

LANDSCAPE

OBJECTIONS 886/D56 Countryside Council for Wales
 920/D74 RSPB Cymru

Proposed Changes PC1.128, PC1.132

Primary Issues

- Whether the Plan should include policy provisions regarding common land and, in the context of protecting flora and fauna, landscape management.

Inspector's Conclusions

4.7.1 In regard to the identified nature conservation aspect of landscape management, an exclusive policy is inappropriate and unnecessary. The Authorities' proposed change to the supporting text to Policy 63, expressly identifying features of major importance for wild fauna and flora as being worthy of retention and enhancement as an element of the wider landscape protection which the Plan intends to provide, is adequate (PC1.128). I shall endorse this change.

4.7.2 As for the matter of common land, the Authorities have proposed a change to the supporting text of Policy 66 which refers to the contribution that such land can make to the provision of and accessibility to open space (PC1.132). I share their view that a separate policy on this matter is not justified and agree that this change is sufficient for the purposes of the Plan. I am recommending this change too.

RECOMMENDATION

4.7.3 **That:**

(i) **The supporting text to Policy 63 be modified by the inclusion of additional text in paragraph 6.2.2 in accordance with Proposed Change PC1.128;**

(ii) **The supporting text to Policy 66 be modified by the inclusion of additional text in accordance with Proposed Change PC1.132;**

(iii) **No other modification be made to the Plan in response to these objections.**

POLICY 64

CONSERVATION OF THE PEMBROKESHIRE COAST NATIONAL PARK

OBJECTIONS	543/D4	Mr G I John
	777/D54	Cangen DJ - Plaid Cymru Abergwaun
	858/D93	To Gwyrdd
	858/D136	To Gwyrdd
	859/D93	Ethical Pembrokeshire
	859/D136	Ethical Pembrokeshire
	860/D73	Mr Christopher Day (Architects)
	860/D116	Mr Christopher Day (Architects)
	861/D73	Ms Vicky Moller
	861/D116	Ms Vicky Moller
	868/D13	Council for National Parks
	886/D57	Countryside Council for Wales
	1072/D2	Mr Llew Rees
	1077/D3	Mr Rod Stephens

Primary Issues

- Is this policy unduly restrictive and detrimental to National Park residents and should limited development which maintains or enhances nature be allowed.
- Should further provisions be included to reflect the acknowledged purposes of National Park designation.
- Are the terms of this policy clearly expressed.

Inspector's Conclusions

- 4.8.1 Regarding the first issue, it is entirely appropriate that the National Park, by reason of its designation as an area of special landscape character, should be the subject of a policy which imposes fairly severe restrictions on development that would harm those very qualities. There is certainly nothing inconsistent between Policy 64 and the thrust of national guidance on such matters and I see no reason why local residents should feel unduly prejudiced. Indeed Policy 5, subject to the modification which I am recommending, specifically refers to the need to foster the economic and social well-being of local communities.
- 4.8.2 As for opportunities for limited development which maintains or enhances nature conservation features and interests, there are numerous permissive policies in the Plan applicable to the National Park; these, when read alongside Policies 61 and 62, represent a suitably qualified positive approach to development in this designated area.
- 4.8.3 In terms of the second issue, I disagree with the **Council for National Parks** and the **Countryside Council for Wales** that Policy 64 should embrace the twin purpose of National Park designation by expressly referring to the consideration of harm to those seeking to enjoy and understand the special qualities of this area. As it stands this policy is designed to protect the qualities and special character of the National Park in such a way that inherently the interests of those

who seek to enjoy and understand the special qualities of the area are taken into account. Policy 5 provides the strategic basis for this consideration. In addition, contrary to the **Countryside Council's** view, reference need not be made here to the major development test which appears in PPW; it is enough that this is already set out in Part 1 of the Plan in the section on National and Regional Planning Guidelines.

- 4.8.4 In respect of the third issue, I am satisfied that the specified policy criteria are sufficiently clearly expressed to enable proper consideration to be given to future development proposals. Policies of this sort, by their nature, require subjective judgements to be made and the present provisions assist in this exercise; any attempt to define certain key terms more rigidly, for example what amounts to "visual intrusion", would lead to an over-prescriptive policy which is neither reasonable nor appropriate. The existing supporting text already provides enough explanation of these provisions.

RECOMMENDATION

- 4.8.5 **That no modification be made to the Plan.**

POLICY 65

DEVELOPMENT AND LANDSCAPING/HABITAT ENHANCEMENT

OBJECTIONS	176/D2 901/D28	Mrs D Horton Country Land and Business Association
	<u>Conditionally Withdrawn</u>	
	926/D320 926/D321	Environment Agency Wales Environment Agency Wales

Proposed Changes PC1.130, PC1.131

Primary Issues

- Are the provisions of this policy unduly restrictive.
- Should this policy include the consideration of habitat protection.

Inspector's Conclusions

- 4.9.1 In regard to the first issue, this policy specifies simply that "Development that does not make provision for appropriate landscaping or habitat creation/enhancement will not be permitted". On the face of it these provisions appear too rigid; they imply that all proposals should include some measure of landscaping. Yet that is not the case as the supporting text confirms that this would only be required "where necessary". To avoid any confusion this qualifying term should be imported into the policy itself and this I shall recommend.

- 4.9.2 As to the second issue, in response to the objection from the **EAW** which calls for habitat protection to be brought within the scope of this policy the Authorities propose the inclusion of the term “habitat creation/enhancement/protection” in the policy title (PC1.130); this change has led to the conditional withdrawal of this objection. However the Authorities have made no corresponding changes to the terms of the policy which remains silent on the matter of habitat protection. And to my mind that is right. Policy 62, in the modified form which I am recommending, already provides adequate protection over habitats, sites and features of importance for nature conservation; there is no need to reiterate those provisions under Policy 65. On the other hand habitat enhancement and creation are legitimate considerations when designing a landscaping scheme and are not evidently covered elsewhere in the Plan; this policy should continue to confine itself to just that. I do not therefore intend endorsing PC1.130.
- 4.9.3 I shall however recommend PC1.131 which proposes the substitution of the term “local species of native provenance/origin” in place of “indigenous species” in the supporting text. This non-contentious change meets another of the **EAW**'s objections which has been conditionally withdrawn as a result.
- 4.9.4 As for **Mrs Horton's** objection, this is a general criticism of the Authorities' past decisions regarding certain forms of development; if it has any direct bearing on the provisions of the Plan then at best it represents support for the requirement under Policy 65 for appropriate landscaping where necessary. No modification is warranted in relation to this objection.

RECOMMENDATION

- 4.9.5 **That:**
- (i) **Policy 65 be modified by the inclusion before the word “APPROPRIATE” of the words “NECESSARY AND”;**
 - (ii) **The supporting text to Policy 65 be modified by the alteration and inclusion of additional text in accordance with Proposed Change PC1.131;**
 - (iii) **No other modification be made to the Plan in response to these objections, nor in relation to Proposed Change PC1.130.**

POLICY 66

PROTECTION OF PUBLIC AND PRIVATE OPEN SPACE

OBJECTIONS		
	543/D5	Mr G I John
	635/D16	Llanstadwell Community Council
	635/D17	Llanstadwell Community Council
	635/D18	Llanstadwell Community Council
	688/D15	Tenby Civic Society
	725/D1	Mr David Lort-Phillips
	771/D16	Neyland Town Council
	1332/D34	House Builders Federation

Proposed Changes PC1.132
Further Proposed Changes PC4.57, PC4.109

Primary Issues

- Are the provisions of this policy vague, unspecific, unreasonable, unnecessary and unduly restrictive.
- Whether the sites/areas to which this policy applies should be identified on the Proposals Map.
- Should common land be included within the scope of this policy.

Inspector's Conclusions

4.10.1 Regarding the first issue, this policy is framed in such a way as to afford protection over an unlimited range of open space in unspecified locations on the basis of largely unqualified “amenity” reasons. Given those considerations, I agree with the thrust of many objections that these provisions are too imprecise and unreasonable and that they cannot be justified in their present form.

4.10.2 To start with the Plan must be more selective over the nature of land which deserves the protection of this policy. For example derelict sites, and especially those which fall within the category of brownfield land, should be excluded, not least given the acknowledged national policy approach (effectively endorsed by Policy 1) of generally promoting the development of previously developed land; their value as an amenity in their present state must be highly questionable. Also, sites whose amenity value is derived from their use for recreational purposes should also be excluded given the protection already adequately afforded by Policy 115. Similarly, those sites whose value is based on their importance for nature conservation should not be given an additional, unnecessary layer of policy protection; Policies 61 and 62 (as changed) provide sufficient safeguards in respect of those interests. And Policies 82 and 83 adequately protect the amenities of identified open areas of historic importance.

4.10.3 There also seems to be little justification for applying this policy to the open countryside, both within the National Park and beyond its boundaries. The Plan’s development strategy is to protect the countryside for the sake of its landscape and natural resources and to safeguard a range of other interests. Existing policies regarding various forms of development in the countryside include strict tests to ensure that those strategic aims are met; in general terms, therefore, the amenity protection which Policy 66 is apparently intended to provide already exists and requires no duplication. However I do draw a distinction between what might be regarded as genuinely open countryside and open land immediately adjoining settlements (whether they have a defined settlement boundary or not). Although such land would be subject to the Plan’s countryside policies, it will have the additional role of establishing a settlement’s setting and is understandably potentially more vulnerable than the wider rural surroundings; here I accept that a case can be made for including certain sites, where appropriate, within the terms of Policy 66.

4.10.4 Nor am I convinced that the blanket approach of applying this policy to all open

spaces, irrespective of their size, is justified. A lower size limit has to be adopted if potential opportunities for the residential development of smaller sites in settlements are not to be unreasonably frustrated. Policies 42 and 43 (in the modified form that I am recommending) provide an appropriate level of protection over the amenities of the surrounding area and would enable the Authorities to resist the development of any such open spaces which are deemed to be of importance in this context. For these reasons I consider it would be appropriate to exclude sites of less than 0.5ha from the scope of Policy 66.

- 4.10.5 As for the text of this policy, this should be clarified by confirming that the adverse effect which it seeks to prevent relates to the appearance, character or local amenity value of the open space; this important consideration should not simply be left, as now, for the supporting text to divulge. Also the present supporting text requires considerable modification to explain the revised approach to the identification of open spaces which I advocate above.
- 4.10.6 The foregoing conclusions lead me inextricably to the second issue. Probably the most significant step towards achieving greater precision and transparency in the provisions of this policy would be made by identifying on the Proposals Map all the areas of open space to which it is intended to apply. Not only would this provide the necessary degree of certainty in the Plan which national guidance calls for, but also it would enable the Authorities to demonstrate, through appropriate site/area assessments, the justification for the imposition of this policy in the various identified locations. I have recommended elsewhere in this report (under the Proposals Map General heading) that particular designated sites and areas should be identified on the Proposals Map, not least in order to be consistent with the clear advice in UDP (Wales). Those areas to which Policy 66 is intended to apply fall squarely within the scope of that recommendation especially in view of the outright presumption against all development without any qualification by way of criteria-based considerations. For the avoidance of any doubt I shall confirm this in my recommendation below. Also, the supporting text should include confirmation that the sites/areas the subject of this policy are identified on the Proposals Map and Inset Maps.
- 4.10.7 Regarding the third issue, the Authorities propose a change to the supporting text which clarifies the part which common land can play in the provision of open space (PC1.132); I have earlier recommended this change under the introduction to the Landscape section heading and need not do so again. Doubtless some such land will be identified by the Authorities should they modify the Proposals Map in accordance with my recommendation below.
- 4.10.8 In a similar vein, I anticipate that they will also take into account at that time the request from the **Tenby Civic Society** that certain school playing fields around the town should be formally identified, along with the objection from **Neyland Town Council** which in effect seeks an embargo on the development of any green space in its local area. Since this exercise should be done afresh on a comprehensive basis I do not consider it appropriate to comment on the merits of any individual cases particularly as site-specific evidence is absent from the information before me.
- 4.10.9 Other changes to the supporting text to which my attention has been drawn (PC4.57 and PC4.109) are rendered inappropriate by my conclusions on the

revised approach to this policy and I shall not recommend them.

RECOMMENDATION

4.10.10 That:

- (i) Policy 66 be modified by the inclusion after the word “AFFECT” of the words “THE APPEARANCE, CHARACTER OR LOCAL AMENITY VALUE OF”;
- (ii) The supporting text to Policy 66 be modified by (a) the alteration and inclusion of additional text explaining the purpose and scope of this policy and the approach to the identification of sites/areas taking into account my conclusions in paragraphs 4.10.2 – 4.10.4 above and (b) the inclusion of additional text confirming that the sites/areas the subject of this policy are identified on the Proposals Map and Inset Maps;
- (iii) The Proposals Map and Inset Maps be modified by the identification of sites/areas of open space the subject of Policy 66 in accordance with the approach set out in my conclusions in paragraphs 4.10.2 – 4.10.4 above;
- (iv) No other modification be made to the Plan in response to these objections, nor in relation to Proposed Changes PC4.57 and PC4.109.

POLICY 67

GREEN WEDGES

OBJECTIONS

543/D7	Mr G I John
560/PC1	Miss J Wimhurst
618/PC1	Mr K Worthing
688/D14	Tenby Civic Society (<i>reported under Tenby</i>)
886/PC44	Countryside Council for Wales
901/D29	Country Land and Business Association

Conditionally Withdrawn

817/D33	Welsh Assembly Government
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Proposed Changes

PC1.133

Primary Issues

- Are the provisions of this policy unduly restrictive and thereby inconsistent with national guidance.

Inspector's Conclusions

- 4.11.1 The deposit version of this policy imposed an unqualified presumption against development in green wedges. However, at the Proposed Changes stage the Authorities introduced PC1.133 which alters the terms of the policy to confirm that “inappropriate development” will not be permitted thereby better reflecting

the advice in PPW. The supporting text is also changed and now includes a brief explanation of types of development that would not be regarded as inappropriate in this context. This change has led to the conditional withdrawal of the objection from the **WAG**.

4.11.2 However several other Objectors contend that this policy has been inappropriately weakened as a result and many call, in effect, for the reinstatement of a blanket prohibition on all development in such areas. I reject those arguments. PPW makes it clear that green wedges should be subject to the same policy provisions as green belts and that inappropriate development should be permitted only in very exceptional circumstances; however it goes on to identify limited forms of development which would not be classed as inappropriate. There is nothing in Pembrokeshire's circumstances to justify a more restrictive policy approach to green wedges than that which national guidance deems appropriate.

4.11.3 On the other hand, I do not share the opinion of the **Country Land and Business Association** that this policy is completely unnecessary. Subject to my conclusions elsewhere in this report about particular green wedge designations, this policy is a valuable tool in terms of helping protect vulnerable parts of the Plan area from harmful development.

RECOMMENDATION

4.11.4 **That:**

(i) **Policy 67 be modified by the inclusion before the word "DEVELOPMENT" of the word "INAPPROPRIATE" in accordance with Proposed Change PC1.133;**

(ii) **The supporting text to Policy 67 be modified by the inclusion of additional text in accordance with Proposed Change PC1.133;**

(iii) **No other modification be made to the Plan in response to these objections.**