



Llythyr Egluro Polisi at:

Awdurdodau Cynllunio Lleol yng Nghymru:

- Prif Swyddogion Cynllunio
- Swyddogion sy'n Arwain ar Gynlluniau Lleol

Copiau at:

- Dderbynwyr Targed (Cyngor Cefn Gwlad Cymru, Asiantaeth yr Amgylchedd Cymru, Cadw, Arolygiaeth Cynllunio Cymru, Cymdeithas Llywodraeth Leol Cymru, Cymdeithas Swyddogion Cynllunio Cymru, y Sefydliad Cynllunio Trefol Brenhinol yng Nghymru, Cymorth Cynllunio Cymru)

Ein cyf : Our ref **CL-01-2010**
(APAA-08-33-004)

Dyddiad : Date 19 Ionawr 2010

Annwyl Gyfaill

Llythyr Egluro Polisi

Cynlluniau Datblygu Lleol – Y Weithdrefn ar gyfer Cynnal Arfarniadau o Gynaliadwyedd, gan Ymgorffori Asesiad Amgylcheddol Strategol, mewn perthynas â Sylwadau a Gyflwynir am Safleoedd a Ddyrannwyd

Mae'r llythyr egluro polisi hwn yn cael ei gyhoeddi o ganlyniad i'r llythyrau amgaeedig dyddiedig 30 Tachwedd 2009 ac 11 Ionawr 2010 oddi wrth Gyngor Cefn Gwlad Cymru at Mr Hywel Wyn Jones, yr Arolygydd Cynllunio a benodwyd i archwilio Cynllun Datblygu Lleol Merthyr Tudful.

Hoffwn gadarnhau'r canllawiau cenedlaethol mewn perthynas â chynnal Arfarniadau o Gynaliadwyedd, gan ymgorffori Asesiad Amgylcheddol Strategol, ar gyfer y cam Safleoedd Amgen. Mae'r canllawiau hynny i'w gweld yn y ddogfen Cynlluniau Datblygu Lleol Cymru (Rhagfyr 2005) ac yn y Llawlyfr ar Gynlluniau Datblygu Lleol (Mehafin 2006).

Yn unol â Rheoliad 20 o Reoliadau Cynllunio Gwlad a Thref (Cynlluniau Datblygu Lleol) (Cymru) 2005, rhaid i awdurdod cynllunio lleol hysbysu am unrhyw sylwadau a ddaw i law am y safleoedd a ddyrannwyd. Mae Hysbysiad Enghreifftiol yn Atodiad D i'r Llawlyfr ar Gynlluniau Datblygu Lleol. Er mwyn sicrhau bod pawb yn gwbl glir yn hyn o beth, **rydym yn cyngori bod awdurdodau yn mynd ati, yn ystod y cam hwn, i hysbysu'r cyrff amgylcheddol penodol y mae'n ofynnol ymgynghori â hwy o dan Reoliadau**



Asesiadau Amgylcheddol Strategol 2004 (h.y. Cyngor Cefn Gwlad Cymru, Asiantaeth yr Amgylchedd Cymru a Cadw), ynghyd â rhanddeiliaid a'r cyhoedd yn gyffredinol, bod gwybodaeth sy'n ategu arfarniad o gynaliadwyedd wedi'i chyflwyno gan rywun sydd wedi cyflwyno sylwadau am safle a ddyrannwyd yn y Cynllun Datblygu Lleol a adnewydd. Mae'n hanfodol bod y cyrff amgylcheddol y mae'n ofynnol ymgynghori â hwy yn cael cyfle i gyflwyno sylwadau am arfarniadau o gynaliadwyedd, a hynny er mwyn sicrhau bod yr Arolygydd a benodir i archwilio cynllun wedi cael yr wybodaeth briodol, ac fel y bo modd cydymffurfio ag unrhyw Reoliadau perthnasol sy'n ymwneud ag Asesiadau Amgylcheddol Strategol.

Yn achos yr awdurdodau hynny sydd wedi cyflwyno Cynllun Datblygu Lleol eisoes, bydd yr Arolygydd a benodwyd i'w archwilio yn penderfynu ar unrhyw gamau posibl y bydd angen eu cymryd. Ym mhob achos, mae'r archwiliad yn gyfle i'r Arolygydd ofyn am ragor o wybodaeth os yw o'r farn bod hynny'n angenrheidiol, gan gynnwys gofyn am ragor o waith ar yr arfarniad o gynaliadwyedd.

Caiff y canllawiau cynllunio cenedlaethol eu cydgrynhoi maes o law er mwyn cynnwys y cyngor yn y llythyr hwn.

Os oes gennych unrhyw ymholiadau, mae croeso i chi gysylltu â'r Tîm Cynlluniau Datblygu (manylion isod).

Yn gywir



Rosemary Thomas

Prif Gynllunydd / Dirprwy GHfarwyddwr
Adran yr Amgylchedd, Cynaliadwyedd a Thai
Llywodraeth Cynulliad Cymru

amgaaedig

Cynlluniau, Rheoli a pherfformiad	
<i>Mark Newey – (Cyd-bennaeth y gangen)</i>	<i>029 2082 3732</i>
Gorllewin a De Cymru	Gogledd a Chanolbarth Cymru
<i>Elaine Ancrum 029 2082 3710</i>	<i>Robert Newton 01492 542102</i>
<i>Hywel Butts 029 2082 1619</i>	<i>Heledd Cressey 01492 542108</i>
<i>Emma Gladstone 029 2082 3734</i>	
-----	<i>029 2082 3713</i>
<i>Carole Morgan</i>	<i>029 2082 6956</i>



Cyngor Cefn Gwlad Cymru Countryside Council for Wales

CADEIRYDD/CHAIRMAN: JOHN LLOYD JONES OBE

Anfonwch eich ateb at/Please reply to:

Ms K Maddock Jones
Llinsell Union/Direct Line: 01792 634980
Ffacs/Fax: 01792 464245
Eboost/email: km.jones@ccw.gov.uk

PRIF WEITHREDWR/CHIEF EXECUTIVE: ROGER THOMAS

Rhanbarth Gorllewin Cymru /West Wales Region
Llys Tawe /Llys Tawe
Heol y Bream/King's Road
ABERTAWE /SWANSEA
SA1 8PG

Mr Hwyl Wyn Jones
Planning Inspector
Merthyr LDP Examination
C/O The Programme Officer
RF 24, Orbit Business Centre
Rhydycar Business Park
Merthyr Tydfil
CF48 1DL

Our ref:C.09.94.07/KMJ/JH

30 November 2009

Dear Mr Jones

**MERTHYR TYDFIL LOCAL DEVELOPMENT PLAN:
SEA OF ALTERNATIVE SITES PROPOSED BY OBJECTORS:
THE ENVIRONMENTAL ASSESSMENT OF PLANS AND PROGRAMMES (WALES)
REGULATIONS 2004**

As referred to in the opening session of the plan on the 24th November, the Countryside Council for Wales (CCW) has recently been made aware of an SA, incorporating SEA, which has been prepared for the Rhydycar West site by Nathaniel Lichfield and Partners (NLP) on behalf of Merthyr Village Ltd. It is our understanding that the report was prepared to update the SA/SEA prepared by Enfusion for the Council, and submitted to the Council in March 2009.

Although an environmental report for a SA/SEA has been prepared, it appears that the procedures set out in the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (SEA Regulations), for consultation with the consultation bodies and public consultees, have not been followed. Specifically, the preparation of the SEA appears to be in breach of Regulations 12(5), 13(2)(a), and 13(2)(d). It also appears that the applicants have not complied with the requirement to consider alternatives as part of the SEA, Regulation 12(2)(b). Without compliance with the SEA Regulations and demonstration as to how the site conforms with the LDP strategy, this part of the plan is likely to be in breach of the SEA regulations, and therefore fail test of soundness P2.

A judgment in the High Court, in England, in May 2009, has emphasised the need, in SEA, to ensure that the significant environmental effects of reasonable alternatives are identified, described and evaluated, as well as the effects of the policies and proposals adopted in the plan or programme. In view of this judgement, given that the Council had assessed the Rhydycar West site and alternatives to it and on the basis of that assessment deleted the site from the LDP, if the site is to be reintroduced into the LDP, the significant effect of it and any realistic alternatives to it should be fully assessed.



Gofalw am natur Cymru - ar y tir ac yn y môr - Caring for our natural heritage - on land and in the sea
Merthyr LDP SEA Hwyl Wyn Jones 30.11.09
Prif Swyddfa/Headquarters

MAES-Y-FFYNNON, PENRHOSGARNEDD, BANGOR LL57 2DW FFÔN/TEL: 01248 385500 FFACS/FAX: 01248 355782

<http://www.ccw.gov.uk>



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ABERTAWE /SWANSEA
SA1 8PG

Mr Hywel Wyn Jones
Planning Inspector
Merthyr LDP Examination
C/O the Programme Officer
RF 24, Orbit Business Centre
Rhydycar Business Park
Merthyr Tydfil
CF48 1DL

Our ref: KMJ/JH

11 January 2010

Dear Mr Jones

**MERTHYR TYDFIL LOCAL DEVELOPMENT PLAN:
STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) OF ALTERNATIVE SITES
PROPOSED BY OBJECTORS:
THE ENVIRONMENTAL ASSESSMENT OF PLANS AND PROGRAMMES (WALES)
REGULATIONS 2004**

Further to our letter of the 30th November concerning the SEA of sites and the Merthyr Tydfil Local Development Plan (LDP), CCW have now obtained further clarification regarding the role of the applicant and the local authority in the SEA process, and additional advice concerning the 'SEA' of alternative sites proposed by objectors.

We understand that the consultation of an environmental report prepared as part of the SEA process for an LDP, is the role of the Local Authority as the responsible authority, as defined in the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (SEA Regulations). However, where a promoter puts forward a new site, or a site that has previously been considered and discarded by the LPA, for inclusion within the plan, it is the promoter's responsibility to ensure that the necessary SEA/environmental information has been collated and that the proper procedures have been undertaken.

It appears that although there is no specific requirement to consult the Statutory Consultees, as defined in the SEA Regulations, on any Environmental Reports prepared by promoters of sites, there is a requirement in the LDP Manual (paragraph 7.5.2) to provide a copy of any relevant SA (incorporating SEA) work to those who object to the site's inclusion in the plan. As a significant number of people objected to the inclusion of the Rhydycar West site in the Preferred Strategy of the LDP, we understand that they should have been provided with a copy of the relevant SA (incorporating SEA) that was prepared by the promoter for that site.



Merthyr LDP letter to Planning Inspector.DOC

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