

Pembrokeshire Coast National Park Local Development Plan 2

***Planning and Compulsory Purchase Act 2004
The Town and Country Planning (Local Development Plan) (Wales) Regulations
2005, (Regulation 25) as amended by the Town and Country Planning (Local
Development Plan) (Wales) (Amendment) Regulations 2015
The Environmental Assessment of Plans and Programmes (Wales) Regulations
2004, (Regulation 16)***

ADOPTION NOTICE

The Pembrokeshire Coast National Park Authority adopted the Pembrokeshire Coast National Park Local Development Plan 2 on 30th September 2020. The Local Development Plan 2 became operative on its adoption.

The Pembrokeshire Coast National Park Local Development Plan 2 is the planning policy document for the Pembrokeshire Coast National Park. It sets out key policies and land allocations that will shape the future of the National Park and guide development needs up to 2031. It replaces the Pembrokeshire Coast National Park Local Development Plan 1.

Copies of Local Development Plan 2, including its Proposals Map, and the Adoption Statement are available for public inspection free of charge at either:

- the National Park Authority Head Office, Pembrokeshire Coast National Park Authority, Llanion Park, Pembroke Dock, Pembrokeshire, SA72 6DY. Opening Hours: Monday to Thursday 9am to 5pm and on Fridays between 9am and 4.30pm.
- or Oriel y Parc Visitors Centre, St Davids, Haverfordwest, Pembrokeshire, SA62 6NW, during normal opening hours (when open to the public again).

It is also available on the Authority's website at: <https://www.pembrokeshirecoast.wales> and public libraries with publically accessible computers during their normal opening hours (when open to the public again).

Alongside the adopted Plan, the following documents have been published and are also available on the Authority's website:

- Adoption Statement (this document)
- Final Sustainability Appraisal/Report (incorporating the Environmental Report)
- Habitats Regulations Assessment
- The Equalities Impact Assessment
- The Inspector's Report
- The Consultation Report

Any person aggrieved by the Local Development Plan who desires to question its validity on the ground that it is not within the powers conferred by Part 6 of the Planning and Compulsory Purchase Act 2004, or that any requirement of that Act or any regulation made under it has not been complied with in relation to the adoption of the Local Development Plan, may, within six weeks from the 30th September 2020, make an application to the High Court under Section 113 of the 2004 Act.

Statement of Sustainability

1. Local Planning Authorities are required to undertake a Sustainability Appraisal (SA) during the preparation of Local Development Plans to assess their sustainability and likely effect on the environment. This is to ensure that the Plan contributes towards the goal of sustainable development. The SA incorporates the requirements of Strategic Environmental Assessment (SEA) and has been undertaken as required by European Directives and United Kingdom legislation.
2. The SA is an iterative process. During January 2016 a Scoping report was published. The Scoping exercise was undertaken to ensure that the Sustainability Appraisal covered the sustainability issues facing the Park and its people, as relevant to land use planning. A Final Sustainability Appraisal Report is available with its accompanying appendices, addendum and conversion chart alongside the adopted Local Development Plan.
3. Local Development Plan 2 has been prepared in accordance with the Statutory Purposes of National Parks in England and Wales. This states that 'Development within or impacting on the National Park must be compatible with a) the conservation or enhancement of the natural beauty, wildlife and cultural heritage of the Park, and b) the public understanding and enjoyment of those qualities. In determining proposals, due regard will be paid to the need to foster the economic and social well-being of the local communities within the Park provided this is compatible with the statutory National Park purposes embodied in the foregoing considerations'. These purposes are reflected in the objectives for the Plan, of which nine are directly concerned with environmental protection and enhancement and therefore ensure that environmental considerations are integrated into the Plan.

The Vision

4. The Vision of the Plan has evolved throughout the development of the first Local Development Plan and the first and second Management Plan and the Sustainability Appraisal has played a part in this process.¹

Preferred Strategy

5. The Preferred Strategy Stage for the Replacement Local Development Plan centred around refining the policy options and policy base that had already been developed under Local Development Plan 1. The Sustainability Appraisal has helped in the selection of policy options and refinement of draft policies. A number of changes were incorporated into the Preferred Strategy, further details of which can be found in the Replacement Preferred Strategy Sustainability Appraisal Report (May 2017)².
6. A number of comments were made during the consultation on the Sustainability Appraisal of the Preferred Strategy which informed the Sustainability Appraisal of

¹ p32 of the Sustainability Appraisal of the Local Development Plan Preferred Strategy <https://www.pembrokeshirecoast.wales/planning/planning-policy/local-development-plan-2/appraisal-processes/>

² Pages 38- 83 Replacement Preferred Strategy Sustainability Appraisal Report (May 2017) <https://www.pembrokeshirecoast.wales/planning/planning-policy/local-development-plan-2/appraisal-processes/>

the Deposit Plan³, Though many of these resulted in elaboration and/or clarification of the arguments supporting the conclusions of the Sustainability Appraisal these did not alter its conclusions or have implications for the Plan itself, with the exception of the suggestion of an additional option to consider for housing/affordable housing regarding second homes. The results of this option's assessment can be seen in the deposit plan sustainability appraisal.

Deposit Plan

7. At Deposit stage amendments were made to the Policies, none of which altered their assessments against the Sustainability Appraisal framework⁴.
8. Comments were made during the consultation on the Sustainability Appraisal of the Deposit Plan on sites allocated for development and those that were filtered out during the candidate site process. All of these comments were considered but did not alter our assessments or conclusions.
9. One response was received concerning the appraisal of the Plan's Policies, this comment was considered but did not alter our assessments or conclusions.

Development Allocations

10. Part of the evaluation framework for potential development allocation sites was the assessment of the sites against sustainability objectives. Potential development allocations were assessed through a four stage process⁵. Sustainability Appraisal was the third stage of this process. A total of 152 sites were submitted through the candidate site process, 28 were considered for allocation of these 16 were chosen and 12 were considered unacceptable with the benefit of sustainability appraisal.

Focussed Changes

11. The Focussed Changes proposed included a sustainability appraisal commentary⁶ setting out the effect of each of the proposed adaptations to the Deposit Plan on the Local Development Plan's overall sustainability. No comments were received during the Focussed Changes consultation that led to a revision of the Sustainability Appraisal.

³ Report of consultations

<https://www.pembrokeshirecoast.wales/planning/planning-policy/local-development-plan-2/local-development-plan-replacement-stages/submission/consultation-report/>

⁴ Local Development Plan 2 – Consultation report

<https://www.pembrokeshirecoast.wales/wp-content/uploads/2019/12/Consultation-Report-with-Responses-and-FC.pdf>

⁵ Candidate Site Assessment Methodology Background Paper

<https://www.pembrokeshirecoast.wales/wp-content/uploads/2019/12/Candidate-Sites-Methodology-Background-Paper.pdf>

⁶ Focussed Changes <https://www.pembrokeshirecoast.wales/wp-content/uploads/2019/12/FocussedChangesCompleteEng19-11-18.pdf>

Matters Arising Changes

12. Matters Arising Changes are a product of Examination hearings. In many cases the Matters Arising Changes were clarifications and updates that did not affect the Sustainability Appraisal assessments or recommendations; for example references to Planning Policy Wales 10.
13. The Matters Arising Changes also included policy rationalisations, deletions and new policy. These were screened for likely significant effect against the Sustainability Appraisal/Strategic Environmental Assessment framework, as set out in the addendum to the Deposit Replacement Local Development Plan Sustainability Environmental Report.⁷
14. During the screening of the Matters Arising Changes it was considered that two changes required further assessment. These were Policy 7(a) sensitive infilling and rounding off was removed and an additional policy on Affordable Housing Exception Sites was added. Neither change was substantive enough to change the overall Sustainability Appraisal of the Plan.
15. Additionally, potential indicators were added to the Monitoring chapter of the Sustainability Appraisal along with an amendment to the issues table. Again, these changes did not result in any changes to the overall Sustainability Appraisal of the Plan.

Inspector's Report

16. The Inspector's Report on the Examination into the Local Development Plan confirms that the Sustainability Appraisal including Strategic Environmental Assessment was undertaken and that the Focussed Changes and Matters Arising Changes document also set out the effect of each of the proposed adaptations to the Deposit Plan on the Local Development Plan's overall sustainability. She confirmed her satisfaction that the procedural tests have been met.⁸

Sustainability Issues Conclusions

17. Sustainability has been integrated into the Local Development Plan generally. A set of objectives flow from the vision and include a spatial strategy minimising the need to travel; improving energy conservation, efficiency and contributing to national renewable energy targets; directing development away from flood risk areas; encouraging sustainable building; conserving and enhancing biodiversity; landscape and the historic environment; and sustaining the local economy. The policies of the Local Development Plan apply the vision and objectives and ensure that Sustainability Appraisal considerations have been integrated into the Plan through specific policies, including the Protection of Biodiversity, Recycled, Secondary and Waste Materials, on reusing and recycling building materials, Composting, Sustainable Building, Minimising Waste, Surface Water Drainage,

⁷ Addendum to the Sustainability Report October 2019

https://www.pembrokeshirecoast.wales/wp-content/uploads/2020/02/Exam137-Draft-SA-Addendum_Table_refactor_part4.pdf

⁸ See Inspector's Report : <https://www.pembrokeshirecoast.wales/wp-content/uploads/2020/05/2020-05-13-PCNPA-RLDP-Inspectors-Report-Eng.pdf>

encouraging sustainable drainage systems, Renewable Energy, Flooding and Coastal Inundation and Sustainable Transport for example.

18. The findings of the Sustainability Appraisal have been taken into account in the formulation of the Local Development Plan vision, objectives and policies and have been used to test the sustainability of the Plan. Opportunities to improve the sustainability of the Plan through the Sustainability Appraisal and in response to consultations have also been taken. More detail about these can be found in the Sustainability Appraisal Report and include the spatial strategy, scale of growth, waste management, sustainable design, visitor economy, employment, affordable housing and special qualities for example.

Monitoring the Plan

19. The measures to be used to monitor the environmental and sustainability implications are included in Section 6 of the Sustainability Appraisal. The results of monitoring these indicators will be included as part of the Annual Monitoring Report for the Local Development Plan to be published annually. The first Annual Monitoring Report will be published for submission to Welsh Government by the end of October 2022.

Habitats Regulations Assessment

20. A Shadow Habitats Regulations Assessment subjected the Local Development Plan to screening under the Habitats Regulations. All 61 policies in the Deposit Plan were considered in respect of the potential for likely significant effects upon any European site from the document, either alone or in combination with other plans and projects.
21. Following the initial screening exercise, 6 policies and 6 potential housing allocations were identified as having a likely significant effect. Mitigation measures, in the form of suggested case-specific policy restrictions or caveats, were identified in respect of all twelve of these Plan elements as part of an appropriate assessment.
22. The recommended mitigation measures were all accepted and the Plan amended accordingly, enabling the conclusion to be drawn that the Local Development Plan would have no adverse effect on the integrity of any European sites.

People Over Wind

23. The Shadow Habitats Regulations Assessment was originally finalised in February 2018. In April 2018, prior to publication of the Deposit Local Development Plan, the Court of Justice of the European Union handed down their judgment in the case of *People Over Wind*⁹. Prior to the ruling it had been established practice that competent authorities should take account of mitigation measures which had been incorporated into a plan or project when deciding whether it would have a likely significant effect. The

⁹ C-323/17 *People Over Wind and Peter Sweetman v Coillte Teoranta*

court ruled that this was incorrect and that it was not appropriate, at the screening stage, to take account of measures intended to avoid or reduce harmful effects on a European site.

24. In September 2018 the Shadow Habitats Regulations Assessment record was updated to take account of this ruling.

Focussed Changes

25. Focussed Changes set out the proposed changes to the Deposit Plan and were published for consultation for an eight week period ending on the 15th February 2019. No issues arose in terms of these changes proposed.

26. No comments were received during the Focussed Changes consultation that required a revision of the Shadow Habitats Regulations Assessment.

Matters Arising Changes

27. Matters Arising Changes result from examination hearings. In many cases the Matters Arising Changes were clarifications and updates do not affect the efficacy of the Habitats Regulations Assessment recommendations; for example, cross-references to Policy 10 Sites and Species of European Importance, remain.

28. The Matters Arising Changes also included a number of policy rationalisations, including policy deletions (with or without replacements) and new policy. These were screened for likely effect, as set out in an addendum to the Shadow Habitats Regulations Assessment. In all cases where relevant the quantum of development, as assessed within the Shadow Habitats Regulations Assessment September 2018, remains unchanged. Sites with existing planning permissions carry forward from the first Local Development Plan (to 2021), which was itself subject to Habitats Regulations Assessment, or have been screened / assessed in terms of likely significant effect at the project level.

29. None of the proposed Matters Arising Changes were considered to result in any likely significant effects on European protected sites, nor in any residual effects. No further assessment in combination with other plans or projects was considered necessary.

Equalities Impact Assessment

30. Local Development Plan 2 was subject to an Equality Impact Assessment which screened all policies against potential impact on protected characteristics under the Equality 2010. The Authority considered relevant evidence in order to understand the likely or actual effect of policies and practices on protected groups. This included ensuring Local Development Plan policies do not unlawfully discriminate, identifying any adverse

impacts on protected groups, considering how the policy or practice could better advance equality of opportunity and considering whether the policy will affect relations between different groups. Where negative impacts were identified mitigating action or explanatory information was provided. In terms of demonstrating 'due regard' the assessment has been considered at different stages by Officers and Members in terms of the Preferred Strategy, consultation for the Local Development Deposit Plan and Focussed Changes. The Matters Arising Changes were screened for equality impacts, none of the proposed Matters Arising Changes were considered to result in any negative equality impacts for people with protected characteristics under the Equality Act 2010 and no further assessment was considered necessary.