

REPORT OF THE HEAD OF PARK DIRECTION

SUBJECT: PEMBROKESHIRE COAST NATIONAL PARK LOCAL DEVELOPMENT PLAN 2 – ADOPTION & SUPPLEMENTARY PLANNING GUIDANCE

Purpose of this report

1. The purpose of this Report is to:
 - a) Formally adopt the Pembrokeshire Coast National Park Local Development Plan 2.
 - b) Approve:
 - the roll-over of a number of supplementary planning guidance from Local Development Plan 1 as an interim measure while new guidance is prepared.
 - a number of supplementary planning guidance documents for consultation.
 - the use of some new supplementary planning guidance for development management purposes while awaiting the results of consultation.

Background

2. Following National Park Authority approval for submission in November 2018 Local Development Plan 2 (including proposed Focussed Changes) was submitted on the 7th December 2018. An Examination into the soundness of the submitted Plan was undertaken with hearing sessions held in July 2019 and with one additional hearing session on the 1st October 2019 before a Welsh Government appointed Planning Inspector Mrs Nicola Gulley.
3. The National Park Authority published Matters Arising Changes¹ in response to a list of Action Points prepared at the end of each Hearing Session. The responses received² to these proposed changes, along with an Authority view on issues raised, were forwarded to the Inspector to consider in writing her Report.

¹ Pembrokeshire Coast National Park - Matters Arising Changes
<https://www.pembrokeshirecoast.wales/planning/planning-policy/local-development-plan-2/local-development-plan-replacement-stages/matters-arising-changes/>

² Pembrokeshire Coast National Park - Consultation Report
<https://www.pembrokeshirecoast.wales/planning/planning-policy/local-development-plan-2/local-development-plan-replacement-stages/local-development-plan-2-consultation-report/>

4. On the 13th May 2020 the Authority received the Inspector's Binding Report.³ The Plan has been found sound, subject to a number of changes being made. The changes proposed by the Inspector are binding on the Authority. A non-technical summary of the Inspector's Report summarising key changes are set out in Appendix A to this Committee Report. Those persons who have been asked to be notified of the publication of the recommendations of the Inspector have been advised regarding availability of the Inspector's Report (Regulation 24 The Town and Country Planning (Local Development) (Wales) Regulations 2005). Where public buildings are closed due to Covid-19, where paper documentation would normally be inspected, arrangements have been made for those who have difficulties with accessing electronic copies.

Adopting Local Development Plan 2

5. A draft copy of the adopted Plan (text and Maps) with the Inspector's recommended changes included is attached at Appendix B for each Member for today's meeting.
6. The Inspector confirms that the recommended changes in her report do not materially alter the substance of the overall Plan and its policies, or undermine the sustainability appraisal and participatory processes already undertaken.
7. A limited number of minor changes are not the subject of a binding recommendation. The Authority is authorised to make these minor editorial changes and these are also included in Appendix B.
8. The Authority has also made available a Constraints Map which does not form part of the adopted Local Development Plan.⁴

Next steps - Publication of Documents

9. The adopted Plan (Appendix B), the draft Adoption Statement (Appendix C), the final Sustainability Appraisal (incorporating Strategic Environmental Appraisal), the final Habitat Regulations Assessment, the final Equalities Impact Assessment will now be published.⁵ Those who have participated in Plan preparation will be notified (Local Development Plan Regulations 2005 No. 2839 Regulation 25). Once these final stages of notification have been complied with the Consultation Report will be updated to reflect this.

³ Inspector's Report <https://www.pembrokeshirecoast.wales/planning/planning-policy/local-development-plan-2/local-development-plan-replacement-stages/examination/inspectors-report/>

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<https://pcnpa.maps.arcgis.com/apps/webappviewer/index.html?id=534c43ae58d14abdba3678d405488aaf>

⁵ <https://www.pembrokeshirecoast.wales/planning/planning-policy/local-development-plan-2/appraisal-processes/>

Operative Date

10. The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 requires planning authorities to adopt the Plan within eight weeks of receipt of the recommendations and reasons given by the person appointed to carry out the Examination (Regulation 25 (1)). Given the exceptional circumstances due to Covid-19 this has not been feasible within eight weeks of receipt of the recommendations of the Inspector. This approach to the timing of adoption has been agreed with officials of Welsh Government.
11. Regulation 2(19)(c) of the Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015 makes provision so that where a Local Development Plan is adopted or approved it automatically supersedes the existing Local Development Plan.
12. Local Development Plan Manual Edition 3 paragraph 6.59 advises that the conclusions reached by the Inspector will be binding and the local planning authority must accept the changes required by the Inspector and adopt the Local Development Plan as amended.
13. A Local Development Plan becomes operative on the date it is adopted (Local Development Plan Manual, Edition 3, paragraph 6.65). This means that all applications not determined by the date of adoption will be determined under the policies of Local Development Plan 2. Applications determined by the National Park Authority before the date of adoption, but since receipt of the Inspector's Report will have been determined using the policies of the Local Development Plan 1 as the adopted plan, with consideration being given to the policies of the Local Development Plan 2 as a significant material planning consideration. Paragraph 7.5 of Local Development Plan Manual 3 advises that certainty regarding the content of the plan (in this case Local Development Plan 2) will only be achieved when the Inspector delivers their binding report.
14. Once adopted from the date of adoption the Plan will be subject to a six week challenge period to the High Court provided under section 113 of the Planning & Compulsory Purchase Act 2004⁶ and as referenced in the Adoption Statement (Appendix C).

⁶ <http://www.legislation.gov.uk/ukpga/2004/5/section/113>

Supplementary Planning Guidance

15. Officers are currently drafting new supplementary planning guidance, and updating existing supplementary guidance to make it relevant to Local Development Plan 2. An indicative timetable for preparation is included as Appendix 2 to Local Development Plan 2. However, given the time it has taken to reach adoption the indicative timescales set out have been delayed.
16. At this Committee Members are being asked to:
 - a) Formally roll over some Supplementary Planning Guidance from the Local Development Plan 1 as an interim measure for development management purposes while new Supplementary Planning Guidance is being prepared. Updates in the Guidance are highlighted by using track changes in each of the supplementary planning guidance documents on the Authority's website.
 - b) Approve some draft Supplementary Planning Guidance for consultation.
 - c) Members are also asked to approve some draft Supplementary Planning Guidance for consultation but given the role the guidance played as evidence for the Examination Members are also asked for it to be used as an interim measure for development management purposes.

Further detail is provided in Appendix D.

17. Officers will report back on consultations and bring further reports to Members on supplementary planning guidance in due course.

Risk considerations

18. Revising the Plan is a statutory requirement. The risks associated with preparing this Local Development Plan are set out in the Authority's Delivery Agreement. The risk that was not foreseen was Covid-19 which has caused difficulties procedurally with progressing the Local Development Plan to adoption. On the advice of Welsh Government letter of the 7th of July 2020) the Delivery Agreement has been updated temporarily to take account of these exceptional circumstances. The Minister's letter has provided an 'opportunity' for the Authority to not comply with the requirements of the Community Involvement Scheme (part of the Delivery Agreement) because of Covid-19. This is only if the Authority can provide an alternative means of engagement and communicate these arrangements to all concerned. For this Authority this requires a temporary amendment to the Delivery Agreement to take account of public buildings not being open where members of the public could inspect documentation electronically or in paper format. Edits to the Delivery Agreement have been made and uploaded on the Authority's

website.⁷ To provide alternative arrangements Officers have offered for individuals to make contact with us if they can't access documentation electronically. We can then organise a mail out of documentation (free of charge) when they ring through.

19. Officers have resent the 'Inspector's Report available' letter with the update to the Local Development Plan mailing list; re-inserted the public notice regarding the Inspector's Report availability with the update in the Pembrokeshire Herald; and put the updated Delivery Agreement on the website (we are not required to consult).

Financial considerations

20. Local Development Plan replacement is budgeted for by the Authority.

Welsh Language considerations

21. The publication and consultation exercises are carried out in accordance with the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards Regulations (No.1) 2015. The impacts on the Welsh language also forms part of the appraisal process.

Human Rights considerations

22. The planning system seeks to progress legitimate aims by managing the development and use of land in the public interest to contribute to achieving sustainable development. It reconciles the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment. Human rights under Articles 1 (right to peaceful enjoyment to property), 8 (right to respect for the home, private and family life) and 14 (right to equality), are the most relevant ones. Proportionality means that the measure which interferes with the right must strike a fair balance between the aim and the right which it interferes with.
23. The process for Local Development Plan preparation and its rigorous assessment procedures will support this approach.

Recommendations: Members are asked to:

- 1. Adopt the Pembrokeshire Coast National Park Local Development Plan 2 (see Appendix B), as amended in accordance with the Inspector's Binding Report⁸.**

⁷ Delivery Agreement: <https://www.pembrokeshirecoast.wales/planning/planning-policy/local-development-plan-2/delivery-agreement/>

⁸ <https://www.pembrokeshirecoast.wales/planning/planning-policy/local-development-plan-2/local-development-plan-replacement-stages/examination/inspectors-report/>

- 2. Formally approve the operative date of the Pembrokeshire Coast National Park Local Development Plan 2 as the 30th September 2020. All applications received from that date will be determined using the policies of the Local Development Plan 2.**
- 3. Authorise publication of the Local Development Plan 2 together with the Adoption Statement (Appendix C) and final Sustainability Appraisal / Strategic Environmental Assessment, the Habitats Regulations Assessment, Equalities Impact Assessment⁹ in accord with the Regulations and guidance.**
- 4. Authorise the Authority's Head of Park Direction to ensure compliance with the relevant regulations and guidance for Plan adoption.**
- 5. Formally approve:**
 - a. carrying over the supplementary planning guidance as listed in Appendix D and uploaded on our website ¹⁰ as interim supplementary planning guidance under the Pembrokeshire Coast National Park Local Development Plan 2 to be used for development management purposes.**
 - b. Supplementary Planning Guidance as listed in Appendix D and uploaded on our website for consultation.**
 - c. Using the Caravan, Camping and Chalet Development draft supplementary planning guidance as an interim measure for development management purposes while published for consultation.**
 - d. Using the Renewable Energy draft supplementary planning guidance as an interim measure for development management purposes with the exception of advice for the Marloes and Mynydd Preseli Landscape Character Areas in relation to wind turbine development.**

Background documents

National

[Welsh Government Local Development Manual August 2015](#)

[Planning Policy Wales Edition 9 November 2016](#)

[Welsh Statutory Instrument 2005 No. 2839 The Town & Country Planning \(Local Development Plan\) \(Wales\) Regulations 2005](#)

[Welsh Statutory Instrument 2015 No.1598 The Town & Country Planning \(Local Development Plan\) \(Wales\) \(Amendment\) Regulations 2015](#)

Local Development Plan 1

⁹ <https://www.pembrokeshirecoast.wales/planning/planning-policy/local-development-plan-2/appraisal-processes/>

¹⁰ <https://www.pembrokeshirecoast.wales/supplementary-planning-guidance-ldp2/>

<https://www.pembrokeshirecoast.wales/planning/planning-policy/local-development-plan-1/>

Annual Monitoring Reports

<https://www.pembrokeshirecoast.wales/planning/planning-policy/local-development-plan-1/annual-monitoring-report/>

Local Development Plan 2 Preparation Stages

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

Appraisals Webpage

<https://www.pembrokeshirecoast.wales/planning/planning-policy/local-development-plan-2/appraisal-processes/>

Provides links to:

- The Sustainability Appraisal Report
- The Equalities Impact Assessment
- The Habitats Regulations Assessment

Supplementary Planning Guidance

<https://www.pembrokeshirecoast.wales/supplementary-planning-guidance-ldp2/>

(For further information please contact Martina Dunne, Head of Park Direction extension 4820.)

This report concludes that, subject to the recommended Matters Arising Changes (MACs) set out in Appendix A(to the Inspector's Report), the Replacement Pembrokeshire Coast National Park Authority Local Development Plan (LDP) provides an appropriate basis for the planning of the National Park up to 2031. The National Park Authority has sufficient evidence to support the strategy and has shown that it has a realistic prospect of being delivered.

A number of changes are needed to meet legal and statutory requirements and to ensure that the Plan is sound. These do not alter the thrust of the National Park Authority's overall strategy and do not undermine the Sustainability Appraisal carried out by the National Park Authority. The main changes are summarised as:

- The amendment of the reasoned justification to ensure that the strategy arising from the key issues, vision and objectives is coherently expressed;
- The revision of (Strategy) Policy 7 to clarify the types of development that are acceptable in the countryside;
- An increase in the amount of new market housing to be built over the Plan period; and clarification of where new market and affordable housing development can take place within the National Park through the provision of a new housing management policy;
- An uplift in the target for affordable housing to be built over the Plan period; the inclusion of a new rural exceptions policy; and amendments to the reasoned justification to provide support for the development of affordable housing led schemes in appropriate locations in the National Park;
- The identification of additional areas of open space in Tenby;
- The revision of policies in relation to the management of biodiversity to ensure that they provide a robust and coherent framework, and accord with the requirements of national policy;
- The deletion of policies in relation to the historic environment and one planet development, to ensure compliance with national policy;
- Amendments to the Proposals Map to include relevant policy designations; and
- Revisions to other policies, the reasoned justification and the monitoring framework to align with national policy and guidance and/or evidence.

Almost all of the recommended changes have been put forward by the National Park Authority in response to matters discussed during the examination. With the recommended changes the Plan satisfies the requirements of section 64(5) of the 2004 Act and meets the tests of soundness included in the Welsh Government's Development Plans Manual Edition 3, March 2020.

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.

Appendix D to Local Development Plan 2 Adoption Committee Report

Guidance		
Affordable Housing	Use alongside Local Development Plan 2 (interim)	
<p>Affordable Housing: As an interim measure the ‘old’ Local Development Plan 1 Supplementary Planning Guidance is updated.</p> <p>In due course there will be a draft Local Development Plan 2 Supplementary Planning Guidance prepared with Pembrokeshire County Council for you to consider.</p> <p>The changes to note are:</p> <ol style="list-style-type: none"> 1. Planning Policy Wales’ references have been updated to Edition 10. 2. Local Housing Market Assessment – latest referenced. 3. Transfer of social rented housing to a Registered Social Landlord. There is a reduction in amount received to 42% of Acceptable Cost Guidelines prices. This is the basis on which the affordable housing policy of Local Development Plan 2 was agreed. 4. Reference to the new Local Development Plan policy on Affordable Housing Exceptions Sites included. 5. Allocations and Large Sites Policy 48 referred to – includes a changed list of sites. 6. New Policy 49 Affordable Housing and Table 9 affordable housing market area requirements referred to. 7. Affordable Housing contribution rate per square metre carried over from Supplementary Planning Guidance 1. 8. Affordable Housing Submarket Areas now shown on the Proposals Map. 9. Reduced emphasis on re-negotiation of viability as it is a new Plan – para 4.2.21 of Planning Policy Wales 10: ‘Where up-to-date development plan policies have set out the community benefits expected from development planning applications which comply with them should be assumed to be viable and it should not be necessary for viability issues to be considered further.’ 10. Social Housing – update on ‘Who can occupy?’ to reflect the County Council’s current method of assessing need. 11. Appendix 3 – Economic Viability Assessment – updated to reflect current practice. <p>Use weblink below:</p> <p>https://www.pembrokeshirecoast.wales/supplementary-planning-guidance-ldp2/affordable-housing</p>		

Guidance

Archaeology

Consulting upon

Archaeology (New): National and local policy updates. This Guidance will be a joint supplementary planning guidance with Pembrokeshire County Council.
Draft Supplementary Planning Guidance for consultation

Use weblink below:

<https://www.pembrokeshirecoast.wales/supplementary-planning-guidance-ldp2/archaeology>

Biodiversity

Consulting upon

Biodiversity (New): The attributes of ecosystem resilience (Planning Policy Wales 10 para 6.4.9 refers) should be used to assess the current resilience of a site, and this must be maintained and enhanced post development. If this cannot be achieved, permission for the development should be refused.

The draft supplementary planning guidance sets out a promotional approach to achieve both protection and enhancement with many ideas and examples for applicants and agents to consider. The guidance will be a joint supplementary planning guidance with Pembrokeshire County Council.

Draft Supplementary Planning Guidance for consultation.

Use weblink below:

<https://www.pembrokeshirecoast.wales/supplementary-planning-guidance-ldp2/biodiversity>

Caravan, Camping and Chalet

Use alongside Local Development Plan 2 (interim)

Consulting upon

Caravan, Camping and Chalet Development (New): The purpose of this guidance is to provide a systematic assessment of the capacity of existing Landscape Character Areas (LCAs) in the National Park to accommodate a range of different types of caravan, camping and chalet developments including emerging types of accommodation. It provides advice on an Landscape Character Area basis as to whether existing sites can be upgraded, extended to increase accommodation, extended to improve appearance and/or whether new sites can be accommodated.

As this draft supplementary guidance is derived from the Authority's evidence base for Policy 41 Caravan, Camping and Chalet Development through Examination it is also considered appropriate to **use the guidance on an interim basis for**

Guidance

development management purposes while the guidance is consulted upon.

Draft Supplementary Planning Guidance for consultation.

Use weblink to access:

<https://www.pembrokeshirecoast.wales/supplementary-planning-guidance-ldp2/Caravan-Camping>

Land Instability - Coal Works	Use alongside Local Development Plan 2 (interim)	
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Land Instability – Coal Works: Rollover of existing guidance. Includes Local Development Plan Policy reference updates and National Planning Policy updates.

Use weblink to access:

<https://www.pembrokeshirecoast.wales/supplementary-planning-guidance-ldp2/coal-land-instability>

Landscape Character:	Use alongside Local Development Plan 2 (interim)	
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Landscape Character: Rollover of existing guidance. Includes updates to policy referencing in Local Development Plan 2.

This guidance has been updated to take account of minor updates to LANDMAP in 2015 regarding discernible landscape change in a summary in the introduction. Individual landscape changes for specific character areas have also been noted in the 'Discernible Landscape Trends' section of Landscape Character Areas worksheets where appropriate. Climate change information has also been updated.

Use weblink to access:

<https://www.pembrokeshirecoast.wales/supplementary-planning-guidance-ldp2/Landscape>

Guidance

Loss of Hotels	Use alongside Local Development Plan 2 (interim)	
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Loss of Hotels Rollover of existing guidance. Updates to policy referencing in Local Development Plan 2.

Use weblink to access:

<https://www.pembrokeshirecoast.wales/supplementary-planning-guidance-ldp2/loss-of-hotels>

Parking Standards		Consulting upon
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Parking Standards: The Parking Standards SPG has been updated to provide a sustainable design context when designing the layout of sites and streets which is to prioritise the needs of Active Travel modes of transport, in line with Welsh Government objectives. In terms of vehicle parking requirements, the SPG continues to set out maximum requirements based on all-Wales standards and adapted to suit the National Park context. As previously, it is based on zones with parking requirements for different types of developments vary according to distance to identified Centres and a range of facilities. The range of development types has been reviewed and simplified to improve clarity. Zone 1 areas, which are within Conservation Areas and where there is a no parking requirement to protect the visual and/or historic value have been reviewed and updated. One additional Zone 1 area is defined within the Newport Parrog Conservation Area.

Draft Supplementary Planning Guidance for consultation

Use weblink to access:

<https://www.pembrokeshirecoast.wales/supplementary-planning-guidance-ldp2/parking-standards>

Place Plan – Community Land Trust and Affordable Housing		Consulting upon
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Place Plan – Community Land Trust and Affordable Housing

The purpose of this Guidance is to assist in bringing forward affordable housing developments with the help of Community Land Trusts. This is one of a series of Place Plan Toolkits that the National Park Authority intends to prepare.

Draft Supplementary Planning Guidance for consultation

Use weblink to access:

<https://www.pembrokeshirecoast.wales/supplementary-planning-guidance-ldp2/place-plan-clt>

Guidance

Planning Obligations

Use alongside Local Development Plan 2 (interim)

Planning Obligations: Rollover of existing guidance. Updates to policy referencing to the Local Development Plan.

Use weblink to access:

<https://www.pembrokeshirecoast.wales/supplementary-planning-guidance-ldp2/planning-obligations>

Regionally Important Geodiversity Sites

Use alongside Local Development Plan 2 (interim)

Regionally Important Geodiversity Sites: Rollover of existing guidance. Update of referencing to national planning policy and local development plan policy.

Use weblink to access.

<https://www.pembrokeshirecoast.wales/supplementary-planning-guidance-ldp2/geodiversity>

Renewable Energy

Use alongside Local Development Plan 2 (interim) in part (see below/link)

Consulting upon

Renewable Energy: An earlier version of this guidance was adopted under Local Development Plan 1.

The main changes to be found in this replacement guidance are:

- Updating local and national policy and other guidance references.
- Removing dated advice regarding the planning application process and other consenting processes.
- Updates to guidance on wind turbine development within the Landscape Character Areas sheets.
- A review of landscape sensitivities for wind turbines as a result of a LANDMAP update. This has resulted in updates to sensitivities in for Landscape Character Area 9 (Marloes) and 27 (Mynydd Preseli).

As much of the guidance reflects that set out in Local Development Plan 1 it is recommended that this guidance will be used in the interim for development management purposes effective from the date of Local Development Plan 2 adoption with the exception of advice for the Marloes and Mynydd Preseli Landscape Character Areas in relation to wind turbine development.

Guidance

Draft Supplementary Planning Guidance for consultation

Use weblink to access.

<https://www.pembrokeshirecoast.wales/supplementary-planning-guidance-ldp2/renewable-energy>

Safeguarding Minerals Zones	Use alongside Local Development Plan 2 (interim)	
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Safeguarding Minerals Zones: Rollover of existing guidance. Includes Local Development Plan Policy reference updates and National Planning Policy updates. Use weblink to access.

<https://www.pembrokeshirecoast.wales/supplementary-planning-guidance-ldp2/minerals-safeguarding>

Sustainable Design & Development		Consulting upon
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Siting and Design of Farm buildings (Replacement) & Sustainable

Design (Replacement): It is proposed that these two supplementary planning guidance documents are combined in to a single supplementary planning guidance document entitled 'Sustainable Design & Development'.

The replacement supplementary planning guidance will provide further information on the way that the National Park Authority will implement Local Development Plan 2 Policy 29.

With improved national policy context the Supplementary Planning Guidance can be slimmed down – there is no requirement to duplicate what is set out in national policy.

The Supplementary Planning Guidance adds value to current national policy and sets the context for seeking appropriate sustainable development with the Pembrokeshire Coast National Park.

In brief the changes to note are:

- A slimmed down Supplementary Planning Guidance concentrating on National Park planning policy in this protected landscape.
- Making updated links with national planning policy and other relevant information.
- Expanding on national guidance on issues pertinent to the Pembrokeshire Coast National Park – including flooding and lighting
- Inclusion of farm buildings and farming practices.

Guidance

Draft Supplementary Planning Guidance for consultation

Use weblink to access:

<https://www.pembrokeshirecoast.wales/supplementary-planning-guidance-ldp2/sustainable-design-development>

The Cumulative Impact of Wind Turbines	Use alongside Local Development Plan 2 (interim)	
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Cumulative Impact of Wind Turbines: Rollover of existing guidance. Updated to reflect latest national planning policy, local development plan policy, supplementary planning guidance for renewable energy and seascapes and Scottish Natural Heritage Guidance Visual Representation of Windfarms: Good Practice Guidance, Version 2.2 (2017).

Use weblink to access.

<https://www.pembrokeshirecoast.wales/supplementary-planning-guidance-ldp2/wind-turbines>

Seascape Character	Use alongside Local Development Plan 2 (interim)	
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Seascape Character: Rollover of existing guidance. Updated to reflect latest national planning policy including the Wales National Marine Plan, local development plan policy. A section on how to make best use of the guidance has also been included.

Use weblink to access.

<https://www.pembrokeshirecoast.wales/supplementary-planning-guidance-ldp2/seascape-character>