

REPORT OF THE DEVELOPMENT MANAGEMENT MANAGER ON APPEALS

The following appeals have been lodged with the Authority and the current position of each is as follows:-

NP/20/0614/FUL 6 affordable houses in association with 6 woodworking workshops, a community facility and a timber processing and drying facility – Pantmaenog Forest, Rosebush
Type Hearing
Current Position The appeal has been dismissed and a copy of the decision letter is attached for your information.

NP/21/0191/FUL Proposed replacement dwelling & associated works – Tyrhibin Isaf, Newport, SA42 0NT
Type Written Reps
Current Position The initial documentation has been forwarded to PEDW

NP/22/0007/FUL Proposed garage adjacent to driveway – Queen Victoria House, The Mews, Heywood Lane, Tenby SA70 8BN
Type Written Reps
Current Position The initial documentation has been forwarded to PEDW

NP/22/0357/FUL Retrospective summerhouse space at Grey Winds used as part of the enjoyment of house and domestic wildlife garden where following a rewilding lifestyle native trees and reptiles in particular are flourishing. The space allows for work and rest in the garden which is at a higher level to the house – Grey Winds, Newport SA42 0QG
Type Written Reps
Current Position The initial documentation has been forwarded to PEDW



Penderfyniadau
Cynllunio ac
Amgylchedd **Cymru**

Planning &
Environment
Decisions **Wales**

Adroddiad

Gwrandawriad a gynhaliwyd ar 21 &
22/06/2022
Ymweliad â safle a wnaed ar 23/06/2022

gan **A L McCooley BA (Hons) MSc MRTPI**

**Arolygydd a benodir gan Weinidogion
Cymru**

Dyddiad: 03/11/2022

Report

Hearing held on 21 & 22/06/2022

Site visit made on 23/06/2022

by **A L McCooley BA (Hons) MSc
MRTPI**

**an Inspector appointed by the Welsh
Ministers**

Date: 03/11/2022

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77

APPEAL BY: MRS JILL HOLDING

LOCAL PLANNING AUTHORITY: PEMBROKESHIRE COAST NATIONAL PARK
AUTHORITY

FOR: A TIMBER CLUSTER DEVELOPMENT CONSISTING OF 6 AFFORDABLE HOUSES,
6 WOODWORKING WORKSHOPS, A COMMUNITY FACILITY AND THE RELOCATION OF
THE ALREADY APPROVED WOOD PROCESSING SHED AND DRYING FACILITY

AT: PANTMAENOG FOREST, ROSEBUSH, CLUNDERWEN, PEMBROKESHIRE

REFERENCE: APP/L9503/A/21/3282653

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LIST OF ABBREVIATIONS

AA	Appropriate Assessment under the Habitat Regulations
CP	Coed Preseli
DE	Down to Earth
Habitat Regulations	The Conservation of Habitats and Species Regulations 2017
HRA	Habitats Regulations Assessment
LDP2	Pembrokeshire Coast National Park Local Development Plan 2
NPA	Pembrokeshire Coast National Park Authority
NRW	Natural Resources Wales
PPW	Planning Policy Wales
SAC	Special Area(s) of Conservation
TAN6	Technical Advice Note Planning for Sustainable Rural Communities
WFGA	Well-being of Future Generations Act 2015

Ref: APP/L9503/A/21/3282653

Site address: Pantmaenog Forest, Rosebush, Clunderwen, Sir Benfro

- The application is made by Mrs Jill Holding to Pembrokeshire Coast National Park Authority.
- The application ref APP/L9503/A/21/3282653 is dated 14 December 2020 and was refused by notice dated 10 March 2021.
- The development proposed is for 6 affordable houses, in association with 6 woodworking workshops, a community facility and a timber processing shed and drying facility.

Summary of Recommendation: That the appeal be refused.

Background and Procedural Matters

1. The Pembrokeshire Coast National Park Authority (NPA) has used a slightly amended description of the development in its documentation. I have adopted this description of the development to be used in this appeal because it better describes the proposal. It also omits original reference to “the relocation of the already approved wood processing shed”, which is not a description of the development.
2. The proposal could result in likely significant effects on a Special Area of Conservation (SAC) as a result of increased phosphate levels. An Appropriate Assessment under the Habitat Regulations has therefore been prepared, which is attached to this report as an Appendix.
3. The appeal was recovered by the Welsh Ministers for their own determination in a Direction under Paragraph 3(1) of Schedule 6 to the Town and Country Planning Act 1990 (TCPA) dated 17 May 2022. The reason given for the Direction is: the Ministers consider that the concept of sustainable forestry enterprise, which the adopted Local Development Plan (LDP) predates, is considered to raise novel planning issues for the purposes of determining this appeal.
4. The need for an obligation under section 106 of the Town and Country Planning Act 1990 had been raised by the NPA in the Committee report on the application in March 2021. This matter was addressed in the topics for discussion, which were sent to the appellant and NPA in May 2022. The need for an obligation to ensure that the proposed affordable housing is allocated and retained as such and secondly tying the ownership of the sawmill, the workshops, and the dwellings together so as they can't be sold off or operated separately. A guarantee of access to the adjacent forest (and timber) would also be necessary as this forms part of the basis for the proposal. These matters were discussed at the hearing and a period from June to August was allowed for discussions between the parties aimed at securing an executed planning obligation. The NPA advised that a unilateral undertaking was not appropriate to secure affordable housing, given the legal complexity of the proposal. Following the refusal of Pembrokeshire County Council to be a signatory, discussions with the National Park Authority and the preparation of a draft s106 agreement continued. However, the National Park Authority subsequently confirmed that it could not be a signatory to the agreement in the absence of the County Council or a Registered social landlord. This is because of the potential liabilities were the affordable housing to revert to a public body and the fact that the National Park Authority is not a housing authority.

5. Despite the need for legal agreements to address these matters being raised from an early stage no executed agreement has been provided. The appellant submitted several draft obligations as examples of agreements that would be acceptable to the appellant and developer. Whilst the NPA considered that the appellant could submit a legal agreement that ties the dwellings and sawmill together with the forest, the appellant indicated that the only option remaining is to confirm and provide evidence that both the appellant and Down to Earth are willing to be party to any S106 Agreement containing reasonable commitments and terms which address the key points raised during the Appeal Hearing. Both parties have expressed a willingness to continue discussions on this matter were the Ministers to conclude that planning permission should be granted.

The Site and Surroundings

6. The site adjoins the B4313 to the west of Rosebush village, separated from the settlement boundary by land in agricultural and forestry use. There are several dwellings nearby on both sides of the road. The site slopes down from the road to a cleared and levelled area. It comprises approximately 1.1 hectares of land within Pantmaenog forest (which is stated to extend to around 300 hectares), as such the land is in forestry use at the moment. There is an existing access that leads to a forestry track running through the site and to a car park for the public and users of the forest.

The Proposal

7. The proposal is described above. It is claimed that it would be a forest-based “timber cluster” development. The 6 detached two storey houses are arranged in an arc around a separate central workshop building containing 6 workshops (one for the use of the occupiers of each dwelling). The workshop building would have a central atrium, a meeting room and other facilities. This central area and meeting room is proposed to be available as a community facility for the use of both residents of the development as well as the nearby village. The proposed sawmill and wood drying building (measuring 30m x 24m) lies at the northern end of the site behind three of the dwellings.

Planning History

8. Permitted development prior approval was granted for a timber processing and drying shed (25 m by 12 m) on the site (NP/09/001/GD07). Approval was also given for its re-siting close to the road (NP/14/0062). The Local Planning Authority consider it is an extant permission as the ground has been cleared ready for building.

Local and National Planning Policy

Planning Policy Wales & Technical Advice Note 6

9. Planning Policy Wales Edition 11, February 2021 (PPW) aims to maximise the contribution planning makes to the achievement of the goals set out in the Well-being of Future Generations Act (WFGA), which is at the heart of the document and all planning policy. A plan-led approach is the most effective way to secure sustainable development through the planning system. The references below are to paragraph numbers in PPW.
10. Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales. This can be done through maximising their contribution to the achievement of the seven well-being goals and by using the five Ways of Working, as required by the WFGA. This will include seeking to maximise the social, economic, environmental and cultural benefits, while considering potential impacts when assessing proposals and policies in line with the Act’s Sustainable Development Principle. The most appropriate way to implement these requirements through the planning system is to adopt a placemaking approach to plan making, planning policy and decision making (2.9).

11. Chapter 3 deals with strategic and spatial choices, promotes good and sustainable design and also encourages the use of Sustainable Management of Natural Resources as part of decision-making. The planning system is wide in its social, economic environmental and cultural scope and takes an all-embracing approach to sustainable development where decisions on short and long-term needs and cost and benefits come together. It secures outcomes where multiple benefits (more than one ecosystem benefit) can be provided as part of plan making strategies or individual development proposals (paragraph 3.26). The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced. The need to conserve these attributes should be balanced against the economic, social and recreational needs of local communities and visitors (paragraph 3.38).
12. In paragraph 4.2.25 affordable housing is defined and the need for affordable housing is a material planning consideration. The release of housing sites within or adjoining existing settlements for the provision of affordable housing to meet local needs is an exception to the policies for general housing provision (paragraph 4.2.34).
13. In National Parks, planning authorities should give great weight to the statutory purposes of National Parks, which are to conserve and enhance their natural beauty, wildlife and cultural heritage, and to promote opportunities for public understanding and enjoyment of their special qualities. Planning authorities should also seek to foster the social, economic and cultural well-being of their local communities (paragraph 6.3.6).
14. Section 5.6 on the rural economy recognises the importance of supporting the development of a broad range of employment opportunities in rural areas. Proposals for diversification, new start-ups and micro-businesses should also be encouraged, where appropriate. New development sites are, in most instances, likely to be small and should generally be located within or adjacent to defined settlement boundaries, preferably where there is public transport provision. However, some industries may have specific land requirements which cannot be accommodated within settlements. The absence of allocated employment sites should not prevent authorities from accommodating proposals for appropriate small-scale enterprises in or adjoining rural settlements, including small rural settlements.
15. Technical Advice Note 6 Planning for Sustainable Rural Communities (TAN6) emphasises the role that the planning system has in supporting the delivery of sustainable rural communities. The development plan should set out the spatial vision for rural communities. A key question when identifying sites in rural areas is whether the proposal would enhance or decrease the sustainability of the community. Local Planning Authorities should support developments that would help people to live and work in the same locality. TAN6 provides for rural enterprise dwellings in the countryside. One of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. Applications for planning permission for new rural enterprise dwellings should be carefully assessed by the planning authority to ensure that a departure from the usual policy of restricting development in the open countryside can be fully justified by reference to robust supporting evidence on need and the financial basis of the enterprise. A rural enterprise dwelling appraisal must accompany planning applications for this type of development and include information sufficient to enable the planning authority to make a full and effective assessment.

Future Wales (2021)

16. Policy 4 supports sustainable and vibrant rural communities. It states that policies should consider how age balanced communities can be achieved, where depopulation should be reversed and consider the role of new affordable and market housing, employment opportunities, local services and greater mobility in tackling these challenges. Policy 5 (Supporting the rural economy) states that strategic and local development plans must plan positively to meet the employment needs of rural areas and employment arising from the foundational economy or the agricultural and forestry sector, including proposals for diversification; start-ups and micro businesses.

Pembrokeshire Coast National Park Local Development Plan 2 (LDP2)

17. The LDP2 (adopted September 2020) has full regard to the WFGA and its goals through the sustainability appraisal. An examination of the compatibility and coverage between the Sustainability Appraisal Objectives and the 7 well-being goals of the WFGA has been undertaken as part of the Plan process. The Sustainability Appraisal Objectives are largely compatible with the Well-being goals. The Plan's vision and objectives are complementary to the Well-being goals and particularly support 'A prosperous Wales', 'A resilient Wales', 'A Wales of vibrant communities' and 'A globally-responsible Wales'.
18. LDP2 sets out its vision and objectives as – to conserve and enhance the special qualities of the National Park, address climate change and promote sustainable development, and to provide for affordable housing and community facilities. These inform the Plan strategy which seeks to address the six priority issues identified. The strategy and policy responses for employment refers to allowing small scale provision in the National Park to enhance the socio-economic wellbeing of communities and also to help tackle seasonality issues with employment in the area (Table 3 p.23).
19. Over-arching Policy 1 National Park Purposes and Duty requires that development within the National Park must be compatible with: a) the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the Park, and b) the public understanding and enjoyment of the special 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.
20. The Plan's strategy identifies a settlement hierarchy of Tenby as the Tier 1 Service and Tourism Centre, three Tier 2 Local Centres and Tier 3 Rural Centres. Policy 6 identifies the rural centres, which are smaller settlements offering only limited opportunities for growth of a scale appropriate to the size and character of the Centre. Rosebush is one of these rural centres. Affordable housing, sensitive infilling and small-scale employment development are permitted within the defined centre boundary.
21. The site is some distance outside the defined centre boundary for Rosebush. It is therefore located in the countryside and Policy 7 applies. The policy states that all development must be strictly controlled and lists 13 types of development that may be acceptable in principle. The following are considered to be relevant to elements of the proposal: a rural enterprise where there is an essential need to locate in the countryside; a community facility; land released at the edge of a Centre for a small employment site or a new business aiming to join existing clusters; or an exceptional land release adjoining Centres for affordable housing to meet an identified local need.
22. Policy 8 (Special Qualities) states that the special qualities of the Pembrokeshire Coast National Park will be conserved and enhanced. 10 priorities are identified for protection and enhancement, the most relevant are: the sense of remoteness and tranquillity; the identity and character of towns and villages; the pattern and diversity of the landscape;

and the historic environment. The ecosystems, habitats, species and green infrastructure of the National Park are to be conserved and enhanced.

23. Policy 14 (Conservation and Enhancement of the Pembrokeshire Coast National Park) states that development will not be permitted where this would have an unacceptable adverse effect on the qualities and special landscape and seascape character of the Pembrokeshire Coast National Park including locally distinctive characteristics by causing visual intrusion; or failing to harmonise with or enhance the landform and landscape character of the Park.
24. Policy 30 (Amenity) states that development will not be permitted where it has an unacceptable adverse effect on amenity, particularly where: the development would have a detrimental impact on the quality of the environment and/or would be of a scale incompatible with its surroundings and/or would lead to an increase in traffic or noise or odour or light which has a significant adverse effect; and/or would be visually intrusive. This policy aims to protect the amenity enjoyed by people in their residences, workspaces and recreational areas. Amenity is defined as those elements in the appearance and layout of town and countryside which make for a pleasant life rather than a mere existence.
25. Policy 43 relates to Employment Sites and Live/Work Units. It directs small-scale employment proposals to appropriate locations in identified centres or buildings suitable for conversion in the countryside. Rural enterprises in the countryside will be allowed where a need to locate in a 'Countryside' location is demonstrated to be essential. Employment opportunities will be provided by combining business uses with other uses such as community facilities or housing including live/work units. New business may be acceptable at existing clusters of two or more employments uses.
26. Policy 48 seeks to provide 362 affordable dwellings over the Plan period (to 2031). Policy 49 provides that affordable housing exception sites within or adjoining the Plan's Centres will be permitted provided that the site is solely for affordable housing and there are clear and adequate mechanisms to ensure that the benefits of affordable housing will be secured for initial and subsequent occupiers. There must be a need for affordable housing and the size and scale must be in keeping with the form and character of the Centre.
27. Policy 10 applies the statutory provisions for protection of designated sites of European importance for nature conservation. Policy 9 seeks to avoid the adverse effects of light pollution. Policy 54 states that new community facilities will be permitted where they are well located to meet the community's needs and they are convenient to public transport, shops and other services where this is required to serve the needs of the user.
28. Supplementary Planning Guidance on Landscape Character splits the National Park in to 28 landscape character areas and the appeal site is in area 27 – Mynydd Preseli. The area is described as being a large and very conspicuous inland area of heath and moorland, visible from a great distance. The views to the coast and feeling of exposure provide a strong sense of place. Reference is also made to the historic character and wealth of important archaeological features. The landscape is recognised for its national historical and cultural significance in Wales and included in the Preseli Registered Landscape of Outstanding Historic Interest in Wales.

The Case for the Appellant

29. The site is around 1.1 ha, set within the forest which adjoins Rosebush. The forest consists of 300 ha in the ownership of the applicant's company Coed Preseli (CP), who also owns a further 315 ha nearby. The site is directly opposite existing residential properties and within easy walking distance of the village.

30. The proposed layout incorporates existing landscape features and takes account of site contours and changes in level. The proposal will sit comfortably within the landscape and will not be intrusive. The proposed materials are appropriate to the area. There is an existing safe access to the site. There would be no adverse effects on heritage assets and proper regard has been had to the treatment of foul water on site.
31. The proposal is for 6 incubator live-work units for local Pembrokeshire residents, creating supervised training and support for young people and adults from vulnerable and 'hard to reach' backgrounds during the construction phase. The purpose of the development is to provide a safe and secure 'live/work' environment, with residents enjoying a fixed period of occupancy, at affordable rent levels. After a maximum of 5 to 7 years residents will relocate, having been supported in developing sustainable businesses.
32. The project would be delivered by a combination of the owners and Down to Earth (DE), which is a social enterprise that has operated successfully since 2005 on Gower. DE would develop and manage the scheme whilst CP would continue to manage the forest through their sustainable continuous cover forestry management techniques. This is an approach which supports and enhances biodiversity and the quality of the landscape. The two would work in collaboration to provide timber directly to the development. The development would be owned and managed by DE with small businesses running the rented workshops on a cooperative model supported by the Wales co-operative. This will allow DE to help residents and visitors to develop skills and experience in the small-scale production of added value forestry products and services using timber sourced from the adjacent forest. The businesses will also offer combined training courses in forestry practices, timber processing skills, as well as adventure activities, and will be open to the local community and visitors from further away.
33. DE has funding in place from the national lottery for 10 years. Approval in principle has also been obtained for a grant of £1.5 million from the Welsh Government's innovative housing programme, exclusively for social housing. A business plan is in place. The site development costs would be between £2.6 and £3.1 million. The employment opportunities would be a minimum of 16 jobs created – 6 in the workshop/dwellings, 4 processing timber and 6 DE staff involved in management and training roles. DE intends to promote the cluster model and undertake a wide range of social enterprise activities in Pembrokeshire.
34. Agreed business 'Heads of Terms' are in place for Down to Earth to acquire the freehold ownership of the application site as 'affordable land' value for the development. There is also a draft leasehold agreement giving access to the 'Cluster' to the remainder of the Pantmaenog Forest, in a new strategic collaborative, 'rural enterprise'. This would be based upon delivering 'added value' to timber produced on the site through the Timber Cluster and growing the forest's potential to deliver 'ecotourism' and 'forest-based', training and education.
35. The existing forestry activity brings employment and economic benefits to the area. Most of the timber is transported to other locations where value is added through processing and manufacturing. The proposal would allow on-site processing and manufacture to the benefit of the local economy and the achievement of the Welsh Government's aims in relation to forestry development. Wood Knowledge Wales refer to a real shortage of skilled workers in the forestry industry. The proposal would help address that shortage. There are already 12 miles of tracks and trails through the forest that are open to the general public.
36. The proposal has been designed with the requirements of the WFGA in mind. It is supported by the Well-being and Future Generations Commissioner. The scheme meets all the requirements of the act and provides an opportunity to deliver an exemplar project.

PPW supports the application and delivery of the Act and well-being. The LDP also acknowledges the National Park Authority's role in relation to the Act.

37. The proposal responds to the climate emergency, the pandemic and economic crisis by providing affordable housing, a sustainable development, and new economic opportunities that avoid the need to travel and import raw materials to the site. The proposal would be low energy, low carbon using local timber and natural building construction techniques. The forestry management practices would enhance biodiversity.
38. There is a severe and critical need for affordable housing in Pembrokeshire given the large increase in house prices in the area. The proposal will provide positive benefits to the community, including employment, training and education, affordable housing, biodiversity improvement, and ecotourism. This proposal accords with the WFGA and the five ways of working.
39. The proposal complies with the key requirements of PPW, in particular Chapter 3 on good sustainable design, Sustainable Management of Natural Resources and Placemaking in rural areas.
40. The Welsh Government's stated aim to create a timber-based industrial strategy can develop and sustain the high value production and processing of Welsh wood, as set out in the Programme for Government 2021.
41. The proposal is seeking consent for an innovative project that is an amalgam of various elements including affordable housing, forestry-based wood-related enterprises and community uses. The proposal isn't for unfettered speculative housing. It will realise other benefits so that the rural restraint policies of TAN6 are not directly relevant. The proposal is unique and is in keeping with the direction of travel of Welsh Government policy. Future Wales states that the countryside is not one homogenous area, and planning policies need to be more tailored and nuanced to respond to the needs of rural communities.
42. TAN 6 covers agriculture and forestry development. The site is the only land owned by CP or DE in the area. Land within the development limit would not be financially viable for purchase. It is recognised that the proposal would not meet the requirements of land-based agricultural or forestry development in terms of the need for workers to live on the site. However, it does meet the spirit of TAN6 in terms of supporting rural communities, developments encouraging people to live and work in the same locality, and sites to meet local needs. The NPA has failed to recognise that a timber cluster development by definition needs to be within a forest. It is important that the dwellings are close to the workshops – that is the whole point of the scheme. The NPA has also rejected an alternative site proposed for the housing even though it was on the edge of the settlement limit.
43. Turning to the LDP2, the appellant contends that the proposal meets criteria a), d), e), h), and i) of policy 7 development in the countryside. The proposal complies with Policy 43 which encourages and supports employment sites and live work units.
44. Policy 8 states that the special qualities of the National Park will be conserved and enhanced. The proposal will not affect the sense of remoteness and tranquillity because this is a working forest and consent has already been granted for the wood processing shed. This is a post-industrial landscape founded upon the slate quarrying activities to which Rosebush owes its very existence. The pattern of development in the area is already scattered with development opposite the site entrance further along the road towards the East and within the forest itself. The proposal will not have a detrimental impact on the historic environment. Cadw and the Dyfed Archaeological Trust have not objected to the proposal. There is no objection to the proposal on the grounds of the impact on ecology, geological conservation or protection of the Welsh language.

45. Policy 9 light pollution requirements can be met by a condition requiring the submission of a lighting scheme.
46. The proposal as live/work units would reduce the need to travel. A school bus would be available from Rosebush. Use of timber on site would reduce lorry movements. The NPA encourages people to travel to the forest by requesting the provision of a car park next to the appeal site. The site would be as sustainable as sites in Rosebush, which is a short distance away. The community use would be for the wider community, groups arriving by mini-bus and the local area. It is intended to run training courses from the site, mainly in the sawmill building and outdoors in the forest. The focus would be on practical skills for the residents and the wider community.
47. The NPA argues that additional housing in the Rosebush area would be unsustainable due to the need to travel. Travel for education was specifically referred to. However, the NPA has promoted two sites within Rosebush rural centre for affordable housing. There is negligible difference in transport provision and access to services between these sites and the appeal site, the only one being the walking distance into the centre. Therefore, since the NPA finds these sites acceptable, then the appeal site would also be acceptable.
48. The second reason for refusal is concerned with the impact of the proposal on the River Cleddau Special Area of Conservation. There was insufficient time to address this issue before the application was presented to the committee. The appellant has now prepared a foul water drainage strategy, which aims to reduce phosphates from the effluent associated with the development. A packaged wastewater treatment plant and drainage field are proposed. Specifying a plant with chemical dosing for phosphate reduction could further reduce phosphate loading if natural methods are not deemed sufficient. The foul water drainage network would be maintained in accordance with the British water guidance.
49. The appellant has addressed all the criteria in Policy 30 Amenity. However, the NPA's concern related to the impact of noise from the workshops and the machinery used in the proposed sawmill and wood drying and processing building on the private amenity space of the dwellings. This is proposed to be addressed by means of a condition requiring sound insulation and attenuation for the machinery to be used within the buildings. Information on the type of sound insulation measures has been provided. In this way the noise impact of the wood processing elements of the proposal can be ameliorated so as not to unduly affect the living conditions of residents. It should also be noted that the occupiers of the dwellings will be closely involved in the workshop activity and this is therefore in their own interest control the noise emanating from the workshop and sawmill buildings.
50. It is considered that the proposal would help the management and development of ecological networks. Approval would also ensure the continuity and integrity of a biodiverse forest is maintained. This is of critical importance given that biodiversity and ecology is under significant pressure. The proposal represents holistic sustainability as advocated by the WFGA. This is also reflected in the design and construction of the proposed houses and buildings. The planning system in Wales should be encouraging and supporting the delivery of development of this kind that will meet the need for affordable housing and employment for local people.
51. The need for controls to ensure that the dwellings are and remain affordable are recognised. Documents have been supplied that outline the proposed allocation policy and affordability proposals. The measures have been endorsed by Pembrokeshire County Council and a specialist firm of solicitors who have worked with charities and social enterprises for decades on affordability in perpetuity. Whilst the solicitors refer to

the need for an obligation under s106 of the Planning Act, they recognise that the documents will provide additional safeguards on top of the Section 106 Agreement. The allocations policy will have a priority for local applicants cascading out to the whole of Pembrokeshire. Whilst DE is not a Community Land Trust, it has similar principles in holding property for common good and prioritising the needs and opinions of the community before profit. Welsh Government Practice Guidance on Delivering Affordable Housing using Section 106 Agreements states that increasingly Community Land Trusts are considered as an alternative approach to ensuring affordable housing is retained as such in perpetuity. The appellant accepts the need for a Section 106 Agreement and has been working with the NPA in an attempt to secure an appropriate obligation, without success.

52. The concern about impact on the Special Qualities of the National Park is important and the forest is a valued feature in the wider landscape setting, promoted by the NPA as a visitor destination for recreation and enjoyment. Reference is made to the purpose of National Parks internationally. The relevant international body classifies UK National Parks as protected landscapes/seascapes produced through the interaction of people and nature over time. The essential characteristics include: *'Unique or traditional land use patterns as evidenced by sustainable agricultural and forestry systems, and the human settlements that have evolved in balance with their landscape.'*
53. Pantmaenog Forest is an important ecosystem where detailed and dedicated long term management is restoring not only the physical feature, but also ecosystems services – provisioning, regulating, supporting and cultural – for the adjacent community and the wider visiting community.
54. This mixed-use proposal provides opportunities for working within the sustainable forestry sector, affordable housing close to employment with zero commute, whilst belonging to a co-operative within a local community, who are themselves made to feel part of the co-operative through a new community facility.
55. These opportunities for affordable housing, employment and community facility align with strategic policies set out in the Park's Local Development Plan, as well as with National planning policy (together being the Plan-led system), and it is respectfully considered that this proposal would be a much-needed contribution toward the transition to a resilient and sustainable rural Pembrokeshire community.

The Case for the Local Planning Authority

56. This site is in the countryside as it is outside Rosebush which is a defined Rural Centre in the LDP2. PPW considers the countryside to be a dynamic multipurpose resource and in line with sustainable development, the national planning principles and in contributing towards placemaking outcomes; it must be conserved and where possible enhanced. This must be balanced against the economic, social and recreational needs of local communities and visitors. Most new development should be located in settlements which have relatively good access by non-car modes.
57. PPW states that in national parks planning authorities should give great weight to the statutory purposes of national parks. These are to conserve and enhance the natural beauty, wildlife and cultural heritage, and to promote opportunities for public understanding and enjoyment of their special qualities. Within this context, planning authorities should also seek to foster the social, economic and cultural well-being of the local communities. PPW gives weight to the special qualities of the National Park in the decision-making process, highlighting a need for proposals to be carefully assessed to ensure that their effects on the special qualities are acceptable.

58. The detail of the proposal must be considered against national and local policy. A key element of the national approach is supporting sustainable development by influencing the location, scale, density of development, mix of uses and design of new development to improve choice in transport and accessibility. The Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Public transport in the Rosebush area is very limited. Whilst there will be close linkage between the workshops and the houses, travel would be necessary to reach almost all other services and facilities – including any employment by other family members, school trips and shopping trips.
59. Policy 7 sets out the types of development that may be permitted in the countryside. This includes a rural enterprise dwelling with the need to locate in the countryside is essential and also the release of land at the edge of centres for small employment sites or as exceptional land releases to meet an identified need for affordable housing. The proposal does not meet the definition of an exception site as it is neither within nor adjoining an identified centre. It therefore fails to comply with Policy 7.
60. At the time that the application was considered there was no convincing information to demonstrate that the definition of affordable housing in planning policy was met. There was no draft legal agreement to ensure that the housing would remain affordable in perpetuity. This remains the case. Negotiations were underway on an exceptionally complex agreement and it was not possible to resolve all of the issues within the time available. With s.106 Agreements, which include an affordable housing element, it is important to ensure that the Housing Authority are a signatory to the agreement as any letting arrangements would have to be the Council's responsibility. The NPA is not a Housing Authority and the County Council is not prepared to enter into the obligation.
61. With regard to the proposed workshops, PPW recognises that a strong rural economy is essential to support sustainable and vibrant rural communities. New development sites are likely to be small and should generally be located within or adjacent to defined settlement boundaries. It is recognised that some industries have specific land requirements that cannot be accommodated within settlements but also that the protection of the open countryside should be maintained wherever possible.
62. Policies 7 and 43 allow for the development of new businesses within or adjacent to centres in the countryside provided that a need to locate there is demonstrated to be essential. Policy 43 allows the combining of business uses with other uses such as housing including live/work units. The site does not adjoin a Centre boundary. There is no identified need other than the fact that the land is within the applicant's ownership. Insufficient information was provided to demonstrate why a countryside location was essential. The whole proposal is predicated on a new business that is not established and no proper business plan supports the proposal. There is insufficient information to assess its viability or ensure what would happen should the enterprise fail. For these reasons, the proposal would be contrary to advice in PPW and LDP2 Policy 7.
63. The proposal includes a community facility. Whilst it is acknowledged that the wider community in this area is dispersed, the most appropriate location for a community facility would be within a village where transport links are available. It is considered the provision of a meeting place at this location is likely to decrease the sustainability of the community.
64. The NPA has supplementary planning guidance on landscape character. The site is within character area 27 – Mynydd Preseli. The area is described as a large and very conspicuous inland heath, visible from a great distance. The area is important for its views, feeling of exposure, historic character and wealth of important archaeological features. The landscape is recognised for its national, historical and cultural significance. The site is situated in open land below the highest peaks in Pembrokeshire. Rosebush is

a very visible and familiar part of the extensive views from the B4329 which rises steeply up towards the higher land. Whereas the village is seen in the context of rising land and quarries beyond with the terrace of housing, the site would appear in the foreground of the view as an isolated development with no particular context.

65. The proposed design and layout is not particular to the locality. Whilst maturing woodland may help to screen the development over time, the effects of people living and working within the site will be evident in views from high vantage points. Policy 14 does not permit development that would have an unacceptable adverse effect on the qualities and special landscape character of the National Park by virtue of visual intrusion.
66. It is recognised that both Cadw and Dyfed Archaeological Trust have considered the additional heritage impact information supplied by the appellant and have no objection to the proposal in terms of its impact on cultural heritage.
67. Concerns are raised in relation to policy 30 in terms of avoiding incompatible development due to the potential significant adverse impact upon the amenity enjoyed by neighbouring properties. It is recognised that the dwellings would be occupied by those involved in the workshop businesses. However, there is little detail submitted of how noise and disturbance of the sawmill building and the workshops could be controlled and not negatively impact on other occupants of the dwellings who are not directly employed. The arrangement of the dwellings around the workshops which are also indicated as being open to the public appears to make little provision for standards of privacy or amenity for the occupiers of the dwellings.
68. The Design Commission for Wales commented on the proposal stating that further work was needed on routes in and out of the workshop building and it would be beneficial if further design development considered firstly how materials for sale can be presented and secondly how incidental meeting spaces are provided. The Commission also commented that the massing of the buildings and the suburban layout were inappropriate for a development of this nature in the countryside. The designs have not been amended to respond to these comments.
69. Concerns have been raised by NRW in terms of potential effects on a Special Area of Conservation (SAC) as a result of effluent discharge from the proposal. This has the potential to impact on phosphate levels in the SAC.
70. The proposal is contrary to national and local planning policies that seek to control development in the countryside. Insufficient information has been provided to show that this particular location is essential to the proposal. The proposed affordable housing does not meet the accepted definition of same. It has not been demonstrated how the properties would be let and managed by a registered social landlord. There is no legal agreement in place to ensure its affordable in perpetuity. The business has not been established and no business plan has been submitted. The functional link between the houses and workshops has not been satisfactorily explained.
71. This does create an opportunity for residents to live and work in close proximity. However, the sustainability of the proposal in terms of the wider needs of the occupants is diminished by its remote location and likely dependency on private transport.
72. The site would be clearly visible within the protected National Park and historic landscape from a wide area to the north, extending to the top of the Preseli hills and would appear as an isolated development in the countryside. The principle of the development is not acceptable because of its location removed from the existing centre. The proposal does not meet any of the policies for rural areas and approval would undermine the ability of the NPA to control further development in the countryside. This is not a sustainable location and the proposal would not promote sustainable travel choices. Whilst the

residents would work in the adjoining workshops the household would have to travel for shopping and education.

Written Representations

73. Cadw commented that the application is accompanied by a Historic Environment Desk-Based Assessment prepared by Trysor, which includes an assessment of the impact of the proposed development on the settings of the designated historic assets identified. This assessment follows the guidance given in the Welsh Government's best-practice guidance Setting of Historic Assets in Wales (2017) and concludes that there will be a very low impact on the setting of scheduled monument PE532 Banc Du Neolithic Enclosure and the Pant Maenog Landscape Character Area of the Registered Preseli Landscape of Outstanding Historic Interest: However these impacts will not be significant and will be reduced when tree planting, which is included in the current proposals for the development, and is fully matured. Cadw concur with these conclusions.
74. Dyfed Archaeological Trust recommended that Cadw be consulted on the impact on scheduled ancient monuments and the Registered Historic Landscape of Preseli and that an up to date desk-based assessment should be provided by the applicant. I note that both these recommendations have been followed.
75. NRW had no objections in respect of protected species or landscape matters. NRW advised that a Habitats Regulation Assessment would be required due to the proximity of the site to the Afonydd Cleddau / Cleddau Rivers Special Area of Conservation. This view was supported by the Pembrokeshire County Council's Ecologist. The Highway Authority had no objections subject to conditions. The Tree and Landscape Officer recommended that details of proposed landscaping be submitted for approval.
76. The NPA refers to 24 expressions of support from local residents at the application stage, several of whom would wish to become tenants. Wood Knowledge Wales wrote in support of the proposal and the proper management of the forest. A representative of the resilience network wrote on behalf of 13 local families who would wish to be considered as tenants for the scheme. Several respondents refer to the excellent work of Down to Earth at its existing facilities. Nolton and Roch Community Land Trust support the proposal.
77. The objections received at the application stage, make the following points:
- There is no excuse for building on unspoilt countryside when there are so many previously used sites and building plots within the confines of the nearby villages. It would be an ecological atrocity to build on this beautiful site.
 - The site is outside the defined village centre. It would be unfair if this proposal were allowed when local people have been refused planning permission on their own land.
 - There would be environmental problems with traffic and machinery.
 - The proposal would result in light and noise pollution and have an adverse impact on eco-systems.
 - There would be insufficient parking available leading to potential traffic issues
 - The sustainable transport options will not work due to the remote location and lack of public transport.
 - There is a community centre in Maenclochog and local hubs in the village no need for community space in a small village
 - Local people (those closest to the site) were not informed of the development at the pre-application consultation.
78. One letter of support was submitted at the appeal stage, which refers to a critical need for affordable housing in the area. The supporter refers to problems with being able to buy a dwelling in the area. The proposal would be the highest example of sustainable

development providing homes, training and livelihoods. Conservation of National Parks is important, but so is supporting the communities at this difficult time.

Conditions and Obligations

79. In the event that the Welsh Ministers decide to approve the application, I consider the conditions set out in Appendix A to be reasonable and necessary and would satisfy the tests set out in Circular 16/14: The Use of Planning Conditions in Development Management. Where appropriate I have refined the wording of some of the suggested conditions to align with the Circular. The reasons for the conditions are also provided. This together with my appraisal of the proposal explains why I consider each condition to be necessary.
80. The appellant has referred to proposed landscaping on the plans and in evidence. I consider that details of a landscaping scheme should be submitted for approval and a condition requiring its implementation is required. The Highway Authority required conditions to address the provision and retention of visibility splays and parking spaces, as noted above. The removal of permitted development rights for the proposed dwellings is necessary to ensure that they remain appropriate as affordable housing units and to protect the character of the National Park.
81. The proposal involves affordable housing and a sustainable forestry development. The appellant had not provided any binding legal mechanisms firstly to ensure that the proposed affordable housing is allocated and retained as such or secondly tying the ownership of the sawmill, workshops and dwellings together so as they can't be sold off or operated separately. A guarantee of access to the adjacent forest (and timber) would be necessary in order to achieve the claimed sustainability benefits. Whilst the discussion on a planning obligation to secure the affordable housing element of the proposal have broken down, the remaining elements could have been secured by a Unilateral Undertaking by the appellant. I also note that the training benefits and management of the proposal relies on the involvement of Down to Earth. There is reference to the transfer of the site to Down to Earth should the application be successful in the appellant's evidence. No signed legal agreement to guarantee this is in place either.
82. I conclude that the issues have been raised with the parties and adequate time has been afforded to enable the preparation of the obligations indicated above. My consideration of the appeal is on the basis that no legal obligations have been submitted.
83. There is no completed mechanism for the provision of affordable housing and its retention in perpetuity. The Circular describes when a condition may be used and a model condition is provided. I consider that these circumstances do not apply to the proposal. Use of the model condition would not be appropriate because it would be difficult for the proposed dwellings to meet the definition of affordable housing as the occupiers would be those willing to take on the workshop business and may not be eligible households whose needs are not met by the open market. The requirement for a scheme for the provision of affordable housing could not be achieved. For example, Paragraph iii) of the condition could not be met as there is no public body to whom the ownership and management of the affordable housing could revert if the scheme were to fail.

Appraisal

84. The main considerations are:

- Whether the appeal site is appropriate for the development proposed, having regard to the restrictive policies controlling development in the countryside within a National Park;
- The effect of the proposal on the special features and character and appearance of this part of the National Park;
- The impact of the proposed drainage arrangements on the Afonydd Cleddau Special Area of Conservation (SAC);
- The benefits of the proposal in terms of the supply of affordable housing, employment creation and well-being; and
- The overall planning balance taking into account any harm or benefit identified in relation to the foregoing considerations

Whether the appeal site is appropriate for the development proposed

85. The appeal site is separated from the edge of the defined centre boundary for Rosebush by land in agricultural and forestry use. It is therefore located in the countryside where Policy 7 applies. The Policy states that all development must be strictly controlled, and only specified forms of development will be acceptable in principle. This is cross-referenced to other detailed policies as set out above in the Planning Policy Section. Whilst this is a mixed development that constitutes a single proposal, it is considered appropriate to assess the individual components of the development against the relevant Policies of the Plan.

86. Firstly, the proposed dwellings: Despite claims to the contrary in evidence the appellant confirmed that the proposal is not for rural enterprise dwellings. No convincing evidence was presented to demonstrate that the proposed dwellings would meet the tests for rural enterprise dwellings as set out in PPW and TAN6. It is not essential to locate the dwellings in the countryside away from a defined centre. This is evidenced by the fact that the appellant suggested an alternative location for the proposed dwellings (close to Rosebush settlement boundary) in discussions with the NPA.

87. Policy 49 allows for affordable housing exception sites within and adjoining defined Centres. The site does not adjoin a Centre and so does not comply with the Policy. There is a need for affordable housing. Whether there are clear and adequate mechanisms in place to ensure that the benefits of affordable housing will be secured for initial and subsequent occupiers will be discussed below. Given its scale and location, I do not consider the proposal is of a size and scale that is in keeping with the form and character of the Centre (see also paragraph 92 below).

88. Secondly, the rural enterprise element of the proposal. The sawmill has been approved as permitted development associated with forestry use. Consideration is therefore confined to the proposed business use – the workshops. Policy 43 also allows for live/work units and rural enterprises. Again, employment proposals should be adjacent to identified Centres, or be an extension to an existing business. The site is not at the edge of a settlement and the scale and type of businesses proposed is not an extension to the existing forestry business. Rural enterprises will be allowed in the countryside where a need to locate there is demonstrated to be essential. As noted above this has not been demonstrated in terms of the proposed dwellings. No convincing evidence has been provided to demonstrate that it is essential for the proposed businesses to be located outside a centre. Whilst it was stated that the proposed workshops would utilise timber from the forest as the primary input and basis for the businesses, there was no legal

mechanism to tie the proposal and the forest together. There was also no mechanism to tie the dwellings to the workshops to prevent them being sold off separately. The statement that the Freehold Title of the site would be transferred to DE once planning permission is granted is also unsupported by a signed agreement. The business plan is generic and refers to DE activities elsewhere. The content is aspirational. There is little concrete detail about the proposed businesses and how they would be timber-based. For these reasons I conclude that the proposed businesses would not fall within the definition of rural enterprises in the LDP2, and that the proposal would not meet the criteria in Policy 43.

89. The proposal includes a new community facility. This would be where part of the shared workshop building could be made available for community use. Policy 54 states that new facilities will be permitted where they are well located to meet the community's needs and they are convenient to public transport, shops and other services. The site is not well located as it is in the countryside. The community need for this is not proven. Local residents refer to existing facilities within Rosebush Centre as Tafarn Sinc and the holiday park that are important hubs for locals to gather. I do not consider that this aspect of the proposal would be justified under Policy 54.

90. I therefore conclude that as the proposal does not comprise any of the acceptable forms of development listed in Policy 7, it would be contrary to the Policy.

91. In terms of sustainability, the proposal is in a remote location outside a small rural Centre. Whilst the live/work units would reduce the need to travel for work for those employed at the site, some travel may be required depending on the location of the markets for products. Other family members are likely to travel for purposes such as work, education and shopping. The appellant also refers to persons travelling to the site for training and community uses. The use of timber as a raw material in the workshops could reduce transport from the site. However, no information was provided as to the amount of timber or trips saved would be and there is no guarantee that only local timber would be used or that the businesses would even be timber related.

The effect of the proposal on the special features and character and appearance of the National Park

92. Policies 8 and 14 are concerned with the impact of development proposals on the Special Qualities and Landscape of the National Park. The site is within the Mynydd Preseli character area, which is very important for its open upland views and outstanding landscape qualities. The appeal site is located on open land below the highest peaks. The character of the area around the site is now defined by farming and forestry, since the former quarrying activity has ceased. The site is within an area of forestry but can be clearly seen in views from higher ground to the north. I have visited the viewpoints identified by the NPA and agree that the proposal would be prominent in these views and would appear as isolated development divorced from the village. The scattered individual dwellings nearby would not alter that perception. The existing trees around the site would not screen the proposal in these views and it would take some time for new landscaping to have an ameliorating effect. I note the comments of the Design Commission for Wales (reported above) that the massing of the buildings and the suburban layout were inappropriate for a development of this nature. I am informed that the designs were not amended in response to these comments. I consider that the proposal would have an adverse impact on the landscape character and special qualities of the National Park, contrary to Policies 8 and 14.

The impact of the proposed drainage arrangements on the Afonydd Cleddau SAC

93. Natural Resources Wales (NRW) has advised that the site falls within the catchment of the Afonydd Cleddau SAC, which is failing to meet phosphate standards. In waterbodies which already fail to meet the target there is no headroom, and so further increases in phosphate will further worsen the condition of the SAC. The development consists of 6 dwellings, workshops, community facility and potential training facilities. There is no public sewer feasibly available for connection. The effluent was proposed to drain by gravity to a packaged wastewater treatment plant and from there to a proposed drainage field within the site.
94. As the project could affect the SAC a Habitat Regulations Assessment (HRA) has been undertaken for consideration by the Welsh Ministers as the Competent Authority if required (see Appendix B). The HRA considered the submissions of the appellant, all the available evidence and the comments of NRW. The findings of the HRA are that it is not possible to conclude that there would be no adverse effect on the integrity of the SAC and features as a result of the proposed development, alone or in-combination with other discharges. The protection of the National Sites Network of nature conservation importance is a priority of national planning policy and a requirement of the Habitat Regulations and LDP2 Policy 10. No alternatives within the meaning of the Regulations have been provided. Given the nature of this proposal no Imperative Reasons of Overriding Public Interest apply. In these circumstances, I consider that planning permission should be withheld because the proposed development would have a potential adverse effect on the integrity of the SAC and habitat types and species for which the site is designated.
95. NRW and the NPA had no other objections on the grounds of impacts on ecology or biodiversity.
96. Overall, I conclude that the proposal would be contrary to the policies of the NPA in LDP2 and national planning policy in PPW and TAN6.

Analysis of the Benefits of the Proposal

97. The appellant has set out the benefits of the proposal above. The proposal could make a modest contribution to the supply of affordable housing in an area of need. There would be potential economic benefits of enabling new business start-ups and employment. Several supporters expressed an interest in availing of these opportunities. There was no information as to whether any would qualify as in need of affordable housing. However, no information or business plan was provided to support the long-term feasibility of these ventures. DE has a track record of training in construction skills, often for disadvantaged groups and young people. A possible intention to diversify into wood-working skills training and other tourism and leisure forest-based activities was referred to, but no information on these potential uses or DE's expertise in them was available. The support of Wood Knowledge Wales and the Welsh Government's Programme for Government is noted. As is the funding from grants and the National Lottery (for DE). However, limited information on the feasibility of these proposals was provided. In summary the proposed business uses were described in aspirational terms with a lack of detail and supporting evidence.
98. The appellant argues that the site is not any less sustainable in terms of travel than locations supported for development within the small settlement of Rosebush. The LDP2 settlement hierarchy identifies settlements as the preferred location for new development in order to meet the Plan's objectives including sustainable development. The exceptional circumstances when new development outside limits would be considered favourably are set out above and the proposal does not meet any of them. There are very limited development opportunities in Rosebush, reflecting its status and allowing for its

future development. I recognise that the proposed live/work units could reduce the need to travel for work. However, the proposal for 6 dwellings/workshops in the countryside would generate a need for some travel, which is not supported by policy.

99. The communal facility on the plans is a meeting room toilets and small kitchen at one end of the workshop building. The need for a community facility in this location or area was not identified. Local residents have also referred to the availability of existing facilities in Rosebush, as noted above. How this would be of benefit to the general public or the local community rather than residents of the proposal and those partaking in organised activities at the site was not clarified. Community use and other activities would lead to some travel by car due to the site's location.
100. The ongoing sustainable management of the forest for biodiversity and affording access for the public is provided by the appellant already. These benefits are therefore not dependent on or provided as a result of the proposal.
101. I note the expressions of support for the development. Several of whom refer to the need for this type of scheme in the area and for training opportunities that it would provide. Some also express an interest in becoming a resident. There is support for the proposal from the Future Generation Commissioner in emails supplied by DE. Reference is made to it being a potential case study showing how the Act is being implemented beyond the public sector. However, I assume that the Commissioner's support for the project as an exemplar was given without consideration of its location and inherent planning policy conflict. I also am conscious of the grant funding, lottery funding and innovative nature of the proposal.
102. This is not a conventional proposal for affordable housing by, or in conjunction with, a registered social landlord, such as a Housing Association. The need for a planning obligation to ensure that the proposed dwellings remain affordable in perpetuity has been raised by the NPA during the processing of the application. The requirement for a planning obligation was recognised by the appellant and stressed by the solicitors advising DE and the appellant. It was also recognised that the various lettings, lease, affordability and allocation policy documents would not ensure that level of control. There are no legal controls on the site ownership, the allocation policy or co-operative set-up. The appellant and DE are not a Community Land Trust and so the Welsh Government guidance quoted does not apply. The Housing Authority (Pembrokeshire CC) is not involved. TAN 2 Planning and Affordable Housing refers to the difficulties in transferring land and a strong presumption that affordable housing would be secured by planning obligations. The use of planning obligations is also recommended in the relevant Welsh Government guidance. The need for a fall-back mechanism should an operator get into financial difficulties is an important consideration. In this case, neither the Housing Authority nor a registered social landlord are involved or party to any agreements or obligations.
103. In these circumstances, I consider that affordable housing could not be secured by conditions on a planning permission. The appellant and DE refer to being happy to submit a Unilateral Undertaking. As stated earlier, time was allowed for submissions after the hearing and no signed and completed agreement or undertaking has been submitted. Neither have any signed allocations or affordability proposals been submitted.
104. In addition, there is no obligation tying the ownership of the sawmill, workshops and dwellings together so as they can't be sold off or operated separately. A guarantee of access to the adjacent forest (and timber) would be necessary in order to achieve the claimed sustainability benefits. There has been no obligation or agreement to that effect. Nor has there been any concrete agreement that the appellant will involve DE in the development and provide the land for this bespoke project to be developed. The training

benefits for disadvantaged members of the community were based on the track record of DE elsewhere. No method for ensuring that these benefits would actually accrue was put forward.

105. Without these controls in place, the affordable housing and other benefits outlined in the appellant's submissions cannot be guaranteed.

Other Matters

106. The concerns of the NPA in relation to the impact of noise from the workshops on the living conditions of residents of the proposal can be addressed by conditions controlling hours of operation and restricting their use to Class B1 as suggested. I also recognise that the residents will be buying in to living close to workshops and that the dwellings should not be independent or separate from the workshops. However, this would not address potential noise from the sawmill building, which would be close to three of the proposed dwellings. The appellant acknowledged that these operations would be noisy and provided examples of the soundproofing measures that could be taken to ensure that the anticipated noise problems would not arise. A standard condition from the Circular can be modified for use in these circumstances and such a condition is included in the suggested conditions in Appendix A. I therefore conclude that with these safeguards in place there would not be any conflict with Policy 30.
107. There was some concern regarding potential impacts of the proposal on cultural heritage assets in the Committee report. As reported above, Cadw after consideration of the appellant's Historic Environment Desk-Based Assessment, concluded that there would be no significant impacts on heritage assets. The NPA confirmed at the hearing that heritage aspects of the proposal had been addressed. I have no reason to depart from these conclusions.
108. Whilst objectors refer to parking and traffic problems, I note that the highway authority had considered these issues and found that adequate provision can be required by conditions as there is sufficient room within the site. I can appreciate the fairness point made by objectors. The NPA has consistently refused applications for dwellings outside Centres as they are contrary to the policies of the LDP2 and the approval of this proposal would appear unfair. Policy 9 requires a full lighting scheme to be submitted for approval. This can be required by a suitable condition. The objectors comments on other issues not addressed above are unsupported by any convincing evidence.

Planning Balance and Overall Conclusion

109. I note the appellant's arguments that the proposal meets the aims of the WFGA and has the support of the Future Generations Commissioner. The WFGA provides a framework for decision-making and the consideration of all aspects of a proposal. The basis for decision-making in planning is primarily found in the development plan and national planning policy, which have themselves been formulated in accordance with the WFGA and the principles of sustainable development. Put simply if a proposal accords with planning policy and a recently adopted development plan then it will meet the requirements of the Act.
110. However in this case, the proposal would be contrary to the development plan and national planning policy. It does not therefore meet the terms of the WFGA, and I conclude that it is not sustainable development. The scheme's conflict with the development plan does not align with the emphasis on placemaking as set out in PPW. It identifies sustainable placemaking as an inclusive process, involving all those with an interest in the environment, which focuses on developing plans and making decisions that contribute to sustainable places. The proposal would have an adverse impact on the special features and character and appearance of the National Park contrary to the

National Park purposes and the policies of the LDP2. The proposal would have a potential adverse effect on the integrity of the Afonydd Cleddau SAC and its features, which is failing to meet phosphate standards.

111. I have considered the benefits of the proposal and their deliverability and conclude that they should be given modest weight given the uncertainty over deliverability. Even if they were to be delivered, I consider that the benefits would not outweigh the adverse impacts of the proposal on the National Park and the policy conflict that I have identified. I reach this conclusion in recognising that the policy framework provides a mechanism for realising most of these benefits but in suitable locations.
112. Finally, should the Ministers decide to adopt my HRA, the identified conflict with the Habitat Regulations presents a legal bar to the approval of the proposal.

Recommendation

113. For the aforementioned reasons, and taking into account all matters raised, I recommend that the appeal be dismissed. However, should the Ministers be minded to grant permission, it is recommended that the conditions set out in the Schedule below are imposed.

A L McCooey

INSPECTOR

Appendix A: Schedule of Recommended Planning Conditions

- 1) The development shall begin not later than five years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

- 2) The development shall be carried out in accordance with the following approved plans and documents (all Drawings job no.1816 dated 11.12.20 unless otherwise stated):

001	Location Plan	(dated 14.12.20)
003	Ownership Boundary	(dated 06.01.21)
101	Proposed Site Plan – Ground Floor Plan	
102	Proposed Site Plan – Roof Plan	
103	Landscaping and External Lighting Plan	
110	Proposed House Plans	
115	Proposed Workshop and Communal Facility Building Plans	
116	Proposed Timber Processing Facility Floor and Roof Plan	
120	Proposed House Elevations	
121	Proposed House Elevations	
125	Proposed Workshop & Communal Facility Building Elevations	
126	Proposed Timber Processing Facility Elevations	
130 & 131	Proposed Site Sections	
	Design and Access Statement	
9744DTE12	Technical Note on Foul Drainage dated 14 June 2022	

Reason: In order to be clear on the approved scheme of development in the interests of protecting visual amenity and the special qualities of the National Park. Policy: Local Development Plan 2 – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).

- 3) No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value. Policy: Local Development Plan - Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park), 30 (Amenity), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009), Technical Advice Note (TAN) 10: Tree Preservation Orders (1997)

- 4) Prior to the construction of the development hereby approved details of the external finishes and colours shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and special qualities of the area. Policy: Local Development Plan 2 – Policies 1 (National Park Purposes and Duty), 14 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).

- 5) Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995, (relating to extensions to, and changes to the external appearance of the dwelling, ancillary out-buildings, minor operations and to development for the siting of a caravan within the curtilage of the dwelling house), no development of Parts 1, 2 and 5 of Schedule 2 to that Order (or any Order revoking or re-enacting that Order) shall be carried out without specific planning permission being obtained.

Reason: To preserve the character of the area. Policy: Local Development Plan 2 - Policies 1(National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park) and 30 (Amenity)

- 6) Visibility splays of 4.5m by 160m in both directions at the junction with the highway shall be maintained free of any obstruction exceeding 0.6m in height for as long as the development exists.

Reason: In the interests of highway safety. Policy: Local Development Plan 2 – Policy 60

- 7) No development shall take place until details of 17 parking spaces (including 2 disabled spaces) for the live/work units, and parking, turning, loading and unloading facilities to serve the sawmill building have been submitted to and approved by the Local Planning Authority. Development shall be completed in accordance with the approved details prior to the occupation of the buildings and the parking, turning, loading and unloading facilities shall remain available for their designated use in perpetuity.

Reason: In the interests of highway safety. Policy: Local Development Plan 2 – Policy 60

- 8) Prior to the erection of any external lighting on the approved site a light mitigation strategy, including measures to reduce light spillage onto foraging habitats for bats shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that animal and plant species and habitats listed under the Conservation of Habitats and Species Regulations 2010 are adequately protected, and to protect and enhance the character and appearance of the site and its setting within the Pembrokeshire Coast National Park. Policy: Local Development Plan 2 – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 12 (Local Areas of Nature Conservation or Sites of Geological Interest) and 14 (Conservation of the Pembrokeshire Coast National Park)

- 9) Prior to the first occupation of any part of the development hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before any of the buildings are occupied.

Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area. Policy: Local Development Plan 2 – Policy 14 (Conservation of the Pembrokeshire Coast National Park).

- 10) The use of the sawmill production machinery shall not be carried out outside the hours of 08:00 to 18:00 Monday to Friday, 09:00 to 12:00 on Saturdays and not on Sundays.

Reason: To protect the amenities of the occupiers of nearby dwelling houses. Policy: Local Development Plan 2 – Policy 30 (Amenity).

- 11) The use of the workshops shall not include any element of retail facility which is open to the public.

Reason: In order to protect the amenity of neighbouring residential occupiers and in accordance with Policies 7 and 56 of the National Park Local Development Plan.

- 12) No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In order to be clear on the levels of the development approved to respect the character and appearance of the site in the interests of conserving the amenities and special qualities of the area. Policy: Local Development Plan 2 – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park), 29 (Sustainable Design) and 30 (Amenity).

- 13) The business floorspace of the live/work units shall not be used for any purpose other than for purposes within class B1 in the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.

Reason: To protect the amenities of the occupiers of nearby dwelling houses and preserve the character of the area. Policy: Local Development Plan 2 - Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park), and 30 (Amenity)

- 14) The commercial buildings shall be constructed so as to provide sound insulation against internally generated noise, a schedule of how this is to be achieved shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The sound insulation works shall be completed as approved before the use of the building begins and thereafter retained in perpetuity.

Reason: To preserve the character of the area and safeguard the living conditions of residents. Policy: Local Development Plan 2 - Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire Coast National Park), and Policy 30 (Amenity).

Appendix B: Appropriate Assessment under the Habitats Regulations

Background

1. The need for Habitats Regulations Assessment (HRA) is set out within the Conservation of Habitats and Species Regulations 2017 (the Regulations). The competent authority must decide whether 'likely significant effects' of the project (alone or in-combination with other plans or project), can be ruled out based on the information provided by the parties. The competent authority may agree to the project only after ascertaining that it will not adversely affect the integrity of the protected site. Natural Resources Wales (NRW) has set new phosphate standards for the riverine Special Areas of Conservation (SAC) following adoption of revised standards. A compliance assessment, conducted by NRW, against these standards found a failure to meet the targets in several catchments of riverine SACs, including the Afonydd Cleddau SAC. In waterbodies which already fail to meet the target there is no headroom, and so further increases in phosphate will further worsen the condition of the SAC. The project could affect the SAC and therefore an Appropriate Assessment (AA) must be undertaken.
2. The entry in the register of European sites for Wales states the habitat types and species for which the site is designated as a SAC. The habitats of importance are: Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation; Active raised bogs and Alluvial forests with *Alnus Glutinosa* and *Fraxinus excelsior*. The species that are a primary reason for the selection or a qualifying feature of the site are: Bullhead (*Cottus gobio*), Otter (*Lutra lutra*), Sea lamprey (*Pteromyzon marinus*), Brook Lamprey (*Lampetra fluviatilis*) River Lamprey (*Lampetra planeri*).
3. This issue arose late in the determination of the planning application and so the NPA did not provide a draft HRA. I have taken the comments of the NPA Ecologist into account, recognising that they were made at an early stage in the process. The appellant had the opportunity at appeal stage to submit a Foul Water Drainage Technical Note and further information in response to the matters raised by NRW, including a Basic Groundwater Risk Assessment. In raising concerns with the Basic Groundwater Risk Assessment NRW suggest that further information could be provided. This is not possible within the timeframe and deadlines for this report to be prepared. This may also involve revisions to the proposal, which are not legally permissible at the appeal stage
4. The purpose of this HRA is to report on the impacts of the scheme on the SAC. Conscious of the requirements of Regulation 63 regard has been had to representations from NRW and the appellant in carrying out this assessment.

The Assessment

5. The development consists of 6 dwellings, workshops, community and potential training facilities. There is no public sewer feasibly available for connection. The effluent was proposed to drain by gravity to a packaged wastewater treatment plant. However, due to the location of the proposed drainage field a pumped outfall from the treatment plant would be required. The appellant's recent Basic Groundwater Risk Assessment has added new information that *this plant designed to treat domestic sewage and is not capable of treating industrial discharge. Therefore, the effluent entering the foul system will be of domestic origin only – no large-scale use of chemicals is envisaged at the sawmill or in the wood working workshops and, if required, these chemicals will be managed via a separate sealed system.* This was new information not provided in the earlier Foul Water Drainage Technical Note.

6. The appellant's information on the drainage arrangements in the Foul Water Drainage Technical Note and Basic Groundwater Risk Assessment has taken into account effluent treatment and flows and the provision of a drainage field of an appropriate size. The appellant concludes that the impact on the phosphorous levels in the SAC would be minimal. No formal mechanism for the maintenance of the drainage network is provided. This would be necessary to ensure that the system continues to function properly for the life of the development.
7. The information provided was indicative to some extent. NRW when consulted on behalf of the competent authority indicated that its planning advice provides criteria which if met can be relied upon to conclude that a project will not have a likely significant effect on the integrity of a SAC. However, the criteria were not met and so there was a likely significant effect on the SAC and the habitat types and species for which the site is designated. Further consideration must be given to the proposed drainage arrangements and HRA was necessary.
8. NRW raised concerns regarding whether there was a minimum 40m separation distance between the proposed drainage field and surface water features including a stream. The appellant confirmed that the field would not be within 40m of the stream referred to by NRW. Other criteria related to the mitigation/phosphate reduction provided by the drainage field associated with the packaged wastewater treatment plant. To address these issues the appellant had commissioned a Basic Groundwater Risk Assessment.
9. The need for assessing the viability of the proposed drainage field, is driven by the proximity of the proposed development site to the SAC (approximately 200m away and topographically downgradient of the appeal site). NRW raised concerns that the percolation rate tests in the appellant's assessment were not undertaken in the area of the proposed drainage field, as required by the appropriate British standards. The assessment relied on the results of previous tests in a different part of the site around 150-170m away from the drainage field. This was important because information suggests that the geology and ground conditions differ between the actual trial hole locations and the drainage field. Differences in the percolation rates have implications for the discharge of Phosphorous entering the SAC.
10. An in-combination assessment with other existing discharge points within 200m was also required. NRW questions the assessment on the basis that the underlying geology of the bedrock and how that may affect groundwater movement and therefore the phosphorous it contains has not been assessed.
11. In summary, NRW considers that the Basic Groundwater Risk Assessment Report has not demonstrated the viability of the use of a drainage field. If the drainage field does not mitigate the phosphorous content of the effluent, then there is insufficient evidence to demonstrate that the proposed development would have no adverse effect on site integrity.

Conclusion

12. Having considered all the available evidence, and in adopting the precautionary principle, it is not possible to conclude that there would be no adverse effect on the integrity of the SAC, as a result of the proposed development. Significant scientific doubt remains about the adverse effects on the SAC and the habitat types and species for which the site is designated. No alternatives within the meaning of the Regulations have been provided. Given the nature of this proposal no Imperative Reasons of Overriding Public Interest apply. In these circumstances, I consider that planning permission should be withheld because of the potential adverse effect on the integrity of the SAC and features as a result of the proposed development.

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13. For the reasons given above, and having had regard to all other matters raised, I recommend that this report be accepted by the Welsh Ministers as the Competent Authority as a Habitats Regulations Assessment which complies with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

A L McCooey

Inspector

Appendix C: Appearances

FOR THE APPELLANT:

Mark McKenna MBE BA MA	Director of Down to Earth
Phil Roberts MSc MRSAW ARICS (Retd)	Agent
Ms T (N) Aitken B Arch Dip Arch	Down to Earth
Mr K Davies Dip TP Dip UD MRTPI	Planning Consultant
Ms C Bowen BSc MSc Dip TP MRTPI	Planning Consultant
Ms C Edwards BA MSc MCIH	Housing Advisor Cwmpas Wales

FOR THE LOCAL PLANNING AUTHORITY:

Ms K Attrill BA (Hons) MSc Dip TP MRTPI	Team Leader
Ms N Gandy MSc MRTPI	Director of Planning and Park Direction

Appendix D: Documents

Appellant

Ref	Name
APP1	Draft Hafan Hedd Allocation Policy V2
APP2	Draft PCC Endorsement
APP3	Draft Affordability in Perpetuity Proposal
APP4	Draft Wrigley's Endorsement
APP5	Soundproofing Proposals
APP6	Final Comments on the s106 Process
APP7	Basic Groundwater Risk Assessment

National Park Authority

Ref	Name
LPA1	Draft list of approved plans and documents
LPA2	Email containing the NPA's final comments on the s106 Process (dated 17 August 2022)