable development for the 21<sup>st</sup> Century; affording the opportunity for individuals to construct bespoke housing to suit the needs of a modern lifestyle live/work/domiciliary family living.

1.2 The total area of Ty Pwdr amounts to 8 hectares. Of this, 1.3 hectares is put forward for the construction of 19 units covering house building, hard standings, carriageway, footpaths and gardens; 1.5 hectares being set aside for ecological mitigation and landscape compensation with the remaining 5.2 hectares staying as open space.

1.3 The delivery of this site at Ty-Pwdr will give an opportunity to the public to acquire individual plots of land and design/build high quality housing which will respect and enhance the built environment, modernize the housing stock and at the same time facilitate individual lifestyle choices.

1.4 The following comments address the Authority's analysis in relation to Ty Pwdr land and consider each pertinent section/paragraph in Summary of Representations pages 462 – 469.

### **2.0 Page 462 – Representations**

2.1 Contrary to the comments made by Mrs Y. Walker, unlike other allocations/proposed candidate sites; the representor has supplied all required details to meet the LDP process.

2.2 Comments on issues raised by the Countryside Council for Wales and Gwent Wildlife Trust are incorporated in detail in the following report.



### **3.0 Page 463 - Test of Soundness**

**3.1** The three comment forms (Objection, New Site and SA/SEA) addressed more of an array of the Tests of Soundness than the Authority has expressed in their summary. A précis of the responder's comments on the Test of Soundness are as follows:

**Test P1** – Contrary to the Authority's claim that the owner of Ty Pwdr land would be directly consulted as put forward in the 2007 Delivery Agreement Stage 1 – Pre Deposit Participation (regulation 14), no such consultation emerged.

**Test C1** – Omitted by Authority. Reference to area size of Ty Pwdr land is incorrect. Ty Pwdr land identified for development is only 2.8 hectares. By describing this land with Greenmeadow Farm land, the overall area has increased to 6.8 hectares. Such a factor has influenced the reasoning to reject Ty Pwdr as a candidate site.

**Test C2** – Planning Policy Wales (PPW) Edition 4 2011 has been insufficiently addressed by the Authority. It has not considered mixed uses which includes flexible workplace/dwellings.

**Test C3** – Omitted by the Authority. Wales Spatial Plan advocates new ways in promoting a sustainable approach in business and living. The Authority analysis fails to address the opportunity of flexible workplace/dwellings particularly within the concept of improving rail transport links in the region.

**Test C4** – Omitted by the Authority. The Plan does not have regard to the Community Strategy 'Making a Difference' which should have promoted guidance in PPW as mentioned in Test C2 above.

**Test CE1** – By allocating bespoke live/work units at the Ty Pwdr site, the opportunity is available to set out a coherent and effective strategy to meet national policy.

**Test CE2** – Strategy, policies and allocations are not realistic. They are not rigorous or robust and rely on dubious evidence base with regard to SINC boundary at Ty Pwdr.

**Test CE4** – The Plan is not flexible as it has not addressed live/work allocations as a potential shared housing/entrepreneurship solution to community needs.

#### 4.0 Page 464 - Council Response

#### 4.1 Policy Context – Planning Policy Wales (PPW) Edition 4 (February 2011)

The following provides a brief analysis/comment on paragraphs referred to in the above document and as put forward by the Authority in their summary.

The responder's comments (see italics below) also address other paragraphs.

PPW paragraph	Authority Summary and Respondents Comments
4.5.4	<p>The countryside must be preserved and where possible enhanced.</p> <p><i>The Authority has not always considered Ty Pwdr land as countryside otherwise they would have resisted previous site allocation/planning permission for residential development. A more appropriate description would be open land adjoining a settlement Also guidance does not prohibit development in rural areas as Section 7 – Supporting the Economy paragraph 7.2.6 promotes, where appropriate, mixed use development in or adjoining settlements.</i></p>
4.8.1	<p>Preference for use of redeveloped land over Greenfield sites</p> <p><i>This is a preference rather than a ban. Some development being advocated by Authority seems to relate to Greenfield sites.</i></p>
5.3.11	<p>Non statutory designation such as a SINC can add value to the planning process but should not unduly restrict acceptable development.</p> <p><i>The designation from candidate SINC to SINC; the amalgamation of Greenmeadow Farm and Ty Pwdr land and the confusion as to biodiversity elements within such land tracts should not restrict acceptable development capable of mitigating ecological issues.</i></p>
9.3.3/9.3.4	<p>Housing Development should not damage an area's character/amenity</p> <p><i>Allocation of residential and/or a live/work scheme would not damage the environment. The site has been allocated in the past and mitigation measures would ensure biodiversity interest remains. As advocated in previously supplied plans, the incorporation of over 500 metres of new hedgeline, 80 broad leaf trees and public access to such areas, will enhance the environment</i></p>
9.2.22/9.3.6	<p>New houses away from settlements must be strictly controlled. Sensitive infilling/extensions to isolated groups may be acceptable.</p> <p><i>The paragraphs referred to by the Authority are more applicable to development within open countryside divorced from settlements. The Ty Pwdr site abuts the urban conurbation and cannot be reasonably considered as countryside. Otherwise, why would it have been allocated in the past!</i></p>



**4.2 Page 465 - The site should be included in the Plan for residential or live/work units (Mr I Roberts)**

The site was not assessed as a stand alone Candidate Site contrary to Council assurances. Planning issues have been addressed and an updated ecological assessment provided in June 2011 and on Drawing 5016/11

**4.3 Page 465 – Planning Issues**

The Councils acknowledges that the Candidate site submission:

- was on land wholly owned by the representor
- is within 400m of communal facilities and public transport access points
- is allocated in the UDP.

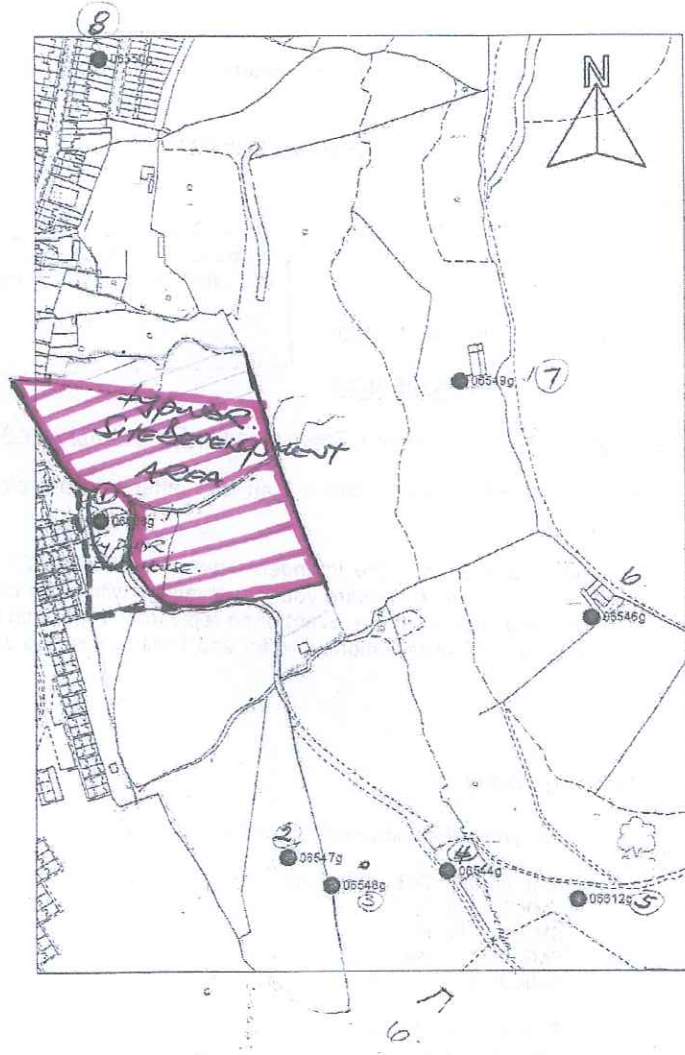
4.4 The Authority's assessment should have been on the Candidate Site alone and not combined with adjoining Authority's owned land. Former process would have indicated viability and deliverability of candidate site.

4.5 In relation to the UDP allocation, the combined representor (Ty Pwdr) and Authority owned land (Greenmeadow Farm) has been allocated for residential development since 1993. A number of consents for development were issued but in 2009, renewed consent for 73 units (application reference C/2008/0229) was refused on the combined site.

**4.6 Sites of Historical and Archaeological Interest**

Part of the Authority's concerns related to archaeological features which they insist relate to the Ty Pwdr site development area. This is incorrect. There are no archaeological features at Ty Pwdr as can be depicted at Figure 1 below with the black dots/numbers representing location of particular archaeological features.

**FIG 1**  
 SITES OF HISTORICAL & ARCHEOLOGICAL INTEREST  
 DUTCH-3754



Appendix 1

## Memorandum / Memorandum

To: Leisure

From: Head of Planning Control

Plan No. 20080229

Date: 27 May, 2008

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION FOR PLANNING PERMISSION

PUBLIC PROTECTION DIVISION  
PLANNING CONTROL SECTION

30 MAY 2008

PROPOSED DEVELOPMENT AT: Ty Pwdr/Green meadow Farm Cwmtillery Abertillery.

I enclose herewith an application form, location plan and other relevant plans for your information.

Please forward your observations upon the intended development within 21 days of the date of this memo. If you are unable to forward your observations within this period, please inform me when they will be available. In the event of no reply from you within that period it will be assumed that you have no observations to offer and I will proceed to determine the application.

Yours faithfully  
Eirlys Hallett  
Deputy Head Of Planning Control

This proposal would directly affect five recorded archaeological sites, namely:

### OBSERVATIONS

SMR 06608g Ty Pwdr Farmhouse ①  
SMR 06547g Post-Medieval air-shaft ②  
SMR 06548g Post-Medieval coal level ③  
SMR 06549g Post-Medieval structure ⑦  
SMR 06613g Post-Medieval structure and yard ⑤

There are also 15 other recorded archaeological features in the general area. The area that is the subject of the application represents a rare survival in the Borough of a pre-industrial, agricultural landscape. The original pattern of managed woodland, field boundaries, tracks and farm-buildings is largely intact and the proposed development would have a detrimental effect on its historic landscape character. This would seem to present a *prima facie* case for refusal of consent.

However, in order for an informed decision to be made, the applicant should be required to carry out a full archaeological desk-top assessment, field evaluation and landscape character assessment prior to determination. The results of these studies should inform the determination and be used for the formulation of a mitigation strategy to deal with the damage to the archaeology that could be caused by the proposed development.

Gwent Archaeological Trust  
01992 655202

Signed.....

Dated...29/05/08.....

4.7 With the assistance of Gwent and Glamorgan Archaeological Trust (G & GAT), the responder produced a Survey and drawing (Figure 1 above) showing eight sites of Historical and Archaeological Interest in the general



area surrounding the development site. In addition the attached 1920 Ordnance Survey Map (Figure 2) indicates the development site limit and interesting historical features outside the limit.

#### Archaeological Site Numbers

- (1) SMR06608g\*Ty-Pwdr Farmhouse
  - (2) SMR06547g\*Air Shaft (post medieval)
  - (3) SMR06548g\*Pullingers Coal Level (post medieval)
  - (4) SMR06544g Greenmeadow Farmhouse
  - (5) SMR06612g\*Structure and yard (post medieval)
  - (6) SMR06546g Sheepfold
  - (7) SMR06549g\*Sheepfold
  - (8) SMR06550g Structure Oak Cottage?
- BG243\* No details on database

*\* identified by BGCBC Heritage Officer.*

4.8 During the course of processing the 73 unit development, a memo response (Appendix 1 above) was received from the Authority's Heritage Officer who observed that the proposal would affect 5 recorded Archaeological Sites.

4.9 However, as the development site boundary has been amended to cover Ty Pwdr land only, none of these five sites or others located by the G & G A Trust fall within the proposed development area. In addition, as there are no tracks running through Ty-Pwdr with the managed woodland and field boundaries being retained and enhanced by further planting; the proposed development will preserve and promote the historic landscape character. Indeed the field patterns retained are ostensibly identical to those shown on the Plan at Figure 3.

4.10 In light of the significant reduction in the proposed development area with no archaeological features within Ty Pwdr land alone, it is assumed no archaeological objection can be raised.

#### 4.11 Post Refusal of Planning Permission for 73 dwellings

Although the subsequent Section 78 appeal was dismissed, the Inspector advised the submission of a fresh application for the representor land only. (See Inspector's decision notice Schedule E Article 8 paragraph 6). Pre application discussion was attempted although to the owner's chagrin, no meeting occurred. However an assurance was provided that Ty Pwdr would be a candidate site within the LDP as confirmed by previously provided documentation - Schedule F Article 18. This was misleading as the outcome was a combined site **rather than Ty Pwdr land alone**.

4.12 Regarding the SINC designation, it is submitted that consideration of Ty Pwdr land alone would have provided a different outcome as exemplified by the ecologist's amended June 2011 and Drawing 5016/11 assessment. Consequently the Authority's approach is flawed. There is a distinction between both parcels of land as exemplified by Table 1 below. Moreover disturbance to any biodiversity features within the Ty Pwdr land could be offset during the construction process by an ecological management plan.

**TABLE 1: Landscape Feature Distinction**

	<b>Ty Pwdr Land</b>	<b>Greenmeadow Farm land</b>
<b>Features</b>	<ul style="list-style-type: none"> <li>• Bounded to west by retaining wall/access carriageway (Hilcrest housing)</li> <li>• Retained beech woodland to east</li> <li>• Retained stream/mixed woodland to north</li> <li>• Habitable farmhouse</li> </ul>	<ul style="list-style-type: none"> <li>• Ancient hedgerow</li> <li>• 3 metre wide bridleway running east/west</li> <li>• Derelict Farmhouse</li> <li>• Sheepfold</li> <li>• Presence of archaeological features</li> </ul>

	<ul style="list-style-type: none"> <li>• Existing stream running east/west</li> <li>• No presence of archaeological features</li> </ul>	
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#### **4.13 Page 465 - 468 - Ecology View**

Prior to commenting on the Ecology analysis put forward by the Authority, it should be noted that two surveys were commissioned to ascertain the extent of the main wildlife habitats within the area. These surveys were prepared to provide direction with regard to informing the considerations relating to the residential planning application covering both Ty Pwdr and Greenmeadow Farm land.

4.14 The initial detailed survey was carried out by Gwent Wildlife Trust (GWT) in November 1991 and an extract of the survey area is attached at Figure 2. This extract plan regarding Ty Pwdr land (superimposed by responder's proposed development features) was GWT's systematic approach to identifying habitats and their findings and concerns were addressed in submitted architectural plans at the time. This action can be confirmed by the previously supplied document - Schedule C Article C6 item 8.

4.15 Further survey work undertaken by David Clement Ecology Ltd and explained in the previously supplied November 2009 and June 2011 reports, addressed the varying SINC status of land at Greenmeadow Farm and Ty Pwdr. Mitigation measures were advocated to offset impact on SINC indicators.

4.16 Although GWT object to development on the site as it is designated as a SINC, the representor concerns challenge the process as to how such SINC status emerged.



4.17 Even though the Authority puts forward criteria as to why the SINC was designated, procedures advocated in TAN 5 under paragraph 5.5.2 seem not to have occurred namely:

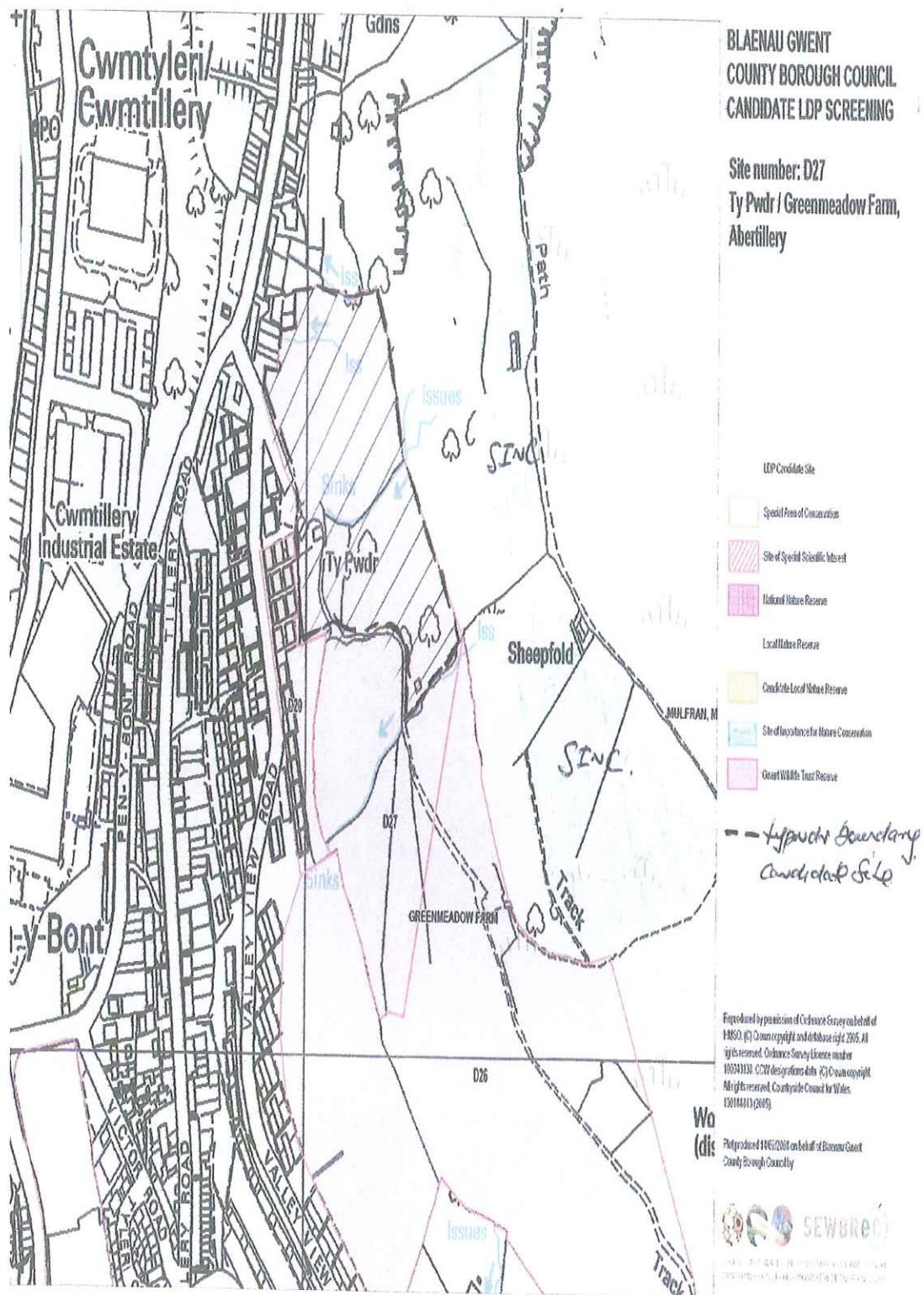
- "the process of designating and maintaining the site should be transparent with records and assessments publicly available....." and
- "Developers should be able to identify how their proposals may affect the interests for which the sites are designated (either positively or negatively) and where relevant, how the sites contribute to wider ecological networks or mosaics".

4.18 Of particular relevance is:

- the September 1998 survey (previously supplied Schedule C Article C5A) only related to elements at Greenmeadow Farm
- Was a new SINC survey undertaken post September 1998? As the SINC document (Schedule C Article C5A) is signed 15 January 2008, the original survey seems not to have been modified. It has just been reused as opposed to being reconsidered. As such why has Countryside Council for Wales (CCW) now objected to the Ty Pwdr development as previously when a consultee in June 2008 to the 73 unit housing, no objection was raised providing appropriate ecological and landscape measures were put in place. The revised proposed 19 units provides for such measures. Moreover, CCW recognised in their email response dated 26 June 2008 (Schedule J Article 13A) to the Authority that the SEWBreC report did not identify any important habitats or protected species on the 73 unit development site.
- SINC notification sketch map (Schedule C Article C5A) unclear and Responder's attached Figure 3 and Figure 3 A provide a clearer distinction between Greenmeadow Farm and Ty Pwdr land.
- Ty Pwdr land is excluded from candidate SINC boundary as identified by South East Wales Biodiversity Records Centre survey in July 2008. See Figure 4 below

- When did the candidate SINC become an approved SINC? No transparent procedure confirming such action has been produced by the Authority.
- Incorrect identification of certain wildlife species pertinent to Ty Pwdr.

Figure 4





4.19 It is imperative that robust clarification is provided by the Authority as to whether the required SINC adoption process was undertaken correctly; whether Ty Pwdr land has been incorrectly identified as a part of Greenmeadow Farm SINC and, recognition that there is no presence of badger setts and bat roosts at Ty Pwdr. This aspect has been highlighted in previously supplied documents attached at Schedules G and H.

4.20 It is considered that post allocation of the Ty Pwdr land for residential and/or work/live development, a scheme for 19 units (not 20 as mentioned by Authority) could be reasonably achieved. This is exemplified by the removal of housing plot 10 as indicated on Drawing No 5016/11 which GWT's 1991 habitat survey (attached Figure 2) identified under categories 3, 3a, 3b and 3c which had an extensive array of unimproved grassland, woodland micro – habitat community and diverse flora with several species not found elsewhere in the survey area. Omission of such a tract of land would enhance and not undermine the habitats in and around the development area. Consequently, designation of Ty Pwdr land and subsequent planning consent for mixed use or residential development would be acceptable with the imposition of mitigation measures. The proposed 19 unit scheme already self imposes such reasonable mitigation measures including retention of streams (only being culverted for road access), retention of wildlife habitats, planting new hedgelines and broad leafed trees.

4.21 In essence, the stand alone Ty-Pwdr development with the removal of Plot 10 justifies its omission on biodiversity grounds from the adjoining SINC land.

#### **4.22 Page 468 – Countryside and Landscape View**

The Ty Pwdr land has been recognised as being capable of development throughout the 15 years of previous planning consents. The landscape has remained as such and the Authority has not explained what critical LANDMAP criteria has emerged to now prevent development on such grounds and incorporate this land within a Special Landscape Area.

The representor has addressed landscape and visual impact issues. The previously supplied Drawing 5016/11 and landscape compensation arrangements (Schedule G) provide an insight into how development would integrate into the landscape. In comparison many of the other schemes approved within the Candidacy Site procedure, such as adjoining Hillcrest View' (reference: D20) do not even have the benefit of geomorphologic, geological or ecological input and might well ultimately be unsuitable for development once full investigation has occurred.

#### **4.23 Page 468 – Environmental Health View**

If as the Authority purports that there is evidence of contamination, why did such information not emerge during previous planning applications? No reference was made to such issues in the refusal notice (C/2008/0229 issued 2 April 2009) to residential development covering both Ty Pwdr and Greenmeadow Farm. A detailed explanation is required from the Authority as to why this criterion is being now presented as part justification to the non allocation of the site.

4.24 That aside, the site assessment proforma completed by Environmental Health relates to Greenmeadow Farm which has issues relating to leachate and land reclamation. No separate assessment has been undertaken for Ty-Pwdr by the Authority.

4.25 As exemplified by the previously provided correspondence (Schedule C Article C6 Item 3), the Ty-Pwdr site has been the subject of extensive ground investigation. 9 boreholes to depths of 11-19 metres and 7 trial pits to depths up to 4 metres were undertaken supervised by Dr. John Forbes the head of geology Rendal Palmer and Tritton and the responder, Mr. Idris Watkins a science graduate chartered engineer and member of the Institution of Civil Engineers.

4.26 No indication of disturbance existed in any of the samples which exhibited 300mm of topsoil overlying up to 4.2 metres of sandy gravel, 3.3



metres of weathered mudstone and 3-11 metres of weathered sandstone. No evidence existed of visual or sensory contamination in any of the samples.

4.27 Subject to planning consent being obtained for development of the site, a chemical analysis will be undertaken by Terra Firma of Cardiff.

#### **4.28 Page 468 – Highways View**

Recognise that access to the site can be achieved

#### **5.0 Page 468 - Comment on the SA/LDP Strategy**

5.1 Contrary to the comments put forward by the Authority, no assessment has been made with regard to live/work units and consequently the LDP strategy is flawed. The issue has not been addressed by the Authority and consequently contrary to guidance in PPW Edition 4. The Planning Inspector has already raised this anomaly in the Draft Hearing Programme in the questions presented for the Day 2 Housing Session.

#### **6.0 Page 469 – LDP Strategy**

6.1 The allocation of Land to deliver sustainable regeneration needs to be questioned. The Authority is seeking support to its flawed approach. It is not comprehensive. It has confused the SINC at Greenmeadow Farm with Ty Pwdr land. It has failed to consider planning history, the proximity of the site to transport initiatives, live/work schemes and pending discussion on the removal/retention of other housing allocations, may not have sufficient land to meet their vision.

#### **7.0 Conclusion**

Evidence has been presented above as to the Authority's flawed approach in not considering Ty Pwdr as a candidate site. Development for either 19 live/work, residential or a mixture of such uses would be sustainable, retain biodiversity issues, preserve the environment and provide development in accord with Government vision. Allocation of the site should be supported.



Fig 2.

TYPNOR FARM,  
HABITATS VEGETATION RECORDED PLANT SPECIES  
Gwent Wildlife Trust.  
SURVEY REFERENCE PLAN. FIG 2.





A large plan has also been submitted with this submission which can be viewed at the General Offices, Steel Works Road, Ebbw Vale, in the Examination Library.