

Annex 1 – Pembrokeshire County Council draft Development Sites Supplementary Planning Guidance Consultation Report, August 2013

Ref. No.	Individual/Organisation	Representation summary	PCC Response	Recommended change to SPG
1	Gareth J. Scourfield, Pembroke Design Limited	Clause 2.5 – it is imperative that DCWW provides details of what settlements will be included in their next AMP 6 programme, to run from 2015, as foul sewage disposal and the Environment Agency (now Natural Resources Wales) consultations are increasingly proving problematic for certainty of foul sewage disposal for your Authority's Development Management Team, agents and applicants alike.	DCWW provided PCC with information on its investment programme during Plan preparation (in May 2010, September 2011 and 2012). Whilst the AMP6 (2015 to 2021) programme is not yet prepared, officers of DCWW have confirmed that the programme will be prepared in the light of the LDP allocations.	No change
2		Page 69 – residential development site HSG/040/00106, Haverfordwest – the site has achieved 150 (not the 140 as printed) units on 11/0506/PA and 05/0530/PA with public open spaces, etc'. We were involved.	The quoted figure is a minimum requirement, taken from LDP policy GN.27 and based on achievement of 30 dwellings per hectare.	No change
3		Page 99 – residential development site HSG/048/00039, Johnston – the site was refused on 09/0455/PA purely on DCWW's AMP programme for future treatment works improvement being unavailable but had a density of 150 (not 130 as printed) plus a village green and public open space, connecting footpaths, etc'. We were involved.	The quoted figure is a minimum requirement, taken from LDP policy GN.27 and based on achievement of 25 dwellings per hectare. Application 09/0455/PA was refused on a) capacity problems affecting the sewerage and WWTW and b) lack of affordable housing provision.	No change
4		Page 121 – residential development site HSG/029/00017, Crundale – the site is shortly to be granted OPP (outline planning permission) for 62 units (not 55 as printed) on 11/0733/PA and 07/1244/PA, with public open	The quoted figure is a minimum requirement, taken from LDP policy GN.27 and based on achievement of 25 dwellings per hectare.	No change

Annex 1 – Pembrokeshire County Council draft Development Sites Supplementary Planning Guidance Consultation Report, August 2013

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		spaces, etc'. We were involved.		
5	Lydia Whitaker, Network Rail	<p>Specific concerns regarding:</p> <ul style="list-style-type: none"> • Whether potential impacts from developments affecting Network Rail's level crossings are included in the site allocations appraisals. • A number of sites included in the SPG that are adjacent to railway lines / infrastructure e.g. Pembroke North and West of Railway Tunnel (HSG/095/00154). • Whether reference should be made in the site allocations templates to a commitment to consult Network Rail - where development may impact on the rail network and require rail infrastructure improvements. <p>General concerns raised regarding:</p> <ul style="list-style-type: none"> • Whether there is a need to reference consultation with Network Rail as a statutory undertaker <i>in compliance with Schedule 5(f) (ii) of the Town & Country Planning (Development Management Procedure) Order, 2010.</i> • The impact of development proposals on the safety of level crossings and any consequential impact upon safety and service provision for the railway network. • Potentially severe consequences for the 	<p>This generic response has not, in most cases, been related to specific LDP allocations. Level crossings in the Plan area are mostly on lightly trafficked roads in countryside areas, with none particularly close to any LDP site allocations. It is difficult to envisage development resulting from the plan's allocations impeding either train services or service improvements. Re-iteration within the SPG of statutory requirements for consultation / Development Management procedures would not be appropriate.</p> <p>The Council would welcome the involvement of Network Rail in the evaluation of any planning applications which could potentially affect the rail network and will consult with Network Rail where development proposals may impact on the rail network.</p>	No change

Annex 1 – Pembrokeshire County Council draft Development Sites Supplementary Planning Guidance Consultation Report, August 2013

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		<p>timetabling of trains and future train service improvements, conflicting with strategic and Government aims of improving rail services.</p> <ul style="list-style-type: none"> • The provision of full Transport Assessments to support any planning application which may increase the level of pedestrian and / or vehicular usage at a level crossing. • Qualitative improvements to level crossing(s) required as a direct result of development proposed to be developer funded. • The opportunity to comment on any future planning applications / allocations in relation to sites adjoining, or within close proximity to the railway, e.g. Winsel, near Merlins Bridge, (WST/LDP/040/01), where re-construction of a rail bridge may be required, requiring full, early engagement of Network Rail. 		
6	Julian Austin, AMEC, for National Grid	<p>General contextual information has been provided regarding National Grid's electricity and gas transmission network functions, potential changes emerging from a White Paper and availability of web-based information, including the Good Practice Guidance 'A Sense of Place'. National Grid has set out its consultation</p>	<p>The information provided has been noted, but is considered to be insufficiently specific to be pertinent to the SPG. The Council will be preparing an advisory note on hazardous installations (LDP paragraph 6.9, following policy GN.1). It may be possible to include some of the information submitted in this consultation response in the advisory note.</p>	<p>No change</p> <p>Consider inclusion of some of the submitted information in the proposed</p>

Annex 1 – Pembrokeshire County Council draft Development Sites Supplementary Planning Guidance Consultation Report, August 2013

Ref. No.	Individual/ Organisation	Representation summary	PCC Response	Recommended change to SPG
		requirements on planning applications affecting its assets, rather than providing site specific comments on particular allocations.		advisory note on hazardous installations.
7	Wynne Jones (19/02/13)	There should be differentiation of surface water, ground water and ordinary watercourse flooding issues (where PCC has permissive power to alleviate flood risk as the 'Lead Local Flood Authority') from main river / tidal flooding issues (where Environment Agency Wales (now NRW) permissive powers are available to alleviate flood risk). This is to avoid misleading prospective purchasers and potential developers. The LDP Inspector has not addressed this in his Report and expects these matters to be addressed in the 'Development Sites SPG'.	The existence of several different types of flooding (surface water, ground water, ordinary watercourse, main river and tidal) is accepted. However, the template for recording site-specific information is topic based and the suggestion of separate entries related to the responsibilities of different organisations is not supported by the Council. A single entry for flooding is considered sufficient (see item 9). The relevant additional information for the housing allocation site at Cilgerran, consistent with paragraph 9.6 of the Inspector's report, should be included in the document. However, information on flooding is absent or partial for many locations and the Inspector's expectation is only that information be included in the SPG document 'where known'.	See response to item 9 regarding the single template entry for flooding. Modify the flooding details provided in the SPG for the 'Cilgerran – adjacent to Holly Lodge' housing allocation site, as shown in Appendix 1. This replaces the version in the consultation draft. Otherwise, no change is required to the SPG in response to this point.

Annex 1 – Pembrokeshire County Council draft Development Sites Supplementary Planning Guidance Consultation Report, August 2013

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8		<p>In the absence of PCC Byelaws, there is no legal framework to enable development to be controlled within the ordinary watercourse riparian corridor.</p> <p>The SPG should be modified to explain how PCC will control development within riparian corridors, so as to mitigate fluvial flood risk and ensure that common law rights and obligations and statutory rights of riparian landowners (including landowner rights to protect their own properties from flooding) are addressed during the development process.</p>	<p>PCC has discretionary (not mandatory) powers to make byelaws under section 66 of the Land Drainage Act, 1991, in order to control development within the riparian corridor of ordinary watercourses.</p> <p>Proposed joint working across unitary authorities will deliver standard byelaws for individual authorities to consider for formal adoption and subsequent use, as a basis for a consistent approach to management of development adjacent to ordinary watercourses.</p> <p>In the interim, in the absence of such byelaws, measures taken through the planning process can protect riparian corridors, in particular the use of conditions requiring 3m buffer strips (each side of the centre line of the watercourse) to protect the ordinary watercourse corridor.</p> <p>The Environment Agency (now NRW) is a statutory consultee in the planning process and sometimes requests wider buffer strips, particularly on main rivers, where it generally asks for 7m buffer strips (either side of the watercourse).</p> <p>Currently the SPG makes reference to buffer strip requirements for certain sites. It is now proposed to replace these individual site references with a general paragraph advising that a 3m buffer will be required for ordinary watercourses and a 7m</p>	<p>Delete references to buffer strips against individual sites.</p> <p>Insert an additional paragraph in Section 2 of the SPG, setting out a general requirement for buffer strips of 3m (for ordinary watercourses) or 7m (for main rivers) (in both cases each side of the watercourse), as appropriate, where such proximity is indicated and subject to consideration of any variations proposed by</p>

Annex 1 – Pembrokeshire County Council draft Development Sites Supplementary Planning Guidance Consultation Report, August 2013

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			buffer for main rivers (in both cases each side of the watercourse), subject to consideration of any variations advised by NRW and / or the Council's own drainage engineers at the time of application.	either NRW or the Council's own drainage engineers at the time of application.
9		Modify the generic template, to enable discrete reporting of flood risk into different categories – for surface water, ground-water, ordinary watercourse (PCC) and main river / tidal (EAW, now NRW).	Disagree with the suggestion that discrete recording is needed, based on PCC and EAW (now NRW) responsibilities – the template categories are topic-based and no other element of the template differentiates between the responsibilities of different organisations in the manner suggested by this representation. However, the item in the template currently titled 'Surface Water (Flooding)' should be amended, for each site, to read 'Flooding'. This part of the template will be used to record information on various aspects of the topic, including surface water, ground water, ordinary watercourse, main river and tidal flooding – where known.	Amend each site template, by replacing 'Surface Water (Flooding)' with 'Flooding'.
10		<p>Concerns are raised regarding:</p> <ul style="list-style-type: none"> • The sustainability appraisal of potential development sites in relation to flood risk from surface water, ground water and ordinary watercourses. • Whether PCC should have given consideration to a 2007 pre-feasibility study into flooding issues in the Plysgog catchment, as this could have informed 	There was no internal consultation with the drainage engineers when the LDP Candidate Sites were being evaluated, but consultation with the drainage engineers took place later in the Plan process, recognising the changes in responsibilities for drainage-related matters introduced, during the Plan process, through the Flood and Water Management Act, 2010. Mr. Jones' concerns regarding the Sustainability	No change

Annex 1 – Pembrokeshire County Council draft Development Sites Supplementary Planning Guidance Consultation Report, August 2013

Ref. No.	Individual/ Organisation	Representation summary	PCC Response	Recommended change to SPG
		<p>consideration of drainage / flooding issues in a part of Cilgerran village.</p> <ul style="list-style-type: none"> • Whether the Development Sites SPG is unsound and whether this, in turn, has implications for the soundness of the LDP itself. <p>It is noted by the respondent that main river / tidal flood risk has been evaluated, as PCC consulted with the Environment Agency Wales (now NRW).</p>	<p>Appraisal of the Plan have been dealt with separately.</p> <p>The Atkins Report(for PCC) on flooding issues in the Afon Plysgog catchment was included in the LDP Examination Library, albeit belatedly, and hence was available to the Inspector.</p> <p>The LDP Inspector concluded that, subject to the proposed changes included in his report, the Plan submitted for examination was found to be sound (paragraph 1.6).</p>	
11	Wynne Jones (22/02/13)	<p>Reference is made to the Inspector's recommendation, that 'localised flooding and other drainage issues, such as the impact on ordinary watercourses, could be highlighted in SPG, where known'.</p> <p>Confirmation is sought that PCC will incorporate such information into the Development Sites SPG, in accordance with the Inspector's suggestion and cross referenced to information previously submitted (on this item of SPG and to the LDP Examination).</p>	<p>Further information on flooding will be added to the Development Sites SPG, where known. In the context of this set of representations, such information will be added to the pro-forma for the housing allocation site at 'Cilgerran – adjacent to Holly Lodge' (see response to item 7).</p> <p>Also, an amendment is being made to one of the topic headings in the generic template, as set out in the response to item 9.</p>	See items 7 and 9.
12		<p>The entry in the SPG on the housing allocation site at Cilgerran (HSG/020/00062) should be modified, to accord with the Inspector's Report</p> <p>In particular, reference should be made to localised flooding and drainage issues, based</p>	<p>Changes will be made to the site pro-forma for the housing allocation site at Cilgerran (see item 7), although these may vary from Mr. Jones' expectations.</p> <p>Should greenfield run-off prove appropriate, in the context of achieving an acceptable drainage</p>	The pro-forma for the housing allocation site will be modified (see item 7).

Annex 1 – Pembrokeshire County Council draft Development Sites Supplementary Planning Guidance Consultation Report, August 2013

Ref. No.	Individual/ Organisation	Representation summary	PCC Response	Recommended change to SPG
		<p>on the evidence in a report prepared by Consultants Atkins (acting for PCC) into flooding issues in the Plysgog catchment, which includes recommendations for remedial action.</p> <p>Suggested modifications to the template are provided, together with an outline drainage impact assessment for the site (February 2011) and photographs illustrating drainage infrastructure and flooding at Cilgerran (these are available as part of Mr. Jones' full response).</p>	<p>system for this site, then the upgrade of off-site drainage infrastructure anticipated by Mr. Jones may not be needed.</p> <p>Mr. Jones also refers to separate correspondence with PCC on the subject of flooding at Cilgerran, to which a response has been provided already.</p>	
13		<p>Mr. Jones advises that he has been in correspondence with the Welsh Government, on the question of whether local authorities in Wales should have a statutory duty (rather than the current discretionary powers) to make byelaws under land drainage legislation, enabling them to control development within the riparian corridor of ordinary watercourses, in particular to mitigate flood risk.</p> <p>Clarification is sought on how this correspondence will be recorded in the Development Sites SPG.</p>	<p>Mr. Jones' ongoing correspondence with Welsh Government on land drainage matters is noted. It will be for the Welsh Government to respond to his enquiries and suggestions in this regard. It would not be appropriate to include information on this exchange of correspondence in the Development Sites SPG.</p>	No change

Annex 1 – Pembrokeshire County Council draft Development Sites Supplementary Planning Guidance Consultation Report, August 2013

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14	Wynne Jones (05/03/2013)	Mr. Jones refers to representations he submitted on the Development Sites SPG on the 19 th and 22 nd February 2013. A third set of responses dated 5 th March 2013 expands on these. These relate both to the housing allocation site at Cilgerran and to generic issues that may affect other housing sites in the plan area.	The Council has accepted, as duly made, 3 separate responses by Mr. Jones, 19 th February 2013, 22 nd February and 5 th March, noting that some elements of the 5 th March response re-iterate points made in previous submissions.	See other items of Mr. Jones' response for details of SPG changes.
15		PCC may not have taken into consideration evidence presented at the hearing sessions of the LDP Examination.	The evidence presented to the hearing sessions of the LDP Examination has been taken into consideration by the Council.	No change
16		There is inconsistency between the LDP and the Development Sites SPG. The SPG does not indicate how constraints which might require provision of off-site infrastructure are to be overcome.	This SPG presents known site-specific constraints information on LDP site allocations for development by the LDP, to inform prospective developers. It will be for prospective developers to explain how they intend to overcome constraints identified in the SPG and any others that may come to light.	No change
17		Paragraph 6.24 of the LDP sets out requirements for developer contributions. Identification of these in SPG would enable prospective developers to factor the costs into their development finance at an early stage. However, there are no such details in the Development Sites SPG. Financial information should be provided, explaining public or private sector responsibilities for overcoming constraints,	The Planning Obligations SPG elaborates on the matters referred to in LDP paragraph 6.24, not the Development Sites SPG. Mr. Jones' response to consultation on the former has already been considered by Cabinet.	No change

Annex 1 – Pembrokeshire County Council draft Development Sites Supplementary Planning Guidance Consultation Report, August 2013

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		including those relating to drainage and flooding.		
18		<p>There seem to be inconsistencies between the Council's response to Deposit-stage representations and the information presented in the Development Sites SPG:</p> <ul style="list-style-type: none"> • The reference to paragraph 2.39 of the Site Assessment Report, 2010, seems to be inappropriate, as this relates to non-residential development; and • The reference indicating that housing allocation 00062 is phased for development after 2016 in order for AMP6 improvements to be implemented conflicts with the indication in the SPG that no issues have been identified with regard to the Waste Water Treatment Works and Sewerage network. 	<p>On the first point, there are two paragraphs referenced as 2.39 in the Site Assessment Report, 2010 (this was a drafting error). It is the second instance that is referred to in the PCC representation response (this relates to the Settlement Boundary Review Methodology). The second point refers back to PCC's response to Deposit LDP representation 1757/DP/08. This response is correct, as DCWW indicated a need to review their investment programme for Cilgerran for AMP6 (however, the AMP6 proposals are not yet published). Proposals to phase certain development sites were included in an early iteration of the Development Sites SPG, but were not carried through to the version consulted on in early 2013. Notwithstanding the above, the material presented in the Development Sites SPG on WWTW and sewerage for the Cilgerran housing allocation site is being reviewed, as referenced under item 7.</p>	See item 7.
19		For Site 00062 the response cited a Council commissioned engineering report (by Atkins, 2007) into drainage / flooding in the Plysgog catchment, following serious flooding of	The Atkins report was added to the LDP evidence base following the hearing. A decision on whether to proceed with the recommendations in the Atkins report is a matter	No change

Annex 1 – Pembrokeshire County Council draft Development Sites Supplementary Planning Guidance Consultation Report, August 2013

Ref. No.	Individual/ Organisation	Representation summary	PCC Response	Recommended change to SPG
		<p>residential property, presented by the respondent at the LDP Examination hearings. The report identified 16 properties at flood risk in the catchment and recommended a project to alleviate flood risk with benefits outweighing costs by a factor of 1.5. The respondent suggested that there would therefore be no cost to the public purse in promoting this project.</p> <p>The response referred to Guidelines to consideration is given to the cumulative effect of development on a drainage catchment. The response suggests that PCC should identify this flood alleviation project in its capital programme, for implementation during the LDP period, and refer to this in SPG as a means of overcoming the constraint.</p>	<p>for the Director of Transportation, Housing and Environment to consider.</p> <p>The material in the Development Sites SPG relates specifically to the housing allocation site in Cilgerran rather than the resolution of broader drainage issues in Cilgerran village. Broader issues are outside the scope of this SPG.</p> <p>The response from Mr. Jones suggests that the SPG is a means of overcoming constraints, but it will be for intending developers to explain how they intend to overcome constraints identified in the SPG and any others that may come to light, including, if appropriate, alternative means of draining the site.</p>	
20		<p>Mr Jones expresses concerns regarding</p> <ul style="list-style-type: none"> • the absence of off-site surface water sewer under PCC ownership or control to service the housing allocation site at Cilgerran, • that the principle of drainage has not been established • the absence of details of off site- drainage, • the implications for third parties [Riparian rights & obligations under common law], • Current inadequacy / disrepair of site drainage, by ordinary watercourses 	<p>The LDP Inspector’s report states that the use of SuDS should ensure that any local flooding issues in the river catchment are not exacerbated and that the detailed assessment of watercourses and drainage would need to occur at application stage.</p> <p>The provisions of the LDP and the Development Sites SPG do not remove the need for compliance with other legislative regimes, including those relating to water abstraction rights and to riparian rights and obligations. See also</p>	No change

Annex 1 – Pembrokeshire County Council draft Development Sites Supplementary Planning Guidance Consultation Report, August 2013

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		<p>conveyed through partially collapsed stone culverts,</p> <ul style="list-style-type: none"> • Highway Authority drainage connections • Resultant flooding issues <p>The response seeks assurance that the SPG should explain</p> <ul style="list-style-type: none"> • how the legal rights of riparian landowners (on and off-site) will be protected, including by permissive powers for PCC, to make byelaws • whether an off-site surface water separation scheme is to be funded by PCC or privately funded by a developer. • How unauthorised interference with ancient private drainage networks will be controlled. 	<p>the response to item 8 regarding control of development in the riparian corridor.</p>	
21		<p>The response expresses concerns in relation to Table 3-1 (Infrastructure Service Provision) of the 'Site Deliverability Study' by Hyder Consulting (UK) Ltd regarding PCC's role as the Risk Management Authority for surface water, ground-water and ordinary watercourse drainage and requests that this is addressed within the SPG.</p>	<p>Comment noted. This is a matter outside the scope of this SPGe Council's drainage engineers have been involved in the drafting of the Report on Consultation.</p>	No change

Annex 1 – Pembrokeshire County Council draft Development Sites Supplementary Planning Guidance Consultation Report, August 2013

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22		The response seeks modification to the SPG to ensure that it is factually correct, consistent with national and local planning policy and compliant with legislation.	Request noted.	See responses, above for details of SPG changes
23		The response references the EAW report 'Living on the Edge, 4 th Edition'.	Information noted.	No change
24		Seeks amendment to the SPG or a rebuttal if you disagree, indicating how constraints can be overcome.	Mr. Jones' response raises multiple issues, which, where appropriate will result in modification to the Development Sites SPG as set out above. The response seeks inclusion in the SPG as to how constraints can be overcome, which is outside the scope of the SPG.	No change
25		This response references correspondence with Welsh Government and is addressed in item 8 and 13 above and not repeated here.		
26		PCC needs to attend to errors and omissions in the draft SPG.	This report on consultation sets out the Council's responses to Mr. Jones' concerns, which will require some changes to be made to the SPG document.	See responses, above for details of SPG changes.
27		Mr Jones' response sought details of how the public highway at Penllyn, Cilgerran (in the vicinity of housing allocation site 00062) is drained under Freedom of Information Act (FOIA) 2000:	A response to the FOIA request, regarding drainage of the public highway, has been provided.	No change

Annex 1 – Pembrokeshire County Council draft Development Sites Supplementary Planning Guidance Consultation Report, August 2013

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		<p><i>(One of the photographs presented as evidence to the public inquiry is reproduced in Mr. Jones' full response) and shows evidence of a partial collapse).</i></p> <p>This infrastructure (used by PCC to drain the public highway) is owned by riparian landowners who have rights and obligations under common law and statutory rights.</p>		
28	PCC recommended additional change to SPG		---	Ensure that the dates on which the SPG is adopted and comes into force are stated.
29	PCC recommended additional change to SPG		---	Correct minor typographical errors, including required amendments to paragraph and section numbers and cross-references to LDP policies
30	PCC recommended additional change to			Incorporate updates to reflect applications and

**Annex 1 – Pembrokeshire County Council draft Development Sites Supplementary Planning Guidance
Consultation Report, August 2013**

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	SPG			decisions subsequent to completion of the consultation draft.

Annex 1 – Pembrokeshire County Council draft Development Sites Supplementary Planning Guidance Consultation Report, August 2013

Appendix 1 – amended site template for inclusion in the Development Sites SPG – Cilgerran – adjacent to Holly Lodge (HSG/020/00062)

Cilgerran – Adjacent to Holly Lodge (HSG/020/00062)				
1.10 Ha	24 Dwellings	22 Dph	Greenfield	Up to 5% AH
Site description				
This Greenfield site is located between existing housing development along the village road and a disused railway line to the south. South of the disused railway line is open countryside. The houses fronting the village road immediately north of the allocated site are detached properties developed at a low density. Vehicular access is available from the village road (C.3004) immediately west of Awel Deg.				
Relevant planning history				
No planning history exists for this site.				
Constraints and potential methods to address constraints				
Constraint	Site issues	Mechanisms to address		
WWTW	Limited WWTW capacity	Option for a developer to contribute to improvements has been identified (See Section 12 code B). Under review for AMP6 scheme (subject to funding).		
Sewerage	No issues identified by DCWW but local anecdotal evidence of limited foul sewer capacity in some parts of the Afon Plysgog catchment.	No current proposals for upgrade.		
Water	No issues			
Flooding	The method of surface water drainage for this site needs to be established at planning application stage, at which time a detailed assessment of watercourses and drainage will be required. The use of SuDS should ensure that any local flooding issues in the Afon Plysgog catchment are not exacerbated. (See LDP Inspector's report, paragraph 10.25). While greenfield run-off is a possibility, further investigation is required to establish whether this can be used satisfactorily at this site. There is a history of surface water flooding to the public	This will depend on what solution is proposed. If the existing surface water drainage network is used, there may be a need for on and off site works. The 'Flood Appraisal Initial Assessment' from Atkins can be made available to interested parties.		

**Annex 1 – Pembrokeshire County Council draft Development Sites
Supplementary Planning Guidance Consultation Report, August
2013**

	<p>highway at Penllyn arising from use of a shared drainage network, comprising private land drains and public highway drains.</p> <p>If surface water from the allocated site needs to be drained via these existing drainage systems, care must be taken to ensure that flooding issues in the Afon Plysgog catchment are not worsened.</p> <p>A 'Flood Appraisal Initial Assessment', prepared by Atkins for Pembrokeshire County Council, is available to inform discussions on this aspect, which should involve the Council's drainage engineers.</p> <p>It is not anticipated that there will be any main river flooding issues (Afon Plysgog is an ordinary watercourse rather than a main river).</p>	
Access / Transport	No issues	
Contaminated Land	Disused railway line to the south	A preliminary risk assessment will be required. Any contamination found will be required to be remediated in conjunction with development.
Electricity	No connection constraints, subject to site feasibility	WPD to undertake load assessment once residential mix known.
Other	Potential impact on a Natura 2000 site	Screening for a project level HRA may be required at an application stage.