

Thomas, Kane

From: [REDACTED]
Sent: 16 December 2024 15:03
To: LDP - For Enquiries
Subject: LDP2 Deposit Plan - Pembrokeshire LDP 2 (2nd Deposit Consultation) - NRW
Response NRW:01261199
Attachments: CAS-267028.pdf
Follow Up Flag: Follow up
Flag Status: Flagged
Categories: D Rep

EXTERNAL EMAIL – Exercise care with links and attachments *E-BOST ALLANOL – Byddwch yn ofalus wrth agor dolenni ac atodiadau.*

Please find attached our response to the Second Deposit Local Development Plan 2 , if you have any queries please do not hesitate to contact me.

Kind Regards

Louise Edwards
Tîm Cynllunio Datblygu / Development Planning Team
Cyfoeth Naturiol Cymru / Natural Resources Wales
[REDACTED]

www.cyfoethnaturiolcymru.gov.uk / www.naturalresourceswales.gov.uk

Yn falch o arwain y ffordd at ddyfodol gwell i Gymru trwy reoli'r amgylchedd ac adnoddau naturiol yn gynaliadwy / Proud to be leading the way to a better future for Wales by managing the environment and natural resources sustainably.

Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi / Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.

Ein cyf/Our ref: CAS-267028-F4N3
Eich cyf/Your ref: Deposit Plan

Pembrokeshire County Council
County Hall
Haverfordwest
Pembrokeshire
SA61 1TP

Dyddiad/Date: 16 December 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: The Second Deposit Local Development Plan 2.

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 23 October 2024

We welcome the opportunity to provide comments on your Second Deposit Local Development Plan 2.

We support the intent of the plans policies and proposals to enable the delivery of sustainable development and ensure social, economic, environmental and cultural well-being goals are all suitably balanced in the decision-making process, so the right development occurs in the right place.

We welcome the inclusion of a number of policies which will address both nature and climate crises and contribute to the delivery of priorities and opportunities identified in the South West Area Statement themes, such as reducing health inequalities, ensuring sustainable management of land, reversing the decline of and enhancing biodiversity and the cross cutting theme mitigating and adapting to climate change. These include strategic Local Development Plan (LDP) policies to maintain and enhance the environment, protect open space and green wedges for biodiversity, access to nature benefits and a focus on addressing the impact of nutrient pollution on water quality.

Also 'Protecting Our Environment' General Policies across topic areas from protecting designated sites through to coastal change and community growing spaces, show and provide a mechanism to help Sustainably Manage Natural Resources (SMNR) and how Welsh Government's Natural Resources Policy (NRP) will be delivered in Pembrokeshire.

Recognition of legislation within the LDP, including the Well Being of Future Generations Act 2015 and Environment Act 2016 helps to embed SMNR across the plan and in so doing balance the needs of the environment with the well-being of people.

It is also noted that these policies will contribute to delivery of the Pembrokeshire Well-being Plan including actions under the Nature, Decarbonisation and Climate Adaptation Project Plans.

Including mitigating and responding to climate change as an objective of the plan with recognition of the need to respond to as well as mitigate against climate change and action through a variety of different policies is welcomed and supported.

We also acknowledge that you have considered our comments from the Preferred Strategy and the previous deposit plan, which has enabled positive provisions in the Second Deposit Plan in both policy terms and regarding the allocation of sites.

However, there are issues with the latest draft which we feel challenge the Soundness of the Plan. These key issues are highlighted below:

- Nitrate Vulnerable Zones
- Habitats Regulations Assessment

Our detailed comments on the plan and supporting documents can be found in the annex to this letter.

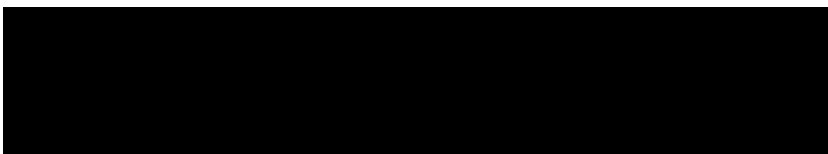
Please note that our comments are without prejudice to any comments we may wish to make when consulted on any subsequent formal planning application submissions to develop any of the land identified within the plan. At the time of any other consultation there may be new information available which we will need to consider in providing our formal advice.

Finally, we look forward to continuing to work closely with you to progress the plan and trust these comments are of assistance. If you have any queries, or if you require any further information, please do not hesitate to contact us at the above address.

Yn gywir / Yours faithfully,

Louise Edwards

Uwch Cynghorydd - Cynllunio Datblygu/Senior Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales



Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.

Annex 1 Written Statement

Page 20 Key characteristics – Object

Rivers such as the Western Cleddau (for instance in Haverfordwest), the Ritec and the lower Teifi are prone to flooding, as are many coastal areas of Pembrokeshire. The Riverine SACs of the Eastern and Western Cleddau and the Teifi are known to have high levels of phosphates and in 2021 NRW published new guidance in connection with this to protect the special features for which these river catchments have been designated. Concentrations of Nitrates in the Haven Waterway in Pembrokeshire is also a concern and there are proposals to widen Nitrate Vulnerable Zones in Wales.....

Nitrate vulnerable zones are no longer applicable or designated in Wales. In April 2021 the designated NVZs in Wales were revoked by the introduction of the Water Resources (Control of Agricultural Pollution)(Wales) Regulations with some measures transitioning into law over a period of time. The transition periods do not apply to those farms located in previously designated NVZ where all the measures within CoAPR apply immediately. This text requires correction.

Page 25 - Local Context – Pembrokeshire – Object

The agricultural sector is facing structural change with the increasing growth of larger farm units. Major challenges include Nitrate Vulnerable Zones (NVZs) designation, bovine TB, loss of farm subsidies (EU), concerns over run-off of other nutrients and changes in global markets. This text requires changing, as above.

Page 28 – Protecting our Environment – Object

Intensification of agricultural practices may have impacts on the environment, including nutrient run-off into water courses. The introduction of Nitrate Vulnerable Zones is one response to this. This text requires changing, as above.

LDP vision – Support

Within the Vision of the Plan we are supportive of the inclusion of
“.....Across the County green infrastructure and biodiversity are enhanced with accessible and healthy environments delivered for both people and wildlife.”

SP1 – Creating Sustainable Places – Object

Should the strategic policy cover adaptation as well as mitigation? In creating sustainable places it may also be appropriate to include or make reference to adaptation to (response to) climate change as well as mitigation (pt 7 refers to reduced contribution to climate change only).

Thereby creating sustainable places that are adapted to cope with the impacts of a changing climate as well as cutting emissions to aid efforts to reach decarbonisation and net zero targets. The importance of healthy resilient ecosystems (wider than just biodiversity) - soil, habitats, Green Infrastructure, to benefit people and nature e.g. against flooding, impacts of coastal erosion and coastal squeeze and heat extremes. All this contributes to creating sustainable places or environments for people to thrive.

SP 1 Creating Sustainable Places – Support

It is encouraging to note this strategic policy recognises the importance of biodiversity and resilient ecosystems.

SP 11 Countryside - Support

We support the recognition of the wider benefits of natural and semi-natural environments.

SP 14 Strategic Employment Provision – Support

We are pleased to note that biodiversity will be safeguarded on identified employment sites and also as specified in 4.91 and 4.97 our advice on connections to foul sewer at Withybush and the requirement for Habitats Regulations Assessment (HRA) on sites with potential impact to the Marine Special Areas of Conservation (SAC) has been included.

GN 1 General Development Policy – Support

We note the reference to our Flood Map for Planning and that no housing allocations have been identified within flood zones C1 and C2. We have also received confirmation that all allocations have been screened using Flood Map for Planning.

We are supportive of the general development policy and note that the criteria specified will help secure SMNR, protecting against impact to the natural environment including habitats, species, soils and water quality.

GN 2 Sustainable Design and Placemaking – Support

We are encouraged to note that this policy will also apply to alterations and extensions to existing buildings.

GN 33 Farm Diversification – Support

We are supportive of the policy aim to support farm diversification as a means of sustaining the long-term viability of farming in Pembrokeshire. The importance of maintaining viable farms for food production and conservation land management should not be underestimated for reversing the decline in biodiversity and helping to manage flood risk in catchments.

GN 38 Safeguarding and Prior Extraction of the Mineral Resource – Support

We support the measures in the supporting text 5.221 to protect nature conservation sites.

GN 39 Secondary Aggregates and Recycled Waste Minerals – Support

We support the proposals to use secondary aggregates and recycled waste minerals where possible.

GN 44 Protection and Enhancement of Biodiversity - Support

We appreciate the inclusion and reference to both biodiversity and ecosystem resilience as well as importance of connectivity and the multiple benefits afforded by ecosystems. The inclusion of PPW updated requirements for net gain for biodiversity and GI are also noted and supported.

As per our comments on GN1 we welcome the fact that you have screened your allocations using Flood Map for Planning

GN 47 Water Quality and Protection of Water Resources – Object

The final paragraph of this policy refers to *phosphorus sensitive riverine Special Areas of Conservation*. Can this be changed from phosphorus to nutrient.

5.264 - *The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017* is the full title for the Regulations.

Protecting our Environment General policies – Support

GN 42, GN 43, GN 45 GN 46, GN 48, GN 49, GN 51, GN 52 GN 59, GN 60 – policies to protect and enhance the natural environment – We welcome the inclusion of and recognise their contribution towards delivering SMNR and Area Statement theme priorities.

GN 56 Caravan, Camping and Chalet Development

Please refer to our comments provided on the Caravan, Camping and Chalet Landscape Capacity Assessment Supplementary Planning Guidance.

Deposit 2 Plan Habitats Regulations Assessment (HRA)

Atmospheric pollution – Object

We are unclear why atmospheric pollution effects have not been considered for more Special Area's of Conservation (SAC's), the North Pembrokeshire Woodlands SAC and Preseli SAC appear to be notable omissions. (Table 1.2 Summary of impact pathways resulting in LSE to European sites)

The Air Quality Section (page 20) states that *sites more than 200m of a road are screened out* - are traffic associated effects the only air quality impacts under consideration? (Table 2.2 Potential Impacts of Plans and Policies) If so, why are atmospheric impacts associated with construction and operation of developments not being considered in the same way that associated water quality impacts are? The same section states *sites with features not affected by pollutants are screened out*, yet there is no assessment of the features of protected sites sensitive to atmospheric pollution.

Table 3.2 Screening of European Sites (page 51), atmospheric pollution is screened in for Afonydd Cleddau SAC and Pembrokeshire Marine SAC as major roads were located within 200m of the sites, however, Carmarthen Bay Dunes SAC and Northwest Pembrokeshire Commons SAC were screened out for the reason there are a lack of likely commuting routes associated with the allocations. Why have no other protected sites been considered and why have no other air quality effects associated with the allocations been considered?

Section 4, HRA Stage 2 Appropriate Assessment (page 58) The explanation for not including a wider range of European protected sites for further consideration in terms of the Atmospheric pollution impact pathway, is insufficient.

In addition, should agriculture – nitrogen or ammonia from agricultural sources also be included? These have the potential to impact on designated sites. In some areas of Pembrokeshire national modelling (APIS) shows that atmospheric ammonia concentration exceeds the critical level (1ug/m³ annual average concentration) for lichens and bryophytes and is therefore likely/potentially causing damage to the special features of protected sites and ancient woodlands in those areas.

Marine – Object

The HRA specifies that the Skomer, Stokholm and Seas off Pembrokeshire SPA are excluded because there are no allocations within 10 km. However, it appears that various allocations are within 10km of the SPA boundary along the Castlemartin, (S. Pembrokeshire) coastline. For example, proposals near Lamphey (e.g., HSG/052/00011, HSG/052/LDP2/1) are within ~5km and in and around Pembroke (e.g. HSG/095/LDP2/1,2,4,5) are within 6km.

We also note that it is not particularly clear and there are inconsistencies in how it is determined which protected sites are included for each allocation screening.

For example, HSG/003/LDP2/01 in Begelly is screened in for Carmarthen Bay and Bristol Channel SAC but not Carmarthen Bay SPA despite the protected sites overlapping the same area. Or HSG/096/LDP2/1 in Pembroke Dock does not screen in for West Wales Marine SAC despite the SAC screening in for other developments in the nearby area e.g., HSG/096/00238.

For Cardigan Bay Appendix B HRA Stage 1 Screening states that:

“Grey seals and bottle-nosed dolphins may be disturbed (noise & visual) by increased recreational use of the site via human and boat disturbance. All features, with the exception of sand banks, can be disturbed by casual beach recreation and littering, thus reducing the environmental quality of the site. Increased recreation is listed as a potential pressure to the site. As such, LSE is predicted for grey seal, bottle-nosed dolphin, sea lamprey, river lamprey, reefs, and sea caves.”

This impact is included as a Recreation impact however, as it specifically references disturbance, why does Disturbance not also appear as an LSE based on the definitions in Table 2.2 Potential Impacts of Plans and Policies:

- Recreation: “Habitat degradation due to increased foot traffic.”
- Disturbance: “Species disturbance via personnel, machinery, noise, and vibration.”

We find the reasoning of why an in-combination assessment for consideration of other plans and projects can be ruled out unclear (Chapter 7 para 102-106).

Water Quality - Support

Water Quality is significant to Pembrokeshire protected sites. Particularly for the Milford Haven outer and inner waterbodies which are only Moderate status under Water Framework Directive (WFD). We stress the importance of ensuring waste systems and pumping stations ability to cope with increased population and development and that consideration is also given to impacts on downstream transitional and marine waterbodies. We welcome the review of Environmental Permits for WwTWs with Dwr Cymru Welsh Water to ensure there is capacity for the two main river catchments.

Project level HRA – Support

We welcome the inclusion of the requirement for project level Habitat Regulations Assessments and the amended text detailing the appropriate zone of influence in GN 41.

Nutrients

We welcome the overall approach set out in the Deposit Plan and HRA where the importance of protecting the river environment is recognised (as a statutory obligation anyway) and considered in the strategic planning process and we have no concerns with what has been set out, as it is consistent with legislation and our planning advice.

The HRA very much focuses on site screening particularly in relation to those sites connecting to the public sewer where the associated Waste water Treatment Works has a revised environmental permit and identifies sites not falling within this category where a project level HRA will be required.

In summary we are satisfied with the approach taken by Pembrokeshire County Council regarding nutrients.

Strategic Flood Consequences Assessment (SFCA)

The SFCA produced by Atkins covers the broad-based remit and criteria for a Stage 1 SFCA. The SFCA proposes a desk-based assessment of sites utilizing existing flood risk information and adopting a 'precautionary' approach to estimating future flood risk.

It is accepted that the broad scale nature of a Stage 1 SFCA means that any sites identified as having an element of flood risk will require further, more detailed assessment if they are to progress. It is therefore important that the screening criteria utilized is robust enough to capture all sites that may be liable to flood risk over the lifetime of development.

In order to assess the flood risk to sites in the present day the SFCA refers to the NRW Flood Map zones 2 and 3, NRW Risk of Flooding from Surface Water maps, the Shoreline Management Plan and some historic flood information. In order to estimate flood risk over the lifetime of potential developments the SFCA proposes some assumptions.

For fluvial flood risk an assumption has been made that the existing 0.1% flood extent indicated by zone 2 on our Flood Map give an indication of the future 1% flood extent. Whilst this assumption is not supported by any evidence the SFCA considers it to be a 'conservative assumption'.

For tidal flood risk the future 0.1% level is estimated by utilizing a + 2m buffer layer within the South of Wales Shoreline Management Plan 2. This layer adds 2m to the current 0.1% tidal flood extent and is therefore considered to be a conservative approach.

With regard to the future tidal 0.5% level the SFCA proposes the use of a single level contour of 7m around the whole coastline covered. The 7m contour was overlaid at a 50m resolution resulting in a very coarse estimation of future flood extent not appropriate for particular sites.

We would also advise that the existing 0.5% tide level, based on 2016 figures, is 6.02m AOD. If an allowance for predicted sea level rise of 1.08m over 100 years is added this will equate to a future level of 7.1m AOD. Therefore, the proposed 7m contour may not capture all site areas affected by the future 0.5% tidal flood extent. When this is combined with the coarse 50m grid used an element of caution must be used in that full extent of flood risk affecting some sites may not be captured at Stage 1.

It has been confirmed that all allocations have also be screened using Flood Map for Planning (FMfP). There are two housing commitments that have curtilage (garden) areas now within the flood zone, however they already have planning permission and in both cases, they were obtained some years ago prior to publication of FMfP.

Please note, any sites within flood zones 2 and 3 will require site specific FCA's and must demonstrate compliance with TAN 15: Development and flood risk

Sustainability Appraisal and Strategic Environmental Assessment

The deposit plan has undergone sustainability appraisal incorporating Strategic Environmental Assessment. We are satisfied with the outcomes and conclusions.