

Item 5 - Report on Planning Applications

Application Ref: NP/23/0245/FUL

Case Officer Charlotte Broome
Applicant Agent Mrs D Davies, Herbrandston Community Council
Proposal Installation of a removable bollard at the top of Sandy Haven Beach slipway
Site Location The Slipway, Sandy Haven Beach, Herbrandston, Milford Haven, Pembrokeshire, SA73 3ST
Grid Ref SM85690746
Date Valid 04-Jul-2023 **Target Date** 26-Oct-2023

This application is being brought to Development Management Committee as it raises matters of Member Interest – where a Member of the Committee also sits on the Community Council submitting the application and therefore there is a material interest.

Consultee Response

Herbrandston Community Council: Applicants.
PCNPA - Planning Ecologist: No adverse comments
PCC - Transportation & Environment: Supporting
CADW – Protection & Policy: No response

Public Response

The application is necessary as the Community Council do not own the land on which the bollard is sited. If it was in the Community Council's ownership, the proposed development would constitute permitted development.

The proposal is for a removable bollard centrally positioned on the slipway of eastern Sandy Haven. The objective of the application is to manage the access of the slipway route and beach to reduce types of use that compromise the safety of pedestrians/beach users, marine ecology and the amenity of nearby residents. The proposal will address these issues and provide long-term benefits for the marine environment. The application is recommended for approval.

Policies considered

Please note that these policies can be viewed on the Policies page of Pembrokeshire Coast National Park website - <http://www.pembrokeshirecoast.org.uk/default.asp?PID=549>
Future Wales - The National Plan 2040 (FW which was adopted on 24th February 2020)

LDP2 Policy 01 - National Park Purposes and Duty
LDP2 Policy 07 - Countryside
LDP2 Policy 08 - Special Qualities
LDP2 Policy 10 – Sites and Species of European Importance
LDP2 Policy 11 - Nationally Protected Sites and Species
LDP2 Policy 14 - Conservation of the Pembrokeshire Coast National Park

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LDP2 Policy 30 - Amenity
LDP2 Policy 59 – Sustainable Transport
LDP2 Policy 60 – Impacts of Traffic
PPW11
SPG02 - Landscape
SPG05 – Seascape Character
SPG07 – Biodiversity
TAN 05 - Nature Conservation and Planning

Constraints

Special Area of Conservation - within 500m
Site of Special Scientific Interest - within 50m
Historic Landscape
Safeguarding Zone
Ancient Monument - within 500m
Regionally Important Geological Sites
ROW Coast Path - within 10m
NPA Foreshore - within 25m
Recreation Character Areas
Affordable Housing Submarkets
Seascape Character Areas
Within Site of Special Scientific Interest consult NRW / Planning Ecologist_20m
Landscape Character Area
Special Area of Conservation - within 50m

Officer's Appraisal

The application site covers a very small area on the centre of the concrete slipway on eastern flank of Sandy Haven waterway.

The site is accessed by a single-track classified road leading west from Herbrandston for just over 1km and ends at the application site slipway.

There is a public car park located 150m to the south (as walking/driving) owned and run by Herbrandston Community Council that covers an area of approximately 1163m².

The application site is adjacent (west of) the access point for the residential dwelling known as Ferry Cottage. Otherwise, the nearest residential dwellings are situated on the other side of Sandy Haven to the west of the creek.

The western flank of Sandy Haven (across the water) comprises a small collection of dwellings and the access road ends in a larger slipway (than the application site) to the foreshore. The western foreshore's slipway does not feature a bollard nor a 'beach' for leisure. It is understood that the majority of boats are moored on this side of the creek. A stone footbridge enables access between east and west Sandy Haven at low tide.

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The tourism development of Sandy Haven Caravan and Camping Park comprises 20 static caravans plus two small fields for tents and is situated approximately 110m south. It shares the same access point as the public car park.

The site is within 8 metres of the Pembrokeshire Marine Special Area of Conservation (SAC) in open Countryside where development is strictly controlled. The site is within the nationally recognised 'Milford Haven Waterway' Registered Historic Landscape Character Area (HLW D 3) and the 'Herbrandston Refinery Fringe' Landscape Character Area LCA 11, 'Outer Milford Haven' Seascape Character Area SCA31, as defined in the Authority's Supplementary Planning Guidance on Landscapes and Seascapes respectively.

Site and Proposed development

This application seeks permission for a removeable bollard measuring 925mm high by 70mm wide and 70mm deep. It will be positioned centrally, circa. 30m back from where the end of the slipway joins the beach.

It will be constructed from steel and features a padlock at ground level, where it can be lifted out to enable vehicular/trailer access.

The proposed development and site are detailed in the accompanying plans and forms.

Relevant Planning History

None

Key Issues

The application raises the following planning matters:

- Policy and Principle of Development
- Siting, Design and Impact upon the Special Qualities of the National Park
- Amenity
- Access and Parking
- Biodiversity

Policy and Principle of Development:

Future Wales – The National Plan 2040 (FW), was adopted on 24th February 2021 and is the National Development Framework for Wales, and the national tier of the Development Plan. Policy 4 Supporting Rural Communities states that Strategic and Local Development Plans must identify their rural communities, assess their needs and set out policies to support them. On page 104, Future Wales states that: "National Park Authorities are unique planning entities with a specific remit to reflect the distinctive characteristics of their areas..." and that "Future Wales policies respect the functions of National Parks in terms of their statutory purposes..."

Policy 1 of the Pembrokeshire Coast National Park Local Development Plan (LDP2) sets out the National Park's purposes and duty. It is the overarching policy that

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reinforces the statutory purpose of National Parks, as set out in section 61 of the Environment Act 1995.

The National Park purposes are:

- a) to conserve and enhance the natural beauty, wildlife, and cultural heritage of the National Parks.
- b) to promote opportunities for the understanding and enjoyment of the special qualities [of the Parks] by the public.

The Sandford Principle asserts primacy to the first purpose - of conservation and enhancement, in cases of obvious conflict.

The proposal is considered proportionate to the size and function of the slipway at Sandy Haven; it will benefit the ecological features of the SAC and waterway by reducing the number of vehicles accessing the beach and in turn will enhance the natural beauty and public enjoyment of Sandy Haven and the National Park more broadly.

As such, the principle of the development complies with the relevant policies of the adopted Local development Plan (LDP) and can be supported.

Siting, Design and Impact upon the Special Qualities of the National Park:

Policy 8 of LDP2 states the need to conserve and enhance the special qualities of the National Park and with particular relevance to this proposal, to ensure that development positively enhances the National Park's ecosystems and the components that underpin them; and that species and habitats are conserved and enhanced for their amenity, landscape and biodiversity value.

Policy 14 of LDP2 seeks to conserve and enhance the National Park by resisting development that would introduce or intensify uses incompatible with their location.

The proposal has been submitted in response to a perception of anti-social use of the slipway for accessing the beach by vehicle. The applicant states that the pattern of use includes anti-social activity and related noise caused by groups of people arriving by car and parking on the beach (especially in the evening).

The proposal does not include any alteration to the surfacing or width of the slipway and it will remain adequately wide to accommodate a child's buggy.

The proposal will reduce the opportunity for driving vehicles onto the beach and overall, improve how the public use the slipway and beach which is currently incompatible with such a sensitive location.

As a result, the development complies with policies 8 & 14 of the LDP and can be supported.

Amenity:

Policy 30 of LDP2 seeks to protect the amenity of people living in the National Park and states that development will not be permitted where it has an unacceptable effect on amenity, particularly where a) the development would have a detrimental

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impact on the quality of the environment currently enjoyed by people living, working or visiting the Park.

In response to the public letters of concern that the Authority received over the course of the application, further detail was requested to clarify the anticipated management and operation of the bollard as a means to reduce vehicular access.

In terms of managing the access, the applicant has expressed that:

1. All mooring holders (of which there is a list managed by their Commodore) will have a key to remove the bollard at any time.
2. All members of the nearby caravan site will also have a key issued by the caravan site.
3. Three members of the Community Council will be key holders. Members of the public (of either caravan/campsite or visiting public) can refer to a sign placed close to the slipway, detailing a telephone number to call to request a convenient time to access the beach.
4. All emergency services have been issued keys and heavy vehicles such as ambulances and fire engines are not able to drive beyond the slipway.
5. A current fee of £10/key is applicable to key holders to cover costs.

A slipway is intended for moving boats in and out of the water. Thereby restricting access to only those with such an intention will reduce the negative behaviour and use of the beach as a place to park and congregate.

For solely visiting beach-goers, it is considered that removing the option of driving onto and parking on the beach is essential to provide safe access for all. Vehicular movements on a beach inherently pose risks to pedestrians. By reducing vehicular movements and the risk of vehicle related pollution, it allows for the safe use and enjoyment of the beach by children in particular. The nearby car park is sufficiently close to not impede the final active travel section of the journey down to the beach. Additionally, the layby (when available) can be used as a drop-off point for those with mobility issues. The Community Council could consider supporting the changes by increasing the number of disabled parking spaces in the nearby car park, similar to the recent beach access changes at Newport Sands.

Launching a boat of a certain size and weight that cannot be carried over a bollard naturally requires a degree of planning on behalf of the user. That user will be accustomed to practices that restrict slipway access and is likely to prepare ahead of time before arriving at Sandy Haven slipway. It is considered that users launching smaller boats or kayaks will be able to lift their craft over the top of the bollard or carry it to the side. Therefore, situations where a boat user requires immediate access are only considered to be occasional.

Overall, the development is considered to have an acceptable impact on residential amenity and accords with Policy 30 of the LDP.

Access and Parking:

Policy 59 of LDP2, Sustainable Transport ensures that opportunities are taken to improve and promote sustainable travel choices and reduce the need to travel by car

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by: a) Permitting proposals that assist in delivering improved traffic and parking management. Policy 60 of LDP2 permits development where appropriate access can be achieved.

In their consultation response, Pembrokeshire County Council Highways Development Control note that the bollard will be fitted to the top of the slipway. The highway ends at the proposed location of the bollard, the slipway is not registered as highway network.

After reviewing the planning documentation, the Highways Development Control confirm that the proposed development has no detrimental impact to the existing parking arrangements, access or local Highway Network. They have assessed the application on safety, capacity and policy grounds, and make no further comment.

Herbrandston Community Council own the car park to the south of the application site. In the detail submitted to the Authority during the course of the application, they confirmed that this is a free car park and there are no plans to change any parking arrangements or to start charging a parking fee.

Overall, the development is considered to have an acceptable impact on access and parking and accords with Policies 59 and 60 of the LDP.

PCNPA Access & Rights of Way Manager confirms in his consultation response that the slipway is not a registered public right of way. However, it does form part of the designated route of the Pembrokeshire Coast Path National Trail. The National Trail is managed by the National Park Authority for access on foot and the bollard would not obstruct access for pedestrians.

Biodiversity:

PPW, TAN5 and LDP policy 11 requires biodiversity considerations to be taken into account in determining individual applications. The presence of a species protected under UK or European legislation is a material consideration when dealing with applications that are likely to result in disturbance or harm to the species or its habitat.

The Authority's Planning Ecologist comments that the waterway at Sandy Haven is designated as part of the Pembrokeshire Marine Special Area of Conservation with the following designated features likely to be present:

- Mudflats and sand flats
- Reefs
- Estuaries

The planning ecologist considers the presence of vehicles driving on the beach is likely to impact the above features directly via disturbance to these habitat types and damage to associated species. There is also pollution risk from vehicles getting stuck on or leaking substances within the SAC boundary.

The bollard is therefore likely to result in reduced risk to the nearby SAC features.

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Overall, the proposed development is considered to improve biodiversity and as such is considered to comply with policy 11 of the LDP.

Conclusion

The proposal supports the conservation of wildlife and habitats and ensures that a statutorily designated marine area is more effectively managed from pollution risks. Visitor safety, experience and enjoyment of Sandy Haven beach will improve and the proposal will ultimately conserve and enhance the special qualities of the National Park.

The bollard will require boat owners who launch their boat at Sandy Haven to adopt to a change of practice, however this practice for greater management and control of slipway access is standard across similar marine environments.

In reaching a recommendation, regard has been given to the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. It is considered that this recommendation is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

As such, the proposal complies with policies 1, 7, 8, 10, 11, 14, 30, 59 & 60 of the adopted Local Development Plan 2 2020 and can be supported.

Recommendation

APPROVE, subject to the following 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:

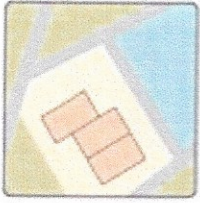
Location plan – received 16th May 2023

Site plan – received 4th July 2023

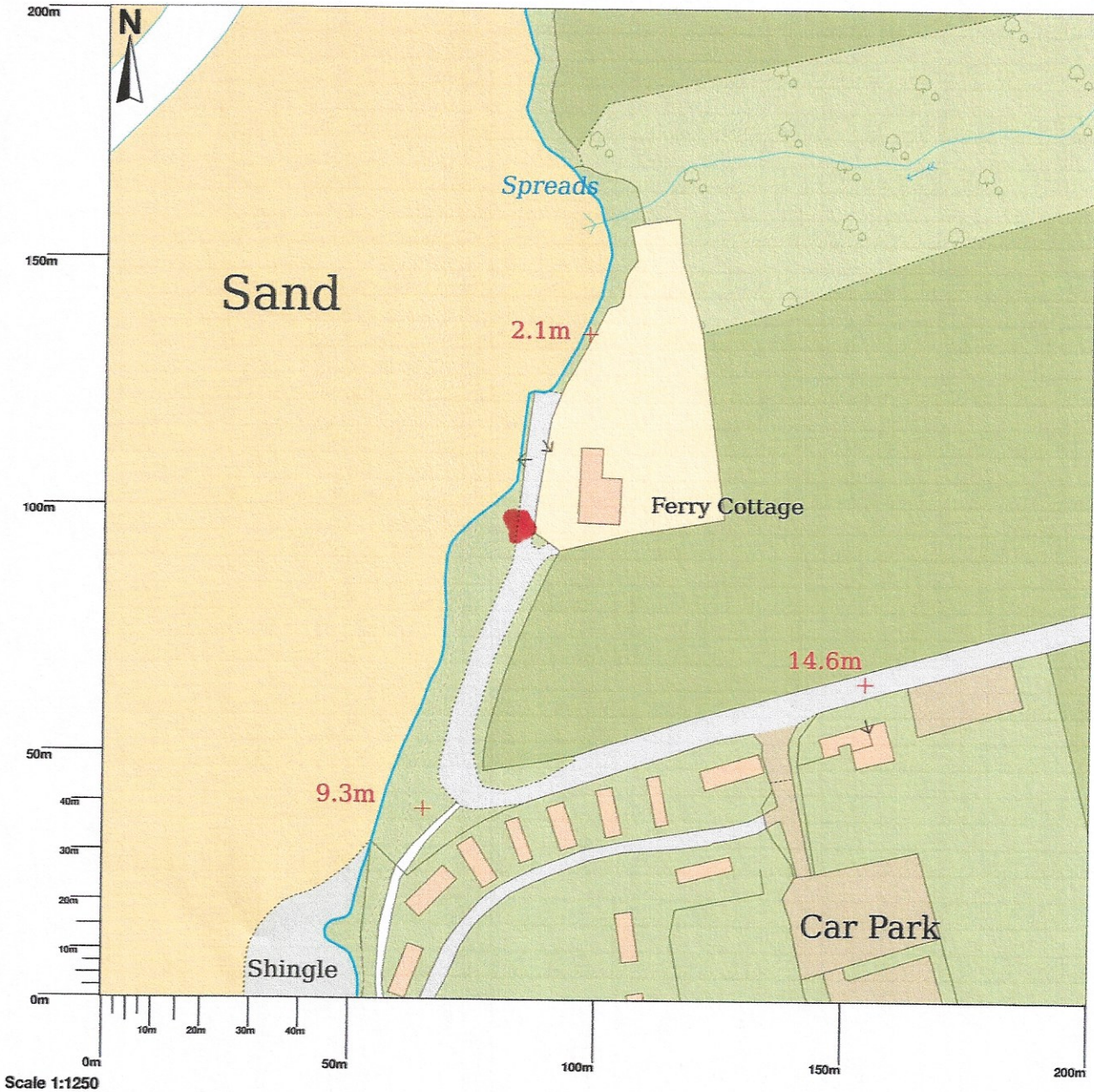
Proposed plans & elevations – bollard detail & dimensions in email received 28th June 2023

Planning statement – 'bollard management' email received 11th September 2023

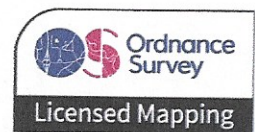
Reason: In order to be clear on the approved scheme of development in the interests of protecting visual amenity and the special qualities of the National Park. Policy: Local Development Plan 2 – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 14 (Conservation of the Pembrokeshire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

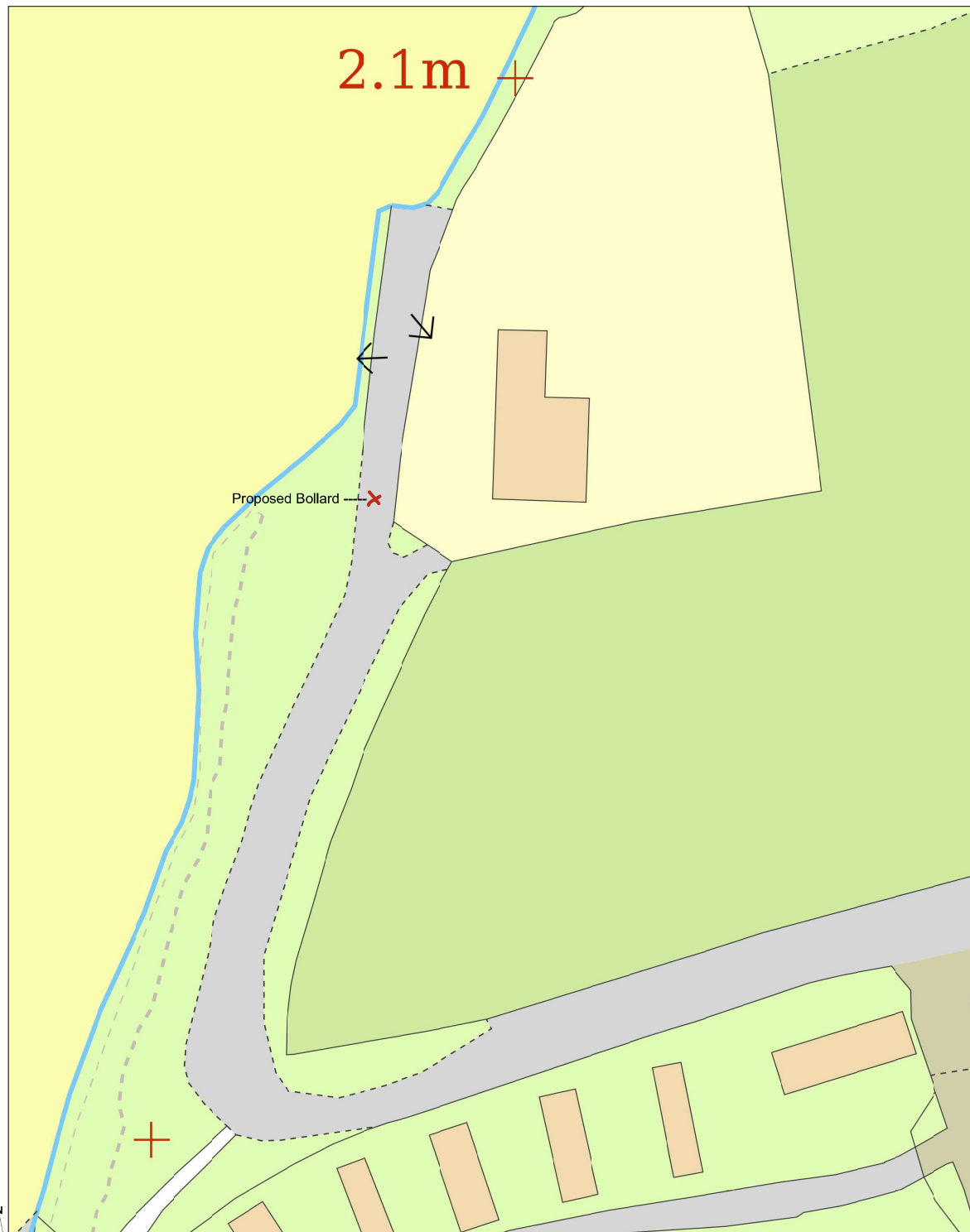


Ferry Cottage, Herbrandston, Milford Haven, SA73 3ST

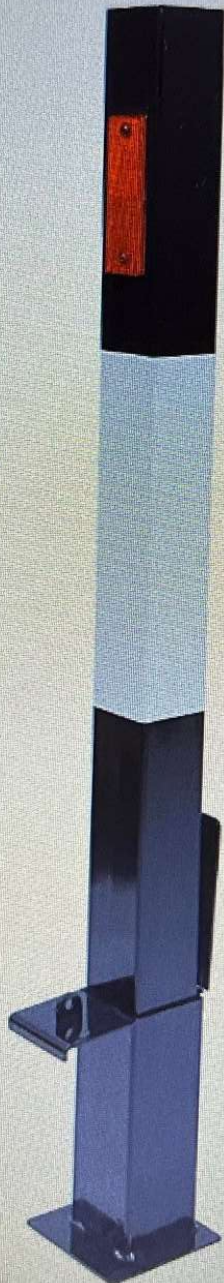


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