

# Development Management Committee

24 April 2024

## Present (In Person)

Dr M Havard (Chair)

Councillor Steve Alderman, Councillor Dr SL Hancock, Dr R Heath-Davies, Mr GA Jones, Councillor S Skyrme-Blackhall, Councillor V Thomas, Councillor M Wiggins and Councillor A Wilcox.

## Present (Remotely)

Councillor D Clements, Mrs J James, Councillor M James, Councillor R Jordan, Dr RM Plummer, Councillor B Price and Councillor C Williams.  
Mr C Felgate (Solicitor)

## Officers in attendance

Mr M Kent (Monitoring Officer), Mrs S Morris (Director of Placemaking, Decarbonisation and Engagement), Mrs K Attrill, (Development Management Manager), Mr M Higgins, (Tree and Landscape Officer), Mrs C Llewellyn (Minutes)

[Llanion Park, Pembroke Dock and Virtually 10.00am – 11.05am]

### 1. **Apologies**

Apologies for absence were received from Mrs S Hoss and Councillor PJ Morgan.

### 2. **Disclosures of interest**

The following Member(s)/Officer(s) disclosed an interest in the application(s) and/or matter(s) referred to below:

<b>Application and Reference</b>	<b>Member(s)/Officer(s)</b>	<b>Action taken</b>
Minute 6 below – general declaration as an NRW Board Member, Plantlife Trustee and Director of Plantlife Biodiversity Enhancement Ltd	Dr RM Plummer	Remained in the meeting and played a full part in the discussions and voting
<i>Minute 6(b) below -</i> NP/23/0456/MOD - Modification of S106 Agreement, Bluestone	Councillor D Clements Councillor Dr SL Hancock Councillor A Wilcox	Withdrew from the meeting while the application was discussed



Resorts, The Grange,  
Narberth

Dr M Havard  
Councillor S Alderman  
Councillor B Price  
Councillor V Thomas

Disclosed a  
personal interest  
and played a full  
part in the  
discussion and  
voting on the  
application

### 3. Minutes

The minutes of the meeting held on the 13 March 2024 were presented for confirmation and signature.

On the proposal of Councillor Dr Hancock, seconded by Councillor Alderman, it was **RESOLVED** that the minutes of the meeting held on the 13 March 2024 be confirmed and signed.

### 4. Members' Duties in Determining Applications

The Solicitor's report summarised the role of the Committee within the planning system, with particular focus on the purposes and duty of the National Park. It went on to outline the purpose of the planning system and relevant considerations in decision making, and the Solicitor added that consideration also needed to be given to the National Development Framework - Future Wales: The National Plan 2040 adopted by the Welsh Government on 24 February 2021 as well as its own Local Development Plan 2. The report also noted that the Authority also had a duty to carry out sustainable development, ecological considerations which included the role of the Environment Wales Act 2016, human rights considerations, the Authority's guidance to members on decision-making in committee and also set out some circumstances where costs might be awarded against the Authority on appeal. Finally, the Solicitor added that the report didn't mention that the Authority's decisions were subject to scrutiny and could be subject to a judicial review and it was therefore important that they were lawfully based.

### Noted

### 5. Right to speak at Committee

The Chair informed Members that no notification had been received from interested parties who wished to exercise their right to speak at the meeting that day.

### 6. Report of Planning Applications

The Committee considered the detailed reports of the Development Management Team Leader, together with any updates reported verbally



on the day and recorded below. The Committee determined the applications as follows (*the decision reached on each follows the details of the relevant application*):

- (a) REFERENCE: NP/22/0635/FUL  
APPLICANT: Boutique Resorts Ltd  
PROPOSAL: Proposed relinquishing of 50 mixed touring pitches (caravans and tents) in lieu of 36 high quality timber effect holiday lodges, an increase in the site area of the approved park, a new entrance, a new reception lodge, staff and visitor parking area, with extensive environmental improvements.  
LOCATION: Fishguard Bay Resort, Penrhyn Road, Dinas Cross, Fishguard, SA65 9ET

It was reported that this application had been withdrawn.

**Noted.**

[Councillors Clements, Hancock and Wilcox left the meeting, having declared a prejudicial interest in the following application.]

- (b) REFERENCE: NP/23/0456/MOD  
APPLICANT: Bluestone Resorts Ltd  
PROPOSAL: Modification of S106 Agreement  
LOCATION: Bluestone Resorts, The Grange, Narberth, SA68 8DE

It was reported that the application proposed the discharge of a Section 106 legal agreement relating to a contribution for the enhancement of public access opportunities and development proposed on land at Newton Farm, Canaston Bridge, Narberth, Pembrokeshire. The Section 106 Agreement contained an obligation on Bluestone Holdings Limited (now Bluestone Resorts Limited) to pay an annual contribution towards public rights of way and public access opportunities within the County of Pembrokeshire. The applicant had applied to discharge the Section 106 Legal agreement, but the supporting text noted that they were agreeable to making two final payments.

Having considered the information submitted, Officers considered that provided the two final payments were received the legal agreement had served its purpose and could be discharged. In order to ensure the two final payments were made, a modification to the Section 106 legal agreement was supported. This decision was supported by Pembrokeshire County Council (also party to the legal agreement) which had received a concurrent application which was also recommended by Officers for modification.



The report concluded that an unending contribution was not considered to be reasonable and the Bluestone legal agreement had delivered financial contributions of over £300k to support rights of way improvements both in the immediate vicinity of Bluestone and across Pembrokeshire as a whole since it was signed. It was recommended that Members agree that the obligation be modified to agree two final payments of £38,000 to be paid in August 2024 and August 2025.

The Solicitor sought clarification regarding the figures set out in the penultimate paragraph of page 35 of the report, and the Director apologised that in fact the first payment of £38,891.73 referred to had in fact already been paid and that the figure of £38,000 was the correct sum for the two remaining payments. A typographical error (an extra 0) in respect of the sum of £318,7003.87 quoted in the final paragraph on page 35 was also noted.

Some Members considered the 20 years since the Agreement had been signed to be quite a short period, given the ongoing need for maintenance of footpaths, however the Director advised that S106 contributions could only be required as a direct result of the development itself, and that ongoing revenue would be provided by other means, such as business rates. She noted that inclusion of a defined time limit for payments was now normal practice. The Solicitor added that since this agreement had been signed, the law in relation to S106 agreements had moved on. Previously the tests were set out in a guidance circular, but they were now regulated by Regulation 122 of the CIL (Community Infrastructure Levy) Regulations, and these stated that obligations should be necessary, reasonable and related in scale and kind. Members noted that the Authority did not receive rates and therefore would receive no ongoing payments for maintenance; they considered that lessons could be learned in this respect for future Agreements.

Councillor Jordan noted the huge economic benefit of Bluestone to the county and proposed the officer recommendation to agree modification of the S106 Obligation, subject to the two final payments. This was seconded by Councillor Skyrme-Blackhall.

**DECISION: That the S106 obligation be modified in respect of contributions for the enhancement of public access opportunities and development by Bluestone Resorts Limited to agree two final payments of £38,000 to be paid in August 2024 and August 2025.**

[Councillor R Jordan tendered his apologies and left the meeting before the vote on the following item was taken]



## 7. **Other Planning Issues: Making of Tree Protection Order 157 St Richard, Trefin**

It was reported that a Conservation Area Notification (NP/23/0553/TCA) had been submitted seeking to fell 3 x Sycamore trees located within the Trefin Conservation Area. The trees had been assessed and a TPO was provisionally implemented as it was determined that they made a significant contribution to the character of the area.

An objection had been received from the landowner, and the points raised were addressed in the report. It was noted that an application to reduce/thin the trees had subsequently been approved, subject to condition.

As a result of the comments made, it was recommended that the Tree Preservation Order be confirmed with modifications as set out in the report, which would correct errors made in the original schedule.

Members sought clarification on the opportunities to protect and replace trees more generally within the National Park and were advised that Conservation Areas provided protection in that a notification of intention to remove trees had to be made to this Authority, and this mechanism gave the authority 6 weeks' to consider making a TPO, which had triggered the provisional implementation of the TPO in this case. The Director added that provisions had been introduced in Planning Policy Wales to protect trees and to require re-planting if any were lost as a result of development.

The recommendation to confirm the TPO with the modification set out in the report was proposed by Councillor Clements, seconded by Councillor Alderman, and this was carried.

**Decision: That Tree Preservation Order 157 be confirmed with modification to amend the Schedule to read G1 rather than G13 and to include the trees in the 'Group', rather than the 'Area' specification.**

## 8. **Appeals**

The Development Management Team Leader reported on 2 appeals (against planning decisions made by the Authority) that were currently lodged with the Welsh Government, and detailed which stage of the appeal process had been reached to date in every case.

A question was asked regarding the Trewern appeal and the officer advised that it was intended to bring the second planning application to the next meeting of the Committee.

**Noted.**

