

Report of Consultations
APPENDIX A1
Supplementary Planning Guidance

Rep No.	Reference	Representation	Officer Response and Recommendation
	General (Joint)		
1.	3950/Gen Welsh Government Network Management Division Transport	The Welsh Government (Network Management Division) has no significant comments relating to the comprehensive LDP2 SPG consultation.	Comment noted. No change needed.
2.	4180/Gen Ministry of Defence Estates – Safeguarding Defence Infrastructure Organisation	<p>The county of Pembrokeshire and also the National Park contains a number of MOD sites along with all or part of Safeguarding zones designated to protect technical assets and explosive storage sites. Statutory safeguarding zones surround Cawdor Barracks, Manorbier and Castlemartin Ranges and the MOD should be consulted on development within these safeguarding zones so we can assess proposed developments and determine any impact on our assets and operations. The provision of new housing and the creation of new and/or expanded caravan, camping and chalet sites within these zones would need to be assessed by the MOD.</p> <p>Where development falls outside designated safeguarding zones the MOD may also have an interest, particularly where the development is of a type likely to have an impact on operational capability. An example of this type of development is the installation of wind turbine generators. Wind turbines can impact on military aviation activities in particular they can degrade and cause interference to the effective operation of radar and other air traffic systems. The MOD therefore needs to review all applications for all types of wind turbines 11 metres or greater in height or turbines with rotor blades 2 metres or greater in length. Policy 31 of the adopted Local Development Plan requires any effect on radars to be demonstrated.</p>	<p>Comments noted.</p> <p>The respective planning authorities' development management service will consult the Ministry of Defence in accordance with the relevant Safeguarding Zones provisions.</p> <p>With regard to developments falling outside designated safeguarding zones the National Park Authority and the County Council do carry out these consultations.</p> <p>No change needed.</p>

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		<p>The MOD has no objection to the new and proposed changes to existing Supplementary Planning Guidance items however the presence of statutory safeguarding zones within the county of Pembrokeshire and the Pembrokeshire Coast National Park should be taken into account by decision makers and also the requirement to consult the MOD on all wind turbine developments exceeding 11 metres in height.</p>	
3.	0/Gen Authority Member	<p>Are there were likely to be any changes to landscape character areas as a result of the loss of Ash trees as a result of Ash Die Back, given that this has been quite a significant issue in some places.</p>	<p>Advice was sought from Natural Resources Wales (NRW).</p> <p>NRW are keen to try and keep LANDMAP up to date as far as possible, and any significant change in a locality can warrant an update to the LANDMAP surveys and mapping.</p> <p>The NRW Officer advised that many trees are 'living with' ash dieback so their contribution as yet may not be lost in the landscape. But where there is a remarkable change we can update the LANDMAP records/GIS/survey including any recommendations on what to do, if anything.</p> <p>NRW does not have a means to do this nationally at present.</p> <p>For a change to be implemented it would need to be a change that is significant enough to change the character/aspect area classification and/or evaluation or just to update the survey description because the existing description does not reflect the current situation.</p> <p>NRW would also welcome any locally available evidence to assist in its understanding of the issue.</p> <p>The issue will continue to be monitored. No change needed at this stage.</p>
4.	4698/Gen Mr Harrington	<p>Which item of SPG are you supporting or objecting to? Other (please specify) - not had a look at the survey as yet Please make your response below.</p> <p>i think building of more empty homes in</p>	<p>Looking at the context Welsh Government has issued a statement on 'Second Homes' on the 29th January 2021 outlining existing initiatives:</p> <ul style="list-style-type: none"> - Council tax premiums on second homes

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		<p>the village is a waste of energy ,not good for the local economy except the builders and planners and we have not got the infrastructure for more people draining the services that we still have Further clarification email received:</p> <p>The Village i refer to is Newport Pembrokeshire. I have seen unaffordable housing built that no local can afford to buy . It has also come to my notice that some people buy these homes and register them as a place of buisness avoiding council tax and getting relief on their homes in the city citing that they are holiday homes when all the time they leave their homes in pembrokeshire empty most of the year or rent them out at great profit to themselves not of any profit too local communities.</p>	<ul style="list-style-type: none"> - Land Transaction Tax - Researching the feasibility of monitoring non-domestic rates - Training for local authorities on the compulsory powers in relation to empty homes <p>The statement refers:</p> <ul style="list-style-type: none"> - to a range of questions that need to be solved. - The need to consider the recommendations from Dr Simon Brooks' research and the need for further action. - Welsh Government commissioning further research to qualitatively assess interventions elsewhere. What are the impacts? - To the need to understand the data around 'second homes' which encompasses a myriad of property issues. - To developing a new methodology for understanding housing needs. - Exploring the potential for a statutory registration scheme for holiday accommodation. - Exploring the reforming of local government finance. <p>The commitment is to continue to explore this work programme in the next Senedd term (election results pending). The National Park Authority would need to reflect on the outcome of these initiatives.</p> <p>Officers are engaged with the issue at a national level. We are part of a Rural Housing working group, facilitated by Welsh Local Government Association, which focussed greatly on second homes and holiday lets. The recommendations of that group were put to the Welsh Local Government Association rural forum, where they were accepted and are to be raised with Welsh Government. In addition to this the 3 National Parks have been meeting with Welsh Government officers, including the recently appointed a Head of Second Homes Policy Officer, in order to feed</p>

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			<p>into their considerations and these meeting are to continue as the momentum grows.</p> <p>Officers of the Authority have also been invited to liaise with Pembrokeshire County Council to look at issues locally. This Authority is responsible for planning only within the National Park.</p> <p>Also it might be useful to note for information that the issue of second homes and a policy response of local needs housing was debated in detail at the recent Local Development Plan Examination. The Authority's paper on the issue of local connections policies is available to view on the Authority's website.</p> <p>Such a policy was not included in the Local Development Plan. Some sustainability appraisal monitoring indicators were included as an outcome.</p>
	Archaeology (Joint)		
5.	4689/Arch Dyfed Archaeological Trust – Development Management	I've looked through the draft SPG, which looks generally fine, and just have the following few comments/suggestions: 25.Where insufficient information has been provided, the planning authority can decide refuse to grant planning permission. Just a typo –'to refuse'?	Para 25 change proposed: Agree.
6.	4689/Arch Dyfed Archaeological Trust – Development Management	65.Historic Environment Appraisal We rarely, if ever, recommend an appraisal nowadays. I think these were introduced as a way of dealing with the influx of wind turbine applications a few years ago. I suggest removing this paragraph to avoid confusion with desk-based assessments.	Para 65 change proposed: Agree.
7.	4689/Arch Dyfed Archaeological Trust – Development Management	66.Where there is good reason to believe that an application site has significant archaeological potential and information is currently inadequate, the planning authority may direct the applicant to provide a desk-based assessment prior to the determination of an application. I suggest that this is reworded to say 'where there is good reason to believe an application site may have an adverse impact on the historic environment'. The significance	Para 66 change proposed: Agree.

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		of this impact will be confirmed by the assessment.	
8.	4689/Arch Dyfed Archaeological Trust – Development Management	68. The main types of geophysical survey currently being used are magnetometer survey and ground penetrating radar. Perhaps Resistivity Survey should be added here.	Para 68 change proposed: Agree.
9.	4689/Arch Dyfed Archaeological Trust – Development Management	71. In each area sufficient excavation will normally be undertaken to ensure that the natural horizons are reached and proven. An evaluation will excavate deposits to the top of the archaeological horizon or the top of natural horizons – whichever is reached first.	Para 71 change proposed: Agree.
10.	4689/Arch Dyfed Archaeological Trust – Development Management	72. advice should be sought from the Dyfed Archaeological Trust, who can recommend a form of recording appropriate to circumstances and national standards. Typo on 'Archaeological' and I suggest this should again refer to the Development Management section of the Trust. I hope this helps – let me know if you require further information.	Para 72 change proposed: Agree.
11.	4213/Arch Natural Resources Wales	• Historic Environment (Archaeology) Archaeology is outside of Natural Resources Wales' remit and therefore have no comment on the above SPG.	Comment noted. No change needed.
12.	4697/Arch Mr O'Brien	<i>Officer summary of representation</i> A detailed submission is provided – see Appendix B to this report. The issue relates to how the commentator considers the settings of Scheduled Monuments are considered in the County Council application process. The request is for 'change behaviour' alongside any necessary change to processes. Two case studies are included to support the requested change.	The representation appears to reflect a misunderstanding concerning the purpose of the Supplementary Planning Guidance, which is designed as a user friendly signposting document and guide to archaeology in the planning process. It is the primary legislation, secondary legislation and other Welsh Government documents that should be referred to understand in detail what is required and these are all signposted in the document. No change proposed.
13.	1095/Arch Lichfields on behalf of Bourne Leisure	Name of SPG item: Archaeology Object: Paragraph 3 "Supplementary Planning Guidance does not form part of the two Local Development Plans, but when adopted has significant weight in deciding whether a proposal can receive planning permission." (Lichfields emphasis)	The 'Introduction' to the Supplementary Planning Guidance has been reviewed to ensure consistency with Welsh Government's Development Plan Manual 3 Chapter 9: Supplementary Planning Guidance. This has resulted in edits to paragraphs 3, 4 and 5 which should address the issue

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		<p>Chapter 9 of the Development Plans Manual (Edition 3) (DPM) states that “Only the policies in the adopted development plan have special status under section 38(6) of the PCPA 2004 in deciding planning applications. However, Supplementary Planning Guidance (SPG) can be taken into account as a material consideration provided it is derived from and is consistent with the adopted development plan and has itself been the subject of consultation, which will carry more weight.”</p> <p>Whilst it is recognised that only limited weight can be given to SPGs that have not followed the steps set out in the DPM, it is not automatically the case that significant weight is given to an SPG where these procedures have been followed. It is for the decision maker to decide the weight to be given to the SPG.</p> <p>To ensure consistency with Chapter 9 of the DPM, we suggest that the word “significant” is removed from Paragraph 3. This will ensure that the weight awarded to the SPG is for the decision-maker to decide when determining planning applications, reflecting national policy and guidance. Bourne Leisure therefore proposes the following amendment to Paragraph 3: “Supplementary Planning Guidance does not form part of the two Local Development Plans, but when adopted has significant weight in deciding whether a proposal can receive planning permission.” (proposed amendment with strikethrough)</p>	<p>raised.</p>
	<p>1095/Arch Lichfields on behalf of Bourne Leisure</p>	<p>Paragraph 40 Paragraph 40 of the SPG states: “The planning authority is required to consult with Cadw (acting on behalf of Welsh Government) on any application likely to affect a scheduled monument or its setting. A planning application which adversely affects a scheduled monument will normally be refused.” Bourne Leisure does not object to the principle of protecting scheduled monuments and their settings. However, the Company is keen to ensure that any such considerations are in accordance with national planning policy and guidance. Paragraph 4.2 of the Planning Policy</p>	<p>Paragraph 40 has been edited to meet the concerns raised.</p>

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		<p>Wales Technical Advice Note 24 (TAN24): The Historic Environment (2017) states that “When considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains (see Annex A).”</p> <p>To ensure consistency with Paragraph 4.2 of TAN24, Bourne Leisure proposes the following amendment to Paragraph 40:</p> <p>“The planning authority is required to consult with Cadw (acting on behalf of Welsh Government) on any application likely to affect a scheduled monument or its setting. A planning application which adversely affects a scheduled monument <u>would have a significant adverse impact to or within the setting of a scheduled monument</u>, will normally be refused.” (proposed amendments underlined and with strikethrough).</p> <p>This proposed amendment will ensure that planning applications which may have a significant adverse impact on the setting of a scheduled monument are considered against the requirements of TAN24.</p>	
	<p>Biodiversity (Joint)</p>		
<p>14.</p>	<p>O/Bio Officer</p>	<p>Propose inclusion reference to the protection of peat soils.</p>	<p>Natural Resources Wales has been consulted on this suggestion and this is supported in principle. Suggested edits are proposed (to the proposed new appendix) which are agreed and are reflected in Appendix C to this Committee Report.</p> <p>It is proposed that Biodiversity Supplementary Planning Guidance be amended by adding a short paragraph that cross refers to a new Appendix containing guidance on peat. It is suggested this is added after the ‘SuDS section’ (paragraphs 62 to 64).</p> <p><i>‘Peat:</i></p>

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			<p><i>Peatlands hold large stocks carbon and excavation of peat will result in large carbon losses from the excavated peat and also the areas affected by drainage. Appendix X provides more advice on peat management procedures with the aim of preventing disturbance in the first instance.'</i></p> <p>Also the Authorities' Constraints layer would be amended to include the peat layer from Lle: Lle - Unified Peat Map of Wales (gov.wales)</p> <p>The layer on the National Park Authority's website can be found here: Pembrokeshire Coast National Park Authority: (arcgis.com).</p> <p>A footnote will be added to the paragraph above in the Supplementary Planning to advise where the peat layer can be accessed and to advise: <i>'That this layer should be used with some caution as there still may be areas of deep peat that are not shown and areas that are shown as deep peat that may not be. As a precautionary approach, where deep peat is suspected a peat survey should be undertaken.'</i></p> <p>It is worth noting that Natural Resources Wales are currently working on peat survey guidance.</p> <p>The new Appendix to the Supplementary Planning Guidance can be viewed in Appendix C to the Committee Report.</p>
15.	0/Bio Officer	On the Biodiversity SPG we think we need potentially a cross-reference in somewhere to the new NRW guidance on phosphates.....	<p>It is proposed to insert text under the International, European and UK legislation under paragraph 19 under the Habitats Regulations 2017.</p> <p>Text:</p> <p>'Natural Resources Wales Planning Policy Guidance on Water Quality in Riverine Special Areas of Conservation (SAC)</p>

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			<p>In January 2021 NRW published an assessment of phosphate levels in Riverine SACs in Wales. The assessment showed a failure to meet targets in the Dee, Cleddau, Wye, Teifi and Usk.</p> <p>Alongside this data NRW published a Planning position statement and Interim guidance which should both be considered by applicants for proposals within the catchment or which impact on the waterbody of a Riverine SAC. More information is available via the PCC website:</p> <p>https://www.pembrokeshire.gov.uk/planning-and-ecology/phosphates-guidance-from-national-resources-wales</p>
16.	4213/Bio Natural Resources Wales	<ul style="list-style-type: none"> • Biodiversity <p>We welcome and support the submitted SPG and offer the following comments.</p> <p>Table 1. Protection of Sites – Following the changes made to the Conservation of Habitats and Species Regulations 2017 (as amended), Special Areas of Conservation (SAC) and Special Protection Areas (SPA) are now known collectively as the national site network. Any reference to Natura 2000 sites should be amended accordingly.</p>	Agree to amendment proposed regarding references to the National Site Network. Amendment done in Tables 1 and 2 and Appendix 1.
17.	4213/Bio Natural Resources Wales	Paragraphs 47, 72 and 73 - We welcome the emphasis on the enhancement of biodiversity throughout the document.	Support noted.
18.	4213/Bio Natural Resources Wales	Paragraph 28 – Reference is made to Paragraph 54 in respect of licensing, it should be amended to Paragraph 57.	Agree to correct referencing. Note further edits to the document may change the paragraph number. An automated cross reference has been inserted.
19.	4213/Bio Natural Resources Wales	Paragraph 29 – We advise removing reference to particular species, all species should be considered unless scoped out.	Amendment regarding removing reference to particular species agreed.
20.	4213/Bio Natural Resources Wales	Paragraph 42 – It is stated ‘A proposal must show how it has been designed in such a way so as to minimise any adverse effects..’ we recommend this wording is amended to include avoid or minimise any adverse effects, in line with Paragraph 44.	Amendment regarding the wording of this paragraph is agreed.

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21.	1095/Bio Lichfields on behalf of Bourne Leisure	<p>Paragraph 25 of the Biodiversity SPG states:</p> <p>“This section considers how biodiversity is best protected and enhanced through the development management process. There are three key elements to this:</p> <ul style="list-style-type: none"> • Providing accurate information with the planning application on the existing status of habitats or features and the presence of plants, invertebrates, amphibians, reptiles, birds or mammals (including bats) on or adjacent to the proposed development site. • Where it is known that a protected or priority species or habitat is present, ensuring that assessments are undertaken to identify the potential impact(s) of the proposed development on them, so as to inform the planning process. • Where such assessments demonstrate that species or habitats would be adversely affected, ensuring the development proposal is modified, to avoid the destruction or damage of sites used by protected species and/or to mitigate/compensate any potential impact.” <p>Bourne Leisure endorses the approach set out in Paragraph 25 as it is practical and recognises that mitigation and compensation for biodiversity is sometimes needed. This is consistent with Planning Policy Wales (Edition 10) which states:</p> <p>“Planning authorities must follow a stepwise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible.” (paragraph 6.4.21)</p> 	Support noted.
22.	1095/Bio Lichfields on behalf of Bourne Leisure	<p>Paragraph 55</p> <p>Paragraph 55 of the Biodiversity SPG states:</p> <p>“Examples of the use of planning obligations for major developments may include:</p> <ul style="list-style-type: none"> • Provision of access and interpretation 	The general guidance is that LPAs should seek to overcome planning objections, where appropriate, or secure mitigation by condition rather than by s.106 obligations – this is set out in paragraph 4.21 of Welsh Government Circular WGC 016/2014. The Circular does note that there are

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		<p>of facilities for areas of biodiversity interest / feature;</p> <ul style="list-style-type: none"> • Provision of new habitats; ...” <p>The “provision of access and interpretation of facilities for areas of biodiversity interest / feature” is not considered to be a requirement sought through a planning obligation, as Paragraph 55 denotes.</p> <p>Instead this should be delivered by way of a planning condition.</p> <p>The Welsh Government Circular ‘The Use of Planning Conditions for Development Management’ (ref. WGC 016/2014) sets out that planning conditions should be used in preference to planning obligations, with Paragraph 4.21 of the Circular stating that “Local planning authorities should seek to overcome planning objections, where appropriate, or secure mitigation by condition rather than by a planning obligation.”</p> <p>There is no reason why such infrastructure cannot be delivered by condition.</p> <p>The following amendment to Paragraph 55 of the SPG is proposed: “Examples of the use of planning obligations for major developments may include:</p> <ul style="list-style-type: none"> • Provision of access and interpretation of facilities for areas of biodiversity interest / feature; • Provision of new habitats; ...” <p>(proposed amendment with strikethrough)</p> <p>The proposed amendment will ensure that the local planning authorities are adopting appropriate guidance as to what planning obligations they may seek for major developments. Of course, the authorities may wish to consider adding the provision of access and interpretation of facilities as an example of mitigation and/or enhancement elsewhere in the document.</p>	<p>some matters which are more appropriately required through a planning obligation and should not be required in a condition, although the examples given are transfers of land or payments to the Local Planning Authority.</p> <p>However, it is noted that paragraph 5.81 of the Circular says that “there are certain sites where any conditions or obligations affecting them will need to be consistent with the provisions applicable to their protection”, and directs the reader to TAN 5 for further advice. It is considered that this can be interpreted as meaning that the general guidance on the use of conditions (and s.106 obligations) should be read in the context of the specific guidance contained in TAN 5.</p> <p>Paragraph 4.7.1 of TAN 5 acknowledges the general position (i.e. the preference of using conditions over s.106 obligations), but notes that “in many circumstances, for nature conservation matters, obligations provide a more flexible, but equally reliable and enforceable means of controlling development than conditions”. It also notes that they are particularly useful to, among other things, “ensure proposed natural heritage benefits are delivered in a timely and appropriate way, where these have been material considerations in the planning decision” – this is essentially what the particular part of the Supplementary Planning Guidance relates to. This guidance in TAN 5 therefore provides a justification for imposing s.106 obligations for specific purposes relating to nature conservation.</p> <p>Paragraph 4.7.2 includes the following (among others) as examples of matters that obligations may be appropriate for providing:</p> <ul style="list-style-type: none"> • information and interpretation, for example, about the geological interest of a site or feature; • improved access for all to sites or features of nature conservation interest.

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			<p>This broadly covers the part of the SPG which the representation received takes issue with i.e. “Provision of access and interpretation of facilities for areas of biodiversity interest / feature”.</p> <p>It is also worth noting that the model conditions in the Conditions Circular do not include conditions dealing with the specific matters in question i.e. access to and interpretation of areas of biodiversity interest (albeit model conditions 125 – 127 do relate to other aspects of wildlife and habitat protection). When taken with the specific guidance in TAN 5, this could also be used to argue that conditions are not necessarily the way in which matters in question should be dealt with.</p> <p>Therefore, whilst there is probably an argument that this could be dealt with by condition provided it was carefully worded, given the specific guidance in TAN 5 there is a reasonably strong argument to justify continuing with the approach set out in the Supplementary Planning Guidance by dealing with it through a s.106 obligation instead.</p>
23.	3468/Bio Campaign for the Protection of Rural Wales	<p>...Comment</p> <p>We support the protection and enhancement of Biodiversity but unless we have tight conditions in place on planning consents and good monitoring and quick enforcement it won't be delivered.</p> <p>We are disappointed at the lack of enforcement of conditions on consent by the County Council some of which directly relate to biodiversity provision. We hope you fare better.</p>	<p>The comment on enforcement is noted. No change to the guidance is needed in response to this. Pembrokeshire County Council will contact CPRW to investigate the comment around a lack of enforcement on conditions relating to biodiversity.</p>