

Cyngor Sir Penfro
Cynllun Datblygu Lleol Diwygiedig 2017-2033
ARHOLIAD
Pembrokeshire County Council
Revised Local Development Plan 2017-2033
EXAMINATION

Arolygwyr / Inspectors:
Ian Stevens BA (Hons) MCD MRTPI
Paul Selby BEng (Hons) MSc MRTPI

Swyddog Rhaglen / Programme Officer:
Deborah Williamson

ff/t: 01437 775545 e: programmeofficer@pembrokeshire.gov.uk

Harriet Lavender
Head of Planning
Pembrokeshire County Council/Cyngor Sir Penfro
County Hall/ Neuadd y Sir
Haverfordwest/Hwlfordd
Pembrokeshire/Sir Benfro
SA61 1TP

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Dear Ms Lavender

Pembrokeshire Local Development Plan 2 – Initial questions to the Council

Having reviewed the second deposit Local Development Plan (LDP), focussed changes and accompanying submission documents, we have identified some issues which need to be addressed before the examination can be proceed any further.

The matters in question are set out below. It may be that some of the information we seek is embedded in documents which have already been submitted; if so, this information should be signposted rather than duplicated.

1. Effects of planned development on European Sites

As set out in your Position Statement (SD12), the updated condition assessments published by Natural Resources Wales (NRW) on 25 June 2025 found that Milford Haven Inner, within the Pembrokeshire Marine Special Area of Conservation (SAC), is in unfavourable condition due to evidence of both chemical and biological failure in waterbodies. As you are aware, NRW advises that a conclusion that there would be no adverse effect on site integrity may be drawn in a Habitats Regulations Assessment (HRA) where a plan with the potential to increase nutrient discharges can secure appropriate mitigation and demonstrate nutrient neutrality for nitrogen. The catchment for the Marine SAC covers a larger area than that of the Afonydd Cleddau Riverine SAC but unsurprisingly the two correlate.

The submitted Position Statement identifies that around 70 LDP allocations would discharge wastewater to the Marine SAC. Although the Position Statement indicates that

it should form an addendum to the HRA, the submitted HRA (SD03 - amended for Focussed Changes/Submission, 17 July 2025) has not been updated to reflect this. It is difficult to read between the two, but it is also unclear whether in-combination effects have been adequately considered.

Furthermore, the HRA identifies several allocations and designations which fall within the Riverine SAC catchment. It notes that these sites:

- a. utilise wastewater treatment works (WwTW) that discharge downstream of the Riverine SAC, or
- b. would connect to a WwTW with an environmental permit that has capacity to accommodate additional foul flows within the phosphorous limit that has been imposed, or
- c. will utilise a non-mains drainage solution.

With regard to (b), the HRA relies on the 'fair share' approach identified in NRW's *'Advice to planning authorities for planning applications affecting nutrient sensitive Special Areas of Conservation'*, which indicates that a conclusion of no likely significant effect (LSE) could be drawn for allocations where there is capacity to treat the likely additional wastewater within environmental permit limits. However, the Welsh Government's *Interim Planning Policy Statement on Development in SAC Rivers [etc]* (IPPS) (5 August 2025) indicates that a fair share approach can be relied upon by local planning authorities and developers **where it can be demonstrated that actions by public bodies and statutory agencies to reduce nutrient loading to SAC catchments are being taken** [our emphasis]. This is an inherent component of Article 6(2) of the Habitats Directive, which requires Member States to take 'appropriate steps' to avoid the deterioration of SACs.

Proposed policy GN 47 (Water Quality and Protection of Water Resources) of the LDP references the 'fair share' principle. There is, however, no recognition that WwTWs with identified 'headroom' for new connections within their permitted allowance is not sufficient to justify additional loadings at a point where a SAC may still be failing without there also being evidence of the appropriate steps intended to achieve nutrient neutrality. The HRA does not adequately set out which 'appropriate steps' might be required for the LDP to achieve nutrient neutrality in relation to phosphorus. Nor is it clear about the quantum and nature of phosphorus loads to be mitigated by policy GN 47 and other policies, including the cumulative effects of planned development on individual WwTWs. Although a conclusion of 'no likely significant effects' may be reached in an HRA on the basis of clear and firm development management policies to eliminate or mitigate risks, neither the submitted policy nor the amended wording proposed in the Position Statement would secure this.

We would also note that the feasibility and deliverability implications of securing any potential mitigation, such as sustainable drainage, is unclear. In this regard, with reference to criterion (c) above, Planning Policy Wales and WG Circular 008/2018 indicate that there should be evidence that mains drainage is not feasible.

Evidence required to support the LDP

The IPPS sets out what is needed for a decision-maker to be satisfied that the appropriate steps are 'secure'. To paraphrase, these are that:

- The scale of further improvements necessary to avoid deterioration from existing/ongoing activities has been estimated,
- The appropriate steps to be taken have been clearly identified and associated with an appropriate delivery mechanism, and
- There is a clear timeframe for implementing the appropriate steps.

It would be unrealistic to expect such information to be provided to a high level of detail and certainty at the LDP stage, whether in relation to demonstrating deliverability or as part of the HRA. Nonetheless, some indication of the likely nature and timing of appropriate steps will be needed, particularly if the LDP is to assume a 'fair share' approach to achieving nutrient neutrality.

As recognised in your Position Statement, a further complication is the recent Supreme Court judgment (*CG Fry & Son Ltd v SSHCLG [2025] UKSC 35*) which confirms that HRA applies to the discharge of planning conditions. The Position Statement takes an initial view on potentially affected 'commitments' but accepts that further investigation may be necessary to establish the ongoing circumstances for each site. It also only considers nitrogen loads.

As acknowledged in the Position Statement, Article 6 (3) of the Habitats Directive states that a plan may only be agreed after having ascertained that it will not adversely affect the integrity of the site concerned. Our assessment is that the evidence, both in terms of procedural compliance and soundness, currently falls short of what is required.

We are also concerned that the position of NRW on your HRA is currently unknown, in terms of whether 'Focussed Changes' amendments address previous concerns raised regarding effects of atmospheric pollution on European sites, and in relation to the suggested approach to nitrogen loads in the Position Statement.

As this matter is critical to the delivery of the LDP strategy, more evidence is needed at this point. We would expect this to be in the form of an indicative mitigation **action plan**; a **revised HRA**; and (possibly) a **Statement of Common Ground with NRW**. We set out in the Annex the detailed points on which we require clarity before the examination can progress.

We are aware that the Welsh Government has established a Marine Nitrates Development Taskforce which brings a range of stakeholders together to identify and explore solutions that will facilitate development in affected areas. We will continue to monitor any outcomes from those discussions that affect LDPs and respond if necessary.

2. Infrastructure plan/evidence

Para 5.125 of the Development Plans Manual Edition 3 (DPM) indicates that an Infrastructure Plan is an essential tool which should be prepared by Local Planning Authorities. Whilst the LDP and its evidence refer to a Background Paper and Supplementary Planning Guidance (SPG) relating to 'Development Sites and Infrastructure' neither these nor any other form of comprehensive infrastructure plan has been submitted.

To inform the examination please therefore submit a single infrastructure plan/schedule identifying:

- Necessary infrastructure (on- or off-site) without which the development of allocated sites within the plan period could not proceed as anticipated in the LDP, plus
- All other infrastructure items identified or safeguarded in the LDP.

For each infrastructure item the following should be identified:

- Indicative costs and funding sources (including realistic assumptions regarding contributions from planning obligations or a Community Infrastructure Levy)
- Parties responsible for delivery and how the infrastructure element relates to their priorities, schedules and plans, and
- Expected/required timescales for implementation.

Specifically in relation to transport infrastructure, we seek:

- An update on the progress of the South West Wales Regional Transport Plan and clarification as to whether the LDP is consistent with this, and
- Where potential adverse impacts on transport infrastructure or highway safety may arise from the development of allocated sites, an indication of likely impacts, any expectations for planning applications (e.g. transport statements, embedded mitigation), and how these expectations are to be made clear to applicants.

3. Flooding and coastal erosion

Assessments of the consequences of flooding and coastal erosion are provided in two Stage 1 Strategic Flood Consequences Assessments (SFCAs), one dating from 2019 (SD43.1) and the most recent from 2022 (SD43.24). These studies are referred to in paragraph 3.12 of the LDP.

Technical Advice Note (TAN) 15 'Development, flooding and coastal erosion' was published in March 2025. Amongst other things this sets out what an SFCA should contain and which issues and policies LDPs should address.

The Council's response to the preliminary questions (SD13a) contends that, subject to limited updates, the submitted LDP accords with the 2025 version of TAN 15. However,

there is insufficient detail to demonstrate that the evidence and LDP have been comprehensively reviewed to ensure that they comply with the requirements of the updated TAN.

We therefore seek a comprehensive background paper on this matter which explains:

- How the two SFCAs have informed the strategy and selection of allocated sites, and
- How the LDP accords with the requirements for development plans identified in the 2025 version of the TAN.

If applicable, this assessment should inform the infrastructure plan sought under (2), as set out in para 10.5 of the TAN.

4. Deliverability of allocated sites

The DPM advises that new housing allocations will need to be supported by robust evidence on delivery, phasing, infrastructure requirements and viability. Sites key to the delivery of the plan will require greater evidence to support their delivery, with requirements essential to deliver these sites included in policy and principles set out in Statements of Common Ground. It adds that for allocations rolled forward from a previous plan, there will need to be a substantial change in circumstances to demonstrate sites can be delivered and justify being included again.

Whilst the Council have set out the results of its candidate site assessments (SD08.1-SD08.6) and housing supply and trajectory (SD46), there is little detail demonstrating the delivery of housing site allocations. This includes a lack of evidence justifying the phasing of individual sites, or site promoter statements including any information on preliminary site surveys, for example. The Sustainability Appraisal and Strategic Environmental Assessment Report (SD02.1) refers to a Development Sites and Allocations SPG, and we also note separate reference to SPG relating to habitat retention and enhancement on allocated sites, in support of Policy SP 12. However, neither document has been submitted to the examination.

There is also a lack of clarity on which sites the Council considers are key to the delivery of the plan, including details on infrastructure requirements. The Financial Viability Report (SD28) refers to key sites but based on the definition used in that document, not all housing allocations of 50 dwellings or greater have been individually assessed. Consequently, it is unclear if all key sites have been fully evidenced and justified.

Beyond reference to two strategic housing allocations having been rolled forward to the submitted plan, there is no indication of the change in circumstances to justify their inclusion, or which other allocations have been retained from the adopted plan.

The following evidence should be provided either in one or more background papers (noting the potential overlap with the above request for an infrastructure plan).

- An ‘implementation and delivery appendix’, as described in table 26 of the DPM, to provide evidence of site allocation delivery – including identified constraints, phasing and infrastructure requirements. Any supporting evidence on these matters from site promoters should also be provided
- Identify any key sites and provide evidence of delivery (as set out in table 18 of the DPM) including any details from site promoters and Statements of Common Ground, and
- Clarify which allocations have been rolled forward and provide evidence demonstrating the substantial changes in circumstances to justify their delivery and inclusion.

5. Development on greenfield sites and BMV agricultural land

PPW sets out a site search sequence which prioritises the use of suitable and sustainable previously developed land and/or underutilised sites.

Given that a significant proportion of development is proposed on greenfield sites outside of existing settlement boundaries, clarification is sought on the following:

- What proportion of development (on allocations and committed sites) is proposed on previously developed land through the plan period? And
- What is the evidence to justify the release of greenfield sites and support windfall site delivery assumptions (e.g. studies of the urban capacity of designated settlements)? Similarly, does the Council have a register of suitable sites which fall below the threshold for allocation in the LDP? (see paragraph 5.63 of the DPM).

The Welsh Government representation to the second Deposit Plan consultation advised that the Agricultural Land Classification background paper (SD50.1 and SD50.2) should be reviewed to include a summary of how best and most versatile agricultural land policy is evidenced and justified in the plan, including the weight given to best and most versatile (BMV) land in site assessments, and how BMV policy has been applied to the spatial strategy and site selection. Has this work been undertaken, and if not, why?

6. Housing trajectory

The base date for components of the housing supply is 1 April 2023. Given that two years of the housing trajectory have passed since this date, we seek an update on how the land bank position has changed between 1 April 2023 and 31 March 2025; whether there is any substantial deviation from the trajectory included in the LDP; and, any resulting implications for the LDP strategy, including the flexibility allowance.

7. Green wedges

PPW explains that green wedge proposals must be soundly based and should only be employed where there is a demonstrable need to protect the urban form and alternative policy mechanisms, such as settlement boundaries, would not be sufficiently robust. It adds that green wedge boundaries should be chosen carefully using physical features

and boundaries to include only that land which it is necessary to keep open in the longer term.

The Green Wedges background paper (SD48) provides a short summary of the process undertaken for reviewing existing and identifying new areas. However, beyond concluding that each existing area protects open land around a town and prevents the coalescence of settlements, there is little detail explaining how or why each green wedge continues to serve purposes that a settlement boundary approach could not achieve alone. Similarly, there is scant justification on the extent and purpose of the two new green wedges at Haverfordwest and Pembroke. Has the Council reviewed the submitted areas, made any amendments, and what reasons have led them proposing these new areas?

A revised background paper, comprehensively addressing these matters, should be submitted.

8. Matters to which the Council must have regard (Regulation 13)

Regulation 13 of the 2005 LDP Regulations (amended by The Planning (Hazardous Substances) (Wales) Regulations 2015 (SI 2015/1597), The Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015 (SI 2015/1598) and the Town and Country Planning (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (SI 2019/456) requires the Council to have regard to certain matters when preparing the LDP. We seek more information on two aspects:

- a) How the LDP has had regard to any relevant local housing strategy (a draft strategy is referred to in the Local Housing Market Assessment but there is no indication whether this has since been adopted and, if so, any implications for the Plan)
- b) How objectives to prevent major accidents and limit the consequences of such accidents for human health and the environment are reflected in the Plan, including the long term need to:
 - i. maintain appropriate safety distances between establishments and residential areas, buildings and areas of public use, recreational areas, and, as far as possible, major transport routes
 - ii. protect areas of particular natural sensitivity or interest in the vicinity of establishments, where appropriate through appropriate safety distances or other relevant measures; and
 - iii. in the case of existing establishments, to facilitate and encourage operators to take all necessary measures to prevent major accidents and to limit their consequences for human health and the environment.

We note that the Sustainability Appraisal was informed by the 2018 version of the Council's Well-being Plan whereas the current version is dated 2023 (SD44). We therefore seek a brief paper explaining how the LDP is consistent with current version of the Well-being Plan.

9. Proposed changes to the LDP

Please provide a single schedule of all changes to the LDP proposed by the Council (each with a numbered reference). The impetus for each change should be identified – i.e. whether in response to the matters raised above, or as identified elsewhere in the submitted evidence (e.g. in the Council's response to our initial questions).

We note that the Council took the view that the focussed changes had no implications for the Sustainability Appraisal (SA) undertaken on the Deposit Plan. If the Council proposes further changes to the LDP to address the matters raised above, it should confirm whether these (or other proposed changes) are likely to have significant implications for the SA.

10. Next steps / timetable

We recognise that a significant amount of work has already been undertaken to evidence the LDP strategy and policies. Nevertheless, our concerns have been reached on our review of evidence, having regard to the LDP soundness tests and DPM which advises that evidence should be robust, proportionate and credible to the issues the plan is seeking to address, and that frontloading of evidence is critical with the candidate site assessment work.

Given the scope and significance of the above matters, we are suspending the examination for a period of **12 weeks** to allow time for you to complete the additional work and engage with relevant bodies. This suspension period may be extended or reduced in length depending on the anticipated or actual length of the work programme.

The Council should prepare a **work programme** for undertaking all additional work, identifying key tasks, and target dates for completion and submission of new/updated documents. The work programme should be submitted to us via the Programme Officer when it has been produced. The Council should provide an update to the Programme Officer **every 4 weeks**.

The Council must submit all new/updated documents by **24 February 2026**. Upon receipt of all documents, we will review them and will notify you of next steps.

If any of the matters we have set out above are unclear, please get in touch with the Programme Officer as soon as possible.

This letter will be published on the examination website. We are not inviting any comments or responses from interested parties.

Sincerely

Ian Stevens and Paul Selby
Inspectors

Annex: Effects of planned development on European Sites – checklist

The following points should be addressed with an updated HRA, action plan, explanatory papers/statements, a schedule of proposed changes to the LDP, and a Statement of Common Ground (if possible).

- For both nitrogen and phosphorus loads, in a single document provide clear information on current and future strategies and actions of the Council/Nutrient Management Board; potential timescales and delivery mechanisms; and possible mitigation solutions and their likely effectiveness in reducing nutrient loads.
- Clarify how, or whether, potential interventions for improving water quality identified in the Green Infrastructure Assessment are to be given effect by the LDP.
- For affected sites (relevant allocations, commitments and designations), confirm:
 - Forecast increases in volumes of phosphorus and nitrogen in each year of the LDP (making reasonable assumptions for floorspace/units, phasing, build out and occupancy).
 - Overall total loads for each catchment.
 - The name of the relevant WwTW, permit limits, and how any identified 'headroom' for new connections relates to the strategic objective of nutrient neutrality.
 - Information on planned improvements for nutrient stripping (including the percentage efficiency of such stripping) at any relevant WwTW.
 - Where additional nutrient loadings would arise from the site (i.e. less than 100% stripping), signpost potential suitable on-site or off-site mitigation measure(s) to avoid or reduce adverse effects on the SAC, including the predicted duration of any effects and potential load reductions. (We accept that work on potential mitigation packages and actions are at an early stage, but as much information as possible should be provided to give clarity on how development sites are expected to come forward).
 - Where non-mains drainage is proposed, justify why mains drainage is not feasible.
- Ensure that the approach to identifying affected sites is undertaken on a consistent basis, providing a justification for screening out uses not involving an overnight stay.
- Ensure that all potential in-combination effects on sites from different sources (e.g. water and air) are addressed in the HRA.
- Clarify the potential effect of the *CG Fry* judgment on committed sites and identify any assumptions made in relation to windfall allowances.
- Clarify how dwelling numbers and densities for each allocated site have been arrived at (noting that para 2.18 of the SuDS Statutory Guidance states that "it is important that strategic planning provides for SuDS, ensuring space within development so that surface features which are more likely to provide multiple benefits can be accommodated and SuDS do not have to be "squeezed in" and compromises made"). In doing so, explain discrepancies between the site capacities for 'key sites' identified in policy GN 16 versus those shown in Appendix F of the Financial Viability Report.
- The Position Statement states at para 6.24 that "[financial] allowances and surplus profit can assist with the provision of nutrient neutrality for sites". If the LDP is to rely on SPG to facilitate the delivery of allocated sites, clarify whether the assumed £1,500 per dwelling for SuDS provides sufficient headroom for any potential

required mitigation for all nutrients. (Broad-brush assumptions are acceptable, and the Council may draw on evidence from other Local Planning Authorities).

- Review policy GN 47 (and other related policies) in the light of the above. Having regard to the recently updated NRW advice, we would stress the advantage of an effects-based policy which may, for example, allow proposals to come forward where there is evidence which demonstrates that site-specific and hydrological conditions would avoid adverse effects on the integrity of SAC habitats and species (e.g. as the discharge would enter a waterbody which passes in relation to a nutrient and is downstream of a failing part of a SAC), irrespective of WwTW permit limits/headroom, the achievement of 'appropriate steps' or site-based mitigation.
- If possible, the Council should enter into a Statement of Common Ground with NRW to confirm areas of agreement/disagreement on the HRA and proposed approach. If this is not possible within the timeframe, explain how and when the Council intends to consult NRW on the completed Appropriate Assessment, as it is required to do.