

**Report To:** COUNCIL

**Date of Meeting:** 20<sup>th</sup> May 2011

**Lead Cabinet Member:** Councillor Sharon Frobisher

**Lead Officer:** Angela Loftus (Policy, Research & Information Manager)

**Title:** Denbighshire Local Development Plan – report back on consultation and next steps

**1 What is the report about?**

- 1.1 This report outlines progress on the Local Development Plan and the key issues which have been raised through various stages of consultation on the Local Development Plan. These issues have been reported to the Local Development Plan Members Working Group and representations, together with proposed further changes to the Plan in response to comments made have been debated and agreed over the last 6 months. This report seeks approval to formally submit the Local Development Plan to the Welsh Assembly Government and the Planning Inspectorate to progress towards a public examination and final adoption of the Plan. This will provide the opportunity for all the issues to be thoroughly reviewed by an independent Planning Inspector, especially those issues identified by objectors to the Plan whilst examining all the relevant evidence in detail.
- 1.2 It is a statutory requirement for the Council to produce a Local Development Plan and it is important that the Council has an up to date policy basis against which to properly assess planning applications and through which future development in Denbighshire can be guided.
- 1.3 This report is accompanied by a number of documents, as listed below. Paper copies of the key documents are attached as indicated below. Copies of the full documents and documents forming part of the background evidence for the Plan have been provided to Councillors on CD. Paper copies of these documents have also been made available for Councillors' perusal in the Members' Room and a set has also been supplied to Group Leaders. Copies are also available for viewing on request from the Planning Policy Team. All responses received following consultation on the Deposit Local Development Plan, Alternative Sites consultation and Community Linguistic Impact Assessment consultation are available for anyone to view on-line via the Council's website.

**AD1. Denbighshire Deposit Local Development Plan written statement** (paper copy appended with proposed changes shown)  
**AD2. Denbighshire Deposit Local Development Plan Proposals Maps**

(paper copies appended with proposed changes shown)

**AD3. Consultation Report** (paper copy of covering report appended. Appendices supplied to all Councillors on disc, paper copies available in Members' Room and from Group Leaders)

**AD4 Policy BSC5 - Bodelwyddan Key Strategic Site – summary of key issues raised and Council's response** (paper copy appended)

**AD5. Focussed Changes Report** (paper copy appended)

**AD6. Sustainability Appraisal – Non Technical Summary** (paper copy appended - full report supplied to all Councillors on disc, paper copies available in Members' Room and from Group Leaders)

**AD7. Habitats Regulation Appraisal** (supplied to all Councillors on disc, paper copies available in Members' Room and from Group Leaders)

**AD8. Community Linguistic Impact Assessment** (Supplied to all Councillors on disc, paper copies available in Members' Room and from Group Leaders)

**AD9. Equality Impact Assessment** (Supplied to all Councillors on disc, paper copies available in Members' Room and from Group Leaders)

**AD10. Soundness Self Assessment Checklist** (paper copy appended)

**AD11. Information Papers** (Supplied to all Councillors on disc, paper copies available in Members' Room and from Group Leaders)

## **2 What is the reason for making this report?**

The purpose of this report is to provide an update on progress and feedback on consultation, together with an outline of the next steps and future timetable for the Local Development Plan so that Members are able to consider all relevant issues in the light of the most up to date information.

## **3 What are the Recommendations?**

**1. That Members confirm continued support for the Local Development Plan Strategy as set out in Chapter 7 (as amended by Proposed Focussed Changes reference numbers FC20 – FC24), including the proposed level and distribution of growth and the allocation of the Key Strategic Site at Bodelwyddan for a mix of uses as set out in Policy BSC 5 in the Local Development Plan (together with Proposed Focussed Changes reference number FC36)**

**2. That Members approve the Consultation Report (Accompanying Document AD3) for formal submission to Welsh Assembly Government and the Planning Inspectorate**

**3. That Members approve the proposed Focussed Changes (Accompanying Document AD5) for consultation.**

**4. That Members approve the Denbighshire Local Development Plan, with proposed Focussed Changes and agree to formally submit the Local Development Plan together with proposed Focussed Changes to**

**Welsh Assembly Government and the Planning Inspectorate.  
(Accompanying Documents AD1, AD2, & AD5 )**

**5. That Members agree to arrangements for the Examination in Public to be progressed and delegate authority for the Head of Planning, Regeneration, and Regulatory Services to enter into a Service Level Agreement with the Planning Inspectorate.**

**6. Delegate authority for the Lead Member for Sustainable Development & Environment in consultation with the Head of Planning, Regeneration, and Regulatory Services to agree any non-material changes to the Local Development Plan and accompanying documents which may be necessary prior to formal submission and during the Examination in Public**

- 3.1 It is expected that the debate will initially focus on the Local Development Plan Strategy and Key Strategic Site at Bodelwyddan, so the first recommendation seeks confirmation of Councillors' continued support for the approach set out in the Local Development Plan on these issues.
- 3.2 If Recommendation No 1 is passed, the debate will move forward to the other recommendations and it is not expected that it will be necessary (in the interests of efficient and effective use of time) to revisit discussions on the Strategy and Key Strategic Site under Recommendation No 4 which refers to the Local Development Plan as a whole.
- 3.3 The following report sets out the background, progress and future timetable for the Local Development Plan in Section 4. Consultation on the Plan is set out in Section 5, with comments received (together with the Council's response) which relate to the Strategy and Key Strategic Site covered in paragraphs 5.12 - 5.34. In addition, Accompanying Document AD4 sets out a more detailed response to the issues raised on Bodelwyddan Key Strategic Site. Section 6 summarises the key changes proposed to the Plan in response to, amongst other things, comments made, availability of updated information and changes to national guidance.

#### **4 BACKGROUND**

- 4.1 The Council is charged with preparing a Local Development Plan to guide development in the County over a 15 year period. The Local Development Plan is one of the four statutory documents the Council is required to produce. Members will recall that the Delivery Agreement for the Local Development Plan (agreed with the Welsh Assembly Government and reported to Council on 22<sup>nd</sup> September 2008, subsequently updated), outlines a timetable for adopting the Local Development Plan by Spring/Summer 2012.
- 4.2 The table below sets out the key dates in the preparation of the Local Development Plan. The timetable has been slightly delayed to allow for public consultation on the Community Linguistic Impact Assessment.

Date	Stage
Sept 2006	Participation phase of the Local Development Plan launched.
2 <sup>nd</sup> June 2008 – 1 <sup>st</sup> August 2008	Public Consultation on the Pre-Deposit Local Development Plan
20 <sup>th</sup> January 2009	Full Council accept the results of the Pre-Deposit consultation & endorse the Local Development Plan Strategy
29 <sup>th</sup> July 2009	Full Council approve Deposit Local Development Plan for consultation
5 <sup>th</sup> October 2009 – 30 <sup>th</sup> November 2009	Public consultation on Deposit Local Development Plan
19 <sup>th</sup> May 2010 – 9 <sup>th</sup> August 2010	Alternative Sites consultation
26 <sup>th</sup> of January - 9 <sup>th</sup> March 2011	Consultation on Community Linguistic Assessment of Bodelwyddan Strategic Site
20 <sup>th</sup> May 2011	Special Full Council meeting to discuss Local Development Plan.
July 2011	Submission of Local Development Plan to Welsh Assembly Government Publication of Focussed Changes
Autumn 2011	Examination into Soundness of Denbighshire Local Development Plan.
Spring/Summer 2012	Adoption of Local Development Plan.

- 4.3 Work began on the Local Development Plan in 2006. Extensive consultation has been undertaken throughout its development, ensuring that anyone with an interest in the Plan has had the opportunity to comment from the earliest stages of its conception. The LDP Members Working Group has played a fundamental role in developing policies and allocations for development, which have been supported by Full Council at key stages of the process. Members will be aware that the Working Group is open to all Members of the Council, though Membership is limited to 10 Members who by virtue of their membership may agree final recommendations. Current membership of the LDP Working Group is identified in Appendix 1 of the Consultation Report (Accompanying Document 3). The LDP Working Group has also had a key role in reviewing in detail all responses received at the various consultation stages of the Plan's development and recommending changes to the Plan as a result.

## 5 Consultation on the Local Development Plan

- 5.1 Full details of the consultation undertaken at every stage of the development of the Local Development Plan is set out in the accompanying Consultation Report (Accompanying Document 3). The report fulfils the requirements of the

Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 by identifying:

- compliance with the Regulations in terms of the Delivery Agreement;
- how the Community Involvement Scheme (CIS) has been complied with;
- which bodies were engaged or consulted;
- steps taken to publicise Plan preparation; and
- main issues raised and how they have influenced the LDP.

5.2 More importantly, the Consultation Report provides feedback to those who responded to the different consultation stages, and identifies how comments received have been taken into account during production of the Denbighshire Local Development Plan. The report also includes responses received outside of the statutory consultation periods, which have been considered and helped shape the production of the Local Development Plan. The Local Development Plan has been subject to full and far reaching consultation throughout its preparation over the last 4 years so that the views of all relevant stakeholders are taken on board.

5.3 The report includes summaries of comments received following the Deposit consultation, Alternative Sites consultation & consultation on the Community Linguistic Impact Assessment for Bodelwyddan Key Strategic Site, together with responses to these comments and any changes proposed as a result. All representations received are available for anyone to view via the Council's website or on request from the Planning Policy Team. Summary lists of all the representations have been distributed to the County's libraries, offices and one-stop-shops.

#### **Pre-Deposit Local Development Plan**

5.4 During the summer of 2008 a formal consultation exercise was undertaken on the Pre-deposit stage of the LDP with statutory consultees, government organisations, other organisations, town and community councils and members of the public. This consultation dealt with the Preferred Strategy of the plan in terms of the overall amount of housing and employment land required and where it should broadly be located. Over 400 responses were received and the majority related to specific sites rather than the overall growth levels proposed for the County. In addition questionnaires were distributed by local members in Rhyl and Prestatyn. Key stakeholders such as the Welsh Assembly Government, the Countryside Council for Wales and the Environment Agency have broadly supported the Preferred Strategy.

5.5 Members agreed at full Council on 20<sup>th</sup> January 2009 that the strategy should remain largely as proposed in the Pre-Deposit Plan, with levels of growth of 500 dwellings per year with 50 ha of employment land. It was proposed that this should be met through concentrating new development into one or more major new mixed development sites in the north of the County with smaller scale proposals in other County settlements. Results of the consultation were reported to full Council in January and following this the LDP Working Group continued to investigate potential new development sites and develop the suite of policies to be included in the Deposit Plan.

### **Deposit Local Development Plan**

- 5.6 At Full Council on 29<sup>th</sup> July 2009 Members approved the Deposit Local Development Plan for consultation. This is in effect the draft final version of the plan and contains strategic and detailed policies as well as land allocations. The Deposit Plan provides for growth levels of 7500 dwellings and 50 hectares of employment land and designates land at Bodelwyddan as a Key Strategic Site for mixed use development. The Deposit Local Development Plan consultation was carried out from 5<sup>th</sup> October to 30<sup>th</sup> November 2009. Consultation was extensive and offered residents, public bodies and interest groups the opportunity to get involved in the development of the Local Development Plan by making comments and suggesting amendments to the Deposit plan. Any objections to the Plan received at this stage will go forward to an Examination in Public held by a Planning Inspector, who will explore all the issues raised in depth and report back to the Council.
- 5.7 Representations together with officers' suggested responses have been reported back to the Local Development Plan Working Group over the last few months in order to ensure that Members have the opportunity to fully debate the issues being raised.

### **Summary of Responses to the Deposit Consultation**

- 5.8 A total of 911 responses from individuals and organisations were received regarding the consultation on the Deposit Local Development Plan<sup>1</sup>, which included 483 responses from 14 different groups<sup>2</sup> were received. Where respondents raised a number of issues (for example, a comment regarding a housing proposal and a comment regarding an employment proposal) these have been broken down into a number of representations.
- 5.9 A total of 1985 representations were received, of which 1199 were objections, 259 in support and 522 neutral. The majority of representations received were site-specific (1,620) and of these, 651 related to Bodelwyddan, with the rest of the comments relating to various settlements across the County. The majority of comments received objected to individual sites. Many comments were received which were considered to be relatively minor, requesting wording changes, or points of clarification. Whilst all comments received have been considered fully, only key issues are noted in this report. A comprehensive schedule of Deposit comments received together with the proposed Council response is set out in Appendix 29 to the Consultation Report. This schedule has been presented to the LDP Working Group over the last 6 months and Members have considered all representations received and agreed Council responses.
- 5.10 The key issues raised during the consultation included objections to:

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<sup>1</sup> This figure includes a total of 27 late representations.

<sup>2</sup> Although responses from groups had recurring themes, each response has been considered and dealt with as an individual response.

- **The Growth Strategy**, in particular, the level of housing proposed;
- **The distribution of development across the County**
- **The proposed Key Strategic Site, Bodelwyddan**, in particular the scale of the proposed development;
- **Affordable housing**, the robustness and realism of the target level sought based on the viability testing.
- **Site specific objections**, including the appropriateness of individual sites due to site constraints such as flood risk, landscape, environmental sensitivity, viability and access to public transport. Suggestions for additional site allocations
- **Provide better clarification on environmental protection policies**, for example, the AONB policy

### **Deposit: Main Issues Raised**

5.11 The main issues raised during the Deposit Consultation have been identified in this section and the Local Authority's respective responses identified. The main issues have been identified by virtue of the number of people responding to them and / or the significance of the issue in relation to the soundness of the Plan.

#### **a) Growth Strategy and the distribution of development across the County**

5.12 A number of objections challenge the level of County-wide need identified in the Plan and the spatial distribution of that need. In particular, the level of housing growth proposed and the population projections upon which they are based is questioned. Objections have been received suggesting that the level of growth is too high, others claim that provision for growth is not high enough and additional land should be allocated for new development.

5.13 The distribution of development across the County and the ability of the plan to meet the needs of rural communities and communities in the south of the County were also questioned.

#### **Growth Strategy and the distribution of development across the County: Council's response**

5.14 The estimated housing requirement stems from nationally produced estimates of population and household growth. The level of growth proposed in the Local Development Plan is lower than that predicted in the 2006 based population and household projections but is considered reasonable and deliverable. Whilst the current economic climate has led to lower building rates, the Plan has to make provision for the longer term. Recent population projections released by the Welsh Assembly Government show a slight slowing of growth compared to the 2006 based population and household projections. The proposed level of growth provided for in the Local Development Plan is still consistent with, and in fact lower than the projections. Planning Policy Wales (February 2011) requires that local authorities must take account of the Assembly Government's latest household projections in planning provision for new housing and WAG still fully support the Council's proposed growth strategy. In this important respect, the growth

strategy contained in the Local Development Plan remains robust, and in the view of officers, sound.

- 5.15 In 2004, Denbighshire commissioned consultants to undertake specialist population and household projections for the County<sup>3</sup> for the period 2001 – 2021 using the 2001 Census results as the baseline. The results of this study indicated that based on the past 10 year migration trend (1992 – 2002 of 860 persons per annum) that the household growth in the County was likely to increase by 21% (8,546 households) in the period 2001 – 2021. This overall growth translates into an annual household growth of 427 per annum. This work formed the starting point of the development of the Local Development Plan strategy with regard to housing needs.
- 5.16 In 2010 WAG released 2008 based population and household projections. The 2006 based projections show a higher anticipated level of growth in both population and households. There has been a change in the methodology (which Denbighshire has signed up to) between the two sets of projections which goes some way towards explaining this difference. The 2008 based projections used a lower starting point and also lower migration rates than those used for the 2006 based figures. The annual dwelling requirement from the 2008 based figures is 540, which is closely aligned to the Local Development Plan strategy of 500 per year.
- 5.17 In 2010 Conwy County Borough Council commissioned Baker Associates to review the 2006 based WAG population and household projections. This study concluded that there was limited scope to challenge the WAG projections other than on the migration rates used. In the 2008 based projections a different (lower) migration assumption was used which has addressed the concerns expressed about the high migration rate used for the 2006 based figures. The study concluded that the WAG projections were a reasonable starting point for the production of a Local Development Plan strategy.
- 5.18 The distribution of development across the County was established at the Pre-Deposit stage and agreed at Full Council on 20th January 2009, following the Pre-Deposit consultation in 2008 and responded to representations from stakeholders and the public.
- 5.19 The majority of the Local Development Plan's provision for 7500 new homes over the Plan period will be spread across the county (almost 5,000 homes), encompassing existing planning permissions and existing capacity within settlements. New allocations therefore make up a relatively small proportion of the overall housing provision. In line with national policy, the overall strategy has been to direct development to settlements with existing facilities as this is the most sustainable approach.
- 5.20 Employment land studies undertaken on behalf of the Council indicate that there is demand for additional employment land in the north of the County,

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<sup>3</sup> Denbighshire Population and Household Projections – Roger Tym & Partners 2005



adjacent to the A55. Allocations are made including part of the Bodelwyddan Key Strategic Site, and in St Asaph, Denbigh, Corwen and Ruthin.

- 5.21 Of the 7,500 dwellings required, 975 have already been built since the start of the plan period (2006)<sup>4</sup>, and 2,532 have planning permission or are under construction. The Local Development Plan makes new allocations for approximately 2,477 homes to be provided and it is considered that a further 1,900 will come forward as windfall sites (on sites not currently allocated) which will contribute to the requirement of 7500, largely accommodated within existing development boundaries. By their definition these 'windfall sites' are inherently uncertain. The total provision for new homes of 7,872, to meet the requirement of 7,500 allows for some slippage in the delivery of development. There may be problems with land assembly, unforeseen site conditions, decline in the market which could impede development. However, this allowance for slippage does imply that the Council could reduce the Key Strategic Site allocation. Windfalls are unpredictable, whereas an allocation in the Plan, tested through Public Examination, provides a sufficient degree of certainty about where the homes are going to be built, and strategic investment decisions can be made accordingly.
- 5.22 The 2,500 homes required from new allocations will primarily be met through housing developments at Bodelwyddan, Corwen, Rhyl, Ruthin and St Asaph. If additional need arises for rural communities, the Plan also allows for rural exception sites, where affordable housing for local needs may be supported on sites adjoining development boundaries. The Plan also allows for local connections affordable housing within small groups or clusters of houses.
- 5.23 The Plan's strategy is to focus development into a small number of large sites in the north of the County, with smaller scale development supported in other settlements. The justification for this includes:
- benefits of large mixed use developments in integrating land uses (homes, jobs, shops, etc) and delivering infrastructure investment and community facilities, to create sustainable communities;
  - the north of the County is home to 64% of the population and the highest level of housing need;
  - development in the north of the County can contribute to the Council's corporate regeneration priority through providing affordable homes and jobs;
  - the main transport links and public transport nodes are located in the north and the constraints on development land are more significant in the south.
- 5.24 However, whilst the Council's agreed spatial strategy is to direct most of the Plan's new allocations to the north of the County, it does not preclude development in other areas and the table below illustrates the spread of development proposed across the County.

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<sup>4</sup> This figure relates to all completions on large sites, small sites and conversions since 31<sup>st</sup> March 2006 to 1<sup>st</sup> April 2010.

5.25 A key strategic site has been identified at Bodelwyddan in line with the Local Development Plan Strategy and is shown on the proposals map. This will be a mixed use site combining housing, employment opportunities, community facilities and open space in a sustainable new community. The Bodelwyddan Key Strategic Site lies within both the 'Hub' identified within the Wales Spatial Plan and the North Wales Coast Strategic Regeneration Area announced by Welsh Assembly Government in 2008. A Development Brief and detailed Masterplan will be produced for this site in consultation with local residents and key stakeholders.

The table below summarises the contribution from new allocations and existing commitments across the County.

<b>LDP Housing growth strategy</b>			
<b>Location (towns/villages/hamlets)</b>	<b>Number of units on sites with planning permission <sup>5</sup></b>	<b>Number of units on proposed allocated sites</b>	<b>Total Housing Numbers</b>
<b>Rhyl</b>	602	100	<b>702</b>
<b>Prestatyn/Meliden</b>	160		<b>160</b>
<b>St Asaph</b>	30	75	<b>105</b>
<b>Denbigh</b>	60		<b>60</b>
<b>Ruthin</b>	173	50	<b>223</b>
<b>Corwen</b>	45	90	<b>135</b>
<b>Llangollen</b>	57		<b>57</b>
<b>Rhuddlan</b>	21		<b>21</b>
<b>Bodelwyddan</b>	10		<b>10</b>
<b>Villages</b>	303	355	<b>658</b>
<b>Hamlets (quota for local connections affordable housing within area of search)</b>		92	<b>92</b>
<b>Bodelwyddan Key Strategic Site</b>		1715	<b>1715</b>
<b>Small sites (less than 10 units)</b>	1071		<b>1071</b>
<b>Homes built since start of Plan period (2006 – 2010)<sup>6</sup></b>			<b>975</b>
<b>Total housing provision on allocated sites, existing commitments and already completed</b>			<b>5984</b>

<sup>5</sup> The existing commitments listed are only those that appear in the Council's Joint Housing Land Availability return and indicate the number of units either not started or under construction as of 1<sup>st</sup> April 2010.

<sup>6</sup> This figure relates to all completions on large sites, small sites and conversions since 31<sup>st</sup> March 2006 to 1<sup>st</sup> April 2010.

- 5.26 The lower growth towns of Rhyl, Prestatyn, St Asaph, Denbigh, Ruthin and Corwen will provide for housing and employment needs primarily to meet local demand. Allocated housing and employment sites, together with sites with existing planning permission are shown on the proposals maps.
- 5.27 Llangollen is recognised as one of the main centres within Denbighshire. There are however no new housing allocations in Local Development Plan for Llangollen. The reasons for this include the high levels of development recently within the town; the nature of the topography being in a steep sided valley which offers few opportunities for readily developable sites and a number of high level nature conservation and landscape designations, in particular the River Dee Special Area of Conservation and the Pontcysyllte World Heritage Site.
- 5.28 Rhuddlan has also experienced significant growth in recent years and is constrained by flood risk and the need to maintain the integrity of the Green Barrier between Rhuddlan and Rhyl. No new housing allocations have been made in the Local Development Plan and Rhuddlan and Llangollen are considered as brown field development priority areas under policy BSC2.
- 5.29 A number of settlements have been defined as Villages in the Local Development Plan. Collectively the villages are expected to contribute around 650 new dwellings over the Local Development Plan period to meet local needs.
- 5.30 A number of hamlets have also been designated and this was in response to local concerns that development opportunities have been overly constrained in very rural areas in previous Plans. Hamlets have been defined as having some kind of community facility (such as a place of worship, shop, pub etc) either within the settlement or being a settlement which supports a neighbouring facility. Housing development in hamlets will be limited to a quota set out for each settlement and will be tied to local needs and will be located within the areas of search defined on the Proposals Maps. Overall, hamlets are expected to contribute around 90 new homes over the Local Development Plan period to meet local needs.
- 5.31 Other areas are classified as open countryside where development opportunities will be strictly controlled in line with national policy.
- 5.32 The Plan's strategy was agreed by Council in January 2009 and further endorsed through the approval of the Deposit Local Development Plan in July 2009. There have been no material changes in planning policy context or background evidence which would indicate that the Council should now take a different approach.
- b) Key Strategic Site: Bodelwyddan (584 objections, 23 support, 44 neutral)- main issues raised
- 5.33 Responses received regarding Bodelwyddan largely objected to the proposed Key Strategic Site. Concern was raised regarding the scale of the proposed

development, in particular, that any further development within the settlement should be proportionate to the existing settlement. In summary, the main issues raised regarding the site included:

- Lack of existing facilities within the settlement & impact on existing services & facilities (health, education, community facilities etc)
- Impact on St Margaret's Church;
- Impact on landscape;
- Potential impact on transport network;
- Loss of agricultural land;
- Flood risk and drainage issues;
- Lack of demand;
- Development should be spread across County to meet need elsewhere;
- Impact on Welsh language and culture;
- Need to prioritise brownfield sites;
- Sewerage capacity and water supply.

To obtain more detail as to the nature of objections received, please refer to the Consultation Report (Accompanying Document AD3).

#### Key Strategic Site: Bodelwyddan - Council's response

- 5.34 Objectors have raised a variety of issues in relation to the proposed Key Strategic site and these are explored in further detail in Accompanying Document AD4 - Bodelwyddan Key Strategic Site – summary of key issues raised and Council's response (attached).
- 5.35 Overall, the Local planning authority considers it appropriate to include the Key Strategic Site within the plan as it offers the most sustainable way of accommodating predicted growth within the County and helps contribute towards the regeneration of the north of the County through the provision of jobs and affordable housing.
- 5.36 Bodelwyddan has been identified as a Key Strategic Site to meet the needs of Denbighshire in line with the Local Development Plan strategy. This large mixed use site will deliver new housing, employment opportunities, open space and community facilities, creating a well-planned sustainable, expanded community.
- 5.37 Following the Pre-Deposit consultation a study<sup>7</sup> was commissioned to look in detail at the viability of bringing the key sites forward for development during the plan period. 3 potential sites were identified: SE Rhyl, land west of St Asaph and land east of Bodelwyddan. In broad terms the study concluded that the site at Rhyl was not currently viable due to the need to provide a link road that could not be funded by the development. The site at St Asaph should be for employment use only as the amount of residential development would be insufficient to support any community facility making the community unsustainable. The site at Bodelwyddan offered the best potential for delivery during the Plan period due to its strategic location alongside the A55, and that

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<sup>7</sup> Denbighshire Strategic Masterplan Study (Entec UK 2009).

the site could be developed with no need for public subsidy. The site is available, deliverable & viable – which is not the case with the sites at SE Rhyl & St Asaph.

- 5.38 The allocation of the key strategic site at Bodelwyddan provides an opportunity to create an exemplar sustainable community. The scale of development proposed reflects the need to make provision for housing & employment needs. The development would result in the loss of agricultural land grades 3a and 3b; however it is considered that the need for development outweighs this.
- 5.39 The Council will require sensitive, good quality design taking account of key views & historic buildings, including St Margaret's Church, & reflecting local distinctiveness. A detailed development brief and Master plan for the site will be prepared in consultation with the community which will set out further detail on design, layout, open space, mix of development and facilities to be provided. Planning permission would be dependent on meeting the requirements of the Master plan and in this important respect the Council would retain a significant level of control over the design and impact of the development.

#### c) Affordable Housing

- 5.40 The level of affordable housing sought and its viability in light of current market conditions and other site requirements has been questioned.

#### Affordable Housing: Council's response

- 5.41 The Affordable Housing Viability Study was undertaken by the District Valuer Services on behalf of the Council in 2009 to look at the viability of affordable housing contributions over the life of the Local Development Plan. Evidence from the study indicates that the levels of affordable housing in policy BSC4 are achievable under a recovering housing market which we are likely to see during the plan period. 151 affordable homes were built between 2006 – 2010 with a further 360 secured through planning permissions.
- 5.42 The need for affordable housing has been identified in the Denbighshire Affordable Housing needs study (Fordham, 2004, North East Wales Local Housing Market Assessment (GVA Grimley, 2008) and confirmed in the Update of Housing Need, Demand and Affordability in the Local Housing Market Areas of Denbighshire (Glyndwr University 2011) which are background documents to the Local Development Plan. The Council recognises that differing characteristics within the County will affect the deliverability of affordable housing, and this is reflected in the policy. However, affordability is a major issue in many parts of the County and increased delivery is not only a key concern for the Welsh Assembly but also a key priority for the Council.

#### Objections to individual sites for housing, employment etc

- 5.43 Numerous objections to individual sites across the County were received. Objections included asking for sites to be completely removed, amended, or additional alternative sites to be included within the Local Development Plan.

#### Objection to individual sites for housing, employment etc: Council's response

- 5.44 The suitability of sites in relation to the overall strategy has already been considered. Where new information has become available which calls into question the suitability of such sites these have been reviewed and where appropriate amendments included within the focussed changes.

#### Provide better clarification on environmental protection policies

- 5.45 A number of responses were received which requested more clarity on environmental protection, either through altering policy wording, or through the alteration or deletion of a site.

#### Provide better clarification on environmental protection policies: Council's response

- 5.46 A series of minor changes to policies within the theme 'Valuing Our Environment' are being proposed in order to provide better clarification regarding the application of environmental protection policies across the County. All statutory designated sites have been added to the Proposals Maps.

#### Alternative sites publication

- 5.47 The Council must advertise any site allocation representations received at the Deposit stage consultation – this includes proposals to add new sites, amend or delete sites proposed in the Local Development Plan. The Alternative Sites were published and comments invited between May – August 2010. Over 4100 representations were received and these have been reported back to the LDP Working Group alongside the deposit responses. It is important to emphasise that these are not Council proposals, but suggestions put forward by objectors to the deposit Local Development Plan and the majority (3576) of representations received at this stage are objections to alternative site proposals to those allocated in the Plan or objections to proposals to remove LDP allocations.

#### **Summary of Responses to Alternative sites publication**

- 5.48 A total of 4,178 responses were received regarding the Alternative Sites Register consultation<sup>8</sup>. Please note, to obtain more detail as to the nature of comments received, please refer to the Consultation Report (Accompanying Document AD3). Responses were received regarding a variety of different sites across the County:

- 863 object to proposals at Llys Brenig for development and amendment to recreation and open space.
- 205 repeated original objections to the Key Strategic Site at Bodelwyddan;
- 200 objected to the proposed extension to the Key Strategic Site;

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<sup>8</sup> This included 83 late representations

- 40 objected to the removal of a housing site at Nant y Celyn in Clocaenog;
- 87 object to the resubmission of a candidate site for housing at Land at the Council Depot, Corwen.
- 31 support the removal of Land at the rear of Yr Hen Ysgol and Maes Llan, Derwen.
- 148 object to the proposal for new housing at Ffordd Tanrallt, Meliden;
- 144 object to the resubmission of land to the rear of Ffynnon Tegla and Maes Teg Estate, Llandegla.
- 106 object to the inclusion of land to the rear of Trem yr Eglwys, Llandegla;
- 38 & 59 request the removal of / object to the inclusion of Land adjoining Richmond Hall, St Asaph.
- 31 object to the proposed development at Land off the Paddock, St Asaph.
- 26 Object to additional houses at Land adjoining Hafod y Gân abd Ysgol Tir Morfa.
- 86 object to the suggested inclusion of Land at north of Bryn Farm, Tremeirchion;

#### **Main issues raised and Council's response**

- 5.49 There was support for the removal of the Bodelwyddan Key Strategic site (ASR-40A-R1), and objection to the proposed extension to the Key Strategic Site area. Objections were received for the majority of alternative sites from one objector (Envirowatch) because they felt that the Strategic Environmental Assessment requirements had not been met but this was a single standard response and no evidence was supplied as to how the proposers had failed to comply. A Sustainability Appraisal (incorporating Strategic Environmental Assessment) has been undertaken by the Council on the Local Development Plan as a whole, including allocated sites. Proponents of alternative sites have been invited to submit Sustainability Appraisal information regarding their sites. WAG guidance makes it clear that it is the responsibility of the proponent to test the effects of the site using the Local Development Plan's Sustainability Assessment Framework. Any additional information received to date is available to view from the Planning Policy Team and will be formally published at the same time as the Focussed Changes consultation.
- 5.50 A number of local residents objected to the identification of Derwen as a village. It is proposed to re-designate Derwen as a hamlet with an individual quota for affordable housing.
- 5.51 Reinforcement of need for green barriers between major settlements. A number of amendments to include additional land as green barrier were proposed. For example, land adjacent to Ffordd Penrhwylyfa, Prestatyn has been deleted as a housing allocation and reinstated as green barrier. Land at Ffordd Tanrallt, Meliden has been included as an extension to an existing green barrier.

- 5.52 A number of minor amendments to hamlet areas of search and village boundaries are proposed as a result of further information received at the Deposit and Alternative Sites stage. For example, information regarding the capacity of a junction in Graigfechan has resulted in an alternative site being proposed in preference to a site previously allocated in the Deposit.

### **Community Linguistic Assessment: Bodelwyddan Strategic Site**

- 5.53 Consultation was carried out on the Community Linguistic Assessment for the proposed Key Strategic Site at Bodelwyddan for 6 weeks from the 26<sup>th</sup> of January 2011 to the 9<sup>th</sup> of March 2011. The purpose of the Community Linguistic Assessment is to further consider the level of impact development of the site at Bodelwyddan would have on the Welsh language, particularly in relation to the community. A copy of the Community Linguistic Impact Assessment is included with other background papers as Accompanying Document AD 8. Further detail on the comments received, together with the Council's response is set out Consultation Report (Accompanying Document AD3).
- 5.54 In order to raise awareness of the consultation a public notice was published in local newspapers, information was published on the Council website and letters were sent to the Local Development Plan database. Further to this, because the assessment related specifically to Bodelwyddan, a letter was sent to every resident of Bodelwyddan informing them that the consultation was taking place and asking for their feedback. A Community Linguistic Impact Assessment 'drop-in' session was held on the 17<sup>th</sup> February 2011 in Bodelwyddan Community Centre. Residents who attended were invited to record their comments on a 'comments wall'.

### **Summary of Responses**

- 5.55 Approximately 150 people responded to the consultation. These included responses from a number of organisations and individual letters from residents of the County with over 100 forms submitted by Bodelwyddan Development Action Group. Please note, to obtain more detail as to the nature of objections received, please refer to the Consultation Report (Accompanying Document AD3).

### **Main issues raised and Council's response**

- 5.56 A substantial number of the comments questioned the need for the development, its scale and the concentration in one location. Queries were raised over how new residents would be assimilated into the existing community. Objectors believe that most of the new comers will be non-Welsh speakers, which would dilute the current level of Welsh speakers in the community. Concerns were also raised that such a large development would attract in-comers from the North West of England. Other issues raised related to the concentration of affordable homes on one site, the lack of guarantee of providing a Welsh medium primary school and limited capacity of the Welsh medium secondary school, Ysgol Glan Clwyd, St Asaph and impact on nearby communities.



5.57 The Community Linguistic Impact Assessment does identify a potential negative impact on the current number of Welsh speakers but the proposed mitigation measures aim to ameliorate the worst effects. The weight that should be attached to the Community Linguistic Impact Assessment must be judged against the overall Plan strategy and what would be the impact of an alternative spatial strategy on the Welsh language and other factors. By comparison with other areas of the County the percentage of Welsh speakers in Bodelwyddan is low and similar to other coastal areas where most development is needed. Implementation of the mitigation measure is essential and many of these will also be applicable to other development sites across the County.

## **6. SUMMARY OF PROPOSED FOCUSED CHANGES**

6.1 Through consideration of comments received on the Deposit Local Development Plan & Alternative Sites consultation, the LDP Members Working Group have recommended a number of changes to the Plan to provide further clarification, update policy to reflect updated guidance, and most importantly to respond to comments received. The “Focussed Changes Report” is attached as Accompanying Document AD4 and sets out every change (however minor) being proposed to the Deposit Local Development Plan. These changes have assigned reference numbers and the report sets out justification for the proposed changes. An amended version of the Local Development Plan is attached as Accompanying Document AD1, with an amended set of Proposals Maps attached as Accompanying Document AD2. Changes to the text are shown struck through for deleted text and new/replacement text shown highlighted in grey. Amendments to the Proposals Maps are shown in red for additions and grey for deletions. The changes are presented in the same order as the Plan, with amendments to Proposals Maps included at the end of the relevant section to which they apply (for example, map changes relating to housing allocations are included at the end of the Building Sustainable Communities (BSC) Section). Further amendments to the text and accompanying documents will be necessary to update references to the Community Strategy, once the Big Plan has been fully signed off by all partners at the end of May.

6.2 Welsh Assembly Government advice is that any changes to the Deposit Plan proposed by the Council should be limited in number, affecting only limited parts of the Plan and should not go to the heart of the Plan. Fundamental changes that affect the strategy are likely to have implications regarding the ‘soundness’ of the Plan which would result in the Council being unable to proceed with the Plan to Examination and having to revisit the Pre-Deposit & Deposit stages, in effect producing a new Plan. This would mean a significant time delay in progressing the Plan to adoption and could potentially set back adoption 2 or more years.

## **General changes proposed**

- 6.3 Relevant links to national policy, set out in Planning Policy Wales Version 4 (February 2011) and the suite of Technical Advice Notes produced by WAG to further amplify Planning Policy Wales, have been included after every policy. These references have been included to provide greater clarity and in response to comments received from WAG.
- 6.4 All policies which set out a number of criteria to be met have been amended with the addition of “and” and “or” to clarify whether or not all the criteria have to be met.
- 6.5 Cross references within policies to other LDP policies have generally been deleted as the introduction makes it clear that the Plan should be read as a whole and all relevant policies will apply.
- 6.6 All abbreviations have been replaced with full names or terms in response to comments made by the LDP Working Group and to ensure the Plan is more user-friendly.

## **Changes proposed to Chapters 1–7 (Focussed changes ref: FC1 – FC24)**

- 6.7 These chapters provide the introduction to and strategy behind the policies by setting out the planning policy context for Denbighshire, the Local Development Plan Vision, issues & objectives which guide the Plan and the resulting Local Development Plan Strategy.
- Chapter 1: Introduction has been updated to reflect the current stage of Plan preparation and the guidance on how to use the document has been clarified.
  - Chapter 2: Consultation on the Local Development Plan - has been amended to update the text and to outline the statutory consultation stages of the Plan.
  - Chapter 3: The County of Denbighshire - outlines the key characteristics of the County and only minor changes are proposed to include reference to the River Dee and the importance of agriculture and the rural economy.
  - Chapter 4: Planning Policy Context - only very minor wording changes are proposed.
  - Chapter 5: The Local Development Plan Vision - only very minor wording changes are proposed.
  - Chapter 6: Issues and Objectives – minor changes are proposed to include reference to sustainable development and the need for development to take account of the requirements of flood risk. An additional table has also been included to demonstrate how the Local Development aims to address the key issues facing the County and how these have informed the LDP objectives and resulting policies.
  - Chapter 7: Denbighshire’s Local Development Plan Strategy – housing figures have been updated

## **Spatial policies**

- 6.8 Chapter 8 sets out the Spatial Policies designed to take forward the Local Development Plan objectives, spatial strategy and vision for the County.

Taken together with national policies and guidance they form the framework against which any development proposals will be assessed. The policies are grouped in five key themes in line with the Wales Spatial Plan: Respecting Distinctiveness (RD), Building Sustainable Communities (BSC), Promoting a Sustainable Economy (PSE), Valuing Our Environment (VOE) and Achieving Sustainable Accessibility (ASA).

**6.9 Changes proposed to Respecting Distinctiveness (Focussed changes ref: FC26 – FC30)**

- **Policy RD1 – Sustainable development and good standard design** – minor wording changes to clarify that all criteria will apply, to include reference to development boundaries, and adding light pollution, water supply & abstraction and the protection and/or creation of blue (water) corridors as issues to be considered as part of any development proposals.
- **Policy RD2 – Green Barriers** – an extension to the Green Barrier between Prestatyn and Meliden is proposed in response to comments made.
- **Policy RD3 – Extensions, Alterations and Replacement of Existing Dwellings** – minor wording changes to clarify that all criteria will apply and the addition of a requirement that proposals for a replacement dwelling must include demolition of the original dwelling.
- **Policy RD4 – The Welsh language and the social and cultural fabric of communities** – minor wording changes

**6.10 Changes proposed to Building Sustainable Communities (Focussed changes ref: FC31 – FC43)**

- **Policy BSC1 – Growth Strategy for Denbighshire** – housing numbers have been updated in the introductory text. The tables setting out housing numbers have been amended to include existing commitments in the County's towns and villages (ie sites which currently have planning permission, with the number of units either not started or under construction as of April 2010) which are included in the Council's Joint Housing Land Availability return. This information has been included to provide a clearer and more complete picture of future housing development planned in the County. These sites are also now shown on the Proposals Maps. Further clarification has been included to explain why no additional new sites have been allocated in Rhuddlan and Llangollen. Changes to allocated sites include:
  - The allocation at **Prestatyn** (land off Ffordd Penrhwylyfa) for 10 homes has been removed in response to comments received.
  - **Glyndyfrdwy** – planning permission now lapsed on allocated site within the flood zone, deleted site in line with EAW advice.
  - **Graigfechan** – objection to proposed allocation from Highways, alternative site put forward.
  - **Llandyrnog** – significant number of objections on access grounds to proposed site, many suggesting an alternative site. Allocation changed to reflect comments received.

- **Llanferres** –small site allocated to rear of Bod Eryl, Llanferres to meet needs.
  - **Pwllglas** –size of site allocated for residential/recreational use adjusted in line with comments received.
  - **Tremeirchion** –development boundary amended to exclude 3 areas of land considered unsuitable for development in line with comments received.
- **Policy BSC2 – Brownfield development priority** – policy reworded to provide greater clarity, however the thrust of the policy remains the same. In addition, the site at Ocean Plaza, Rhyl has been designated under this policy.
  - **Policy BSC3 – Securing infrastructure contributions from development** – following discussions at the LDP Working Group and comments from WAG, this policy has been reworded to give a clear indication of priorities against which contributions through planning obligations will be required from development.
  - **Policy BSC4 – Affordable housing** – no changes to policy wording proposed
  - **Policy BSC 5 – Key Strategic Site Bodelwyddan** - The requirement for a development brief and detailed Masterplan to be prepared in consultation with stakeholders and the local community has been moved from the justification to form part of the policy. Additional requirements that development must be integrated into the landscape and that development should include training provision have also been included. The boundary of the site has been amended to exclude the area around St Margaret’s Church to ensure its protection. Minor wording changes have been included to clarify that all criteria will apply.
  - **Policy BSC6 – Local connections affordable housing in hamlets** - minor wording changes to clarify that all criteria will apply. Derwen has been designated as a hamlet with quota of 5 new homes (it was designated as a village in the Deposit Plan) and Graianrhyd is designated as a hamlet with a quota of 3 new homes. The area of search & quota for Tafarn Y Gelern has been reduced (from 6 to 3). These changes are in response to comments received.
  - **Policy BSC7 – Houses in multiple occupation and self contained flats** - minor wording changes to clarify that all criteria will apply.
  - **Policy BSC8 – Rural exception sites** - minor wording changes to clarify that all criteria will apply and that the policy applies to proposals adjoining village development boundaries, not towns.
  - **Policy BSC9 – Local connections affordable housing within small groups or clusters** - minor wording changes to clarify that all criteria will apply.
  - **Policy BSC10 – Gypsy and traveller sites** - minor wording changes to clarify that all criteria will apply and to include reference to permanent and transit sites
  - **Policy BSC11 – Recreation and open space** – the requirement for open space has been amended from 3.8 to 3.6 hectares to correct a typographical error in the Deposit LDP. The justification has been

amended to include further detail on the Fields in Trust Benchmark standards and reference to allotments, moved from Policy BSC12.

- **Policy BSC12 – Community facilities** – minor wording changes to provide more clarity.

#### 6.11 Changes proposed to Promoting a Sustainable Economy (Focussed changes ref: FC44 – FC61)

- **Policy PSE1 – North Wales Coast Strategic Regeneration Area** – The table in the introductory text setting out a list of employment allocations has been amended to include reference to the key strategic site at Bodelwyddan, to reflect policy BSE5. The policy has been amended to include minor wording changes to clarify that the criteria are exclusive. In addition the preparation of Supplementary Planning Guidance has been added to the justification.
- **Policy PSE2 – Land for employment uses**– minor wording changes to clarify that the majority of the site can be developed for B1 Business use only and only land at the ex Pilkington’s site, St Asaph Business Park can be developed for B1, B2 and waste management facilities.
- **Policy PSE3 – Protection of employment land and buildings** - minor wording changes to clarify applicability of criteria and clarify the justification
- **Policy PSE4 – Re-use and adaptation of redundant rural buildings in open countryside** – policy has been amended to better explain that the first preference for re-use of rural buildings will be for employment use, with residential use only considered if an employment use is unfeasible & the dwelling(s) are affordable to meet local needs. This responds to comments received and better reflects national policy.
- **Policy PSE5 – Rural economy** - minor wording changes to clarify that all criteria will apply
- **Policy PSE6 – Retail economy** – Policy has been amended to exclude Clwyd Retail Park as a District Centre as is an out of town shopping park rather than a town or district centre in the traditional sense. The town centre boundary for Prestatyn has been extended to correct a cartographical error and in response to comments received.
- **Policy PSE7 – Proposals for new retail development** – only very minor wording changes
- **Policy PSE8 – Development within town centres** - minor wording changes to clarify that all criteria will apply. Further clarification is included in the justification to strengthen the protection of retailing in town centres, in response to comments received.
- **Policy PSE9 – Out of centre retail development** - minor wording changes to clarify that all criteria will apply and to include an additional criterion to refer to industrial estates
- **Policy PSE10 – Local shops and services** - minor wording changes to clarify that all criteria will apply.
- **Policy PSE11 – Major new tourism developments** - minor wording changes to clarify that all criteria will apply. Additional wording has been include to highlight that the Area of Outstanding Natural Beauty, Area of Outstanding Beauty, World Heritage Site and other regionally important

landscape areas are all key environmental considerations. This is in response to comments received.

- **Policy PSE12 – Chalet, static and touring caravan and camping sites** – additional policy wording has been included to better explain the Council's approach to proposals for new static caravan sites and proposals to improve existing sites. Additional wording referring to the Area of Outstanding Natural Beauty, Area of Outstanding Beauty, World Heritage Site and other regionally important landscape areas as key environmental considerations is also proposed in response to comments received.
- **Policy PSE13– Coastal tourism protection zone** – only very minor changes proposed
- **Policy PSE14– Outdoor activity tourism** - minor wording changes to clarify that all criteria will apply. Additional wording referring to the Area of Outstanding Natural Beauty, Area of Outstanding Beauty, World Heritage Site and other regionally important landscape areas as key environmental considerations is also proposed in response to comments received.
- **Policy PSE15– Safeguarding minerals** – reference to coal has been added to the text & minerals safeguarding areas are now shown on each of the relevant Proposals Maps, rather than on a separate map as at the Deposit stage. This is in response to comments received.
- **Policy PSE16– Mineral buffer zones** – reference to proposals within the AONB has been deleted as this is covered by Policy PSE17.
- **Policy PSE17– Future mineral extraction** - minor wording changes to clarify that all criteria will apply and additional reference to the Area of Outstanding Beauty has been added to strengthen

#### 6.12 Changes proposed to Valuing our Environment (Focussed changes ref: FC62 – FC75)

- **Policy VOE1 – Key areas of protection** - wording has been clarified and changes made in response to comments received
- **Policy VOE2 – Area of Outstanding Natural Beauty and Area of Outstanding Beauty** - changes made in response to comments received and to update and clarify the background to the policy
- **Policy VOE3 – Pontcysyllte Aqueduct and Canal World Heritage Site** - changes made in response to comments received to provide better clarification and site and buffer zone shown on Proposals Map
- **Policy VOE4 – Enabling development** - minor wording changes to clarify that all criteria will apply. The Former North Wales Hospital site has been deleted as a housing allocations and included as a designation under this policy as planning permission for the site has now lapsed and it better reflects the Council's aim of secure the future of the listed buildings through the minimum amount of enabling development necessary to do so.
- **Policy VOE5 – Conservation of natural resources** - wording has been clarified and changes made in response to comments received. All internationally designated sites of nature conservation importance have been added to the Proposals Maps.
- **Policy VOE6 – Water management** - wording has been clarified

- **Policy VOE7 – Locations for waste management** – wording has been clarified and Bodelwyddan Key Strategic Site has been deleted as a designation to reflect policy BSC5, comments received and the vision for the Key Strategic Site.
- **Policy VOE8 – Waste management outside development boundaries** - wording has been clarified and changes made in response to comments received
- **Policy VOE9 – On-shore wind energy** – amended to incorporate policy requirements previously in policies VOE10 & VOE11.
- **Policy VOE10 – Larger scale wind farms & VOE11 Community based wind farms** – deleted & incorporated into Policy VOE9.
- **Policy VOE12 – Renewable energy technologies** - wording has been clarified and changes made in response to comments received

6.13 **Changes proposed to Achieving Sustainable Accessibility (Focussed changes ref: FC76 – FC79)**

- **Policy ASA1 – New transport infrastructure** - minor wording changes to clarify that all criteria will apply, to respond to representations received on the Deposit LDP and to provide better clarity.
- **Policy ASA2 – Provision of sustainable transport facilities** - minor wording changes to respond to representations received on the Deposit LDP and to provide better clarity
- **Policy ASA3 – Parking standards** - minor wording changes to provide better clarity

6.14 In addition changes are proposed to the Monitoring Chapter to reflect emerging guidance from the Planning Inspectorate, and minor changes are proposed to Appendix 1 – Links with National Policies and Appendix 3 – Glossary to update the information presented.

6.15 Every change (however minor) being proposed to the Deposit Local Development Plan is set out in the “Focussed Changes Report” attached as Accompanying Document AD4. Once approved by Council, the Focussed Changes will be subject to a 6 week public consultation and any comments received will be passed directly to the Planning Inspector appointed to conduct the Public Examination.

## 7 OTHER ACCOMPANYING DOCUMENTS

7.12 The development of the Plan has been informed by a raft of background evidence and reports which are available to view on-line via the Council’s website. It has also been subject to a number of detailed assessments and appraisals through its preparation. Key documents include the Sustainability Appraisal (incorporating Strategic Environmental Assessment), Habitats Regulation Appraisal and Equality Impact Assessment. As these documents are quite lengthy, they have been provided to Councillors on CD, with paper copies available to view in the Members’ Room, from Group Leaders and the Planning Policy Team.

### **Sustainability Appraisal Report**

- 7.13 Sustainability Appraisal is a means of assessing the social, economic and environmental impacts of the Plan and aims to ensure that sustainable development is at the heart of the plan-making process. It is legal requirement that the Plan is subject to Sustainability Appraisal. In addition, Sustainability Appraisal must comply with the requirements of the Strategic Environmental Assessment Directive 2001/42/EC. This aims to ensure the integration of environmental considerations into the preparation and adoption of the Plan. Sustainability Appraisal is an iterative process sitting alongside the preparation of the Plan. The Sustainability Appraisal Report was subject to public consultation alongside the Deposit Local Development Plan and summaries of the comments received, together with the Council's responses are set out in the accompanying Consultation Report (Accompanying Document AD3). The Focussed Changes proposed (outlined above and set out in full in Accompanying Document AD5) have been subject to Appraisal and a copy of the updated Non-Technical Summary is attached to this report as Accompanying Document AD6, the full report has been supplied to Councillors on CD. This will be published alongside the Focussed Changes, during the consultation period.

### **Habitats Regulations Appraisal**

- 7.14 Habitats Regulations Appraisal (HRA) is an iterative process that sits alongside the preparation of local development plans in Wales.<sup>9</sup> It has to be carried out when proposals in the emerging land use plan give rise to the possibility of significant effects on the qualifying features of internationally designated sites, either alone or in combination with other plans or projects. The Focussed Changes proposed have been subject to Appraisal and the full report has been supplied to Councillors on CD (Accompanying Document AD7). This will be published alongside the Focussed Changes, during the consultation period.
- 7.15 Habitats Regulation Appraisal is a requirement of European and national legislation. European Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna, commonly known as the 'Habitats Directive' was adopted in May 1992. The 'Habitats Directive' provides legal protection for habitats and species of European importance. This is reflected in the latest version of national legislation, 'The Conservation of Habitats and Species Regulations 2010', which applies to England and Wales. The Appraisal has been carried to meet these requirements (specifically Regulations 61 and 62).
- 7.16 It is not a legal obligation for planning bodies to consult the public on the Habitats Regulation Appraisal at appropriate Plan stages. Nevertheless, the Council decided to make this document available to the public and to offer an opportunity for representations as part of the Deposit Plan consultation. Summaries of the comments made, together with the Council's responses are set out in the accompanying Consultation Report (Accompanying Document AD3). Welsh planning authorities must consult CCW on the Habitats

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<sup>9</sup> WAG (2009), Appendix 6, Paragraph 1.4



Regulation Appraisal and have regard to its advice before ascertaining whether the development plan could adversely affect the integrity of any European site alone or in combination with other plans or projects. A land use plan cannot proceed to adoption until the Habitats Regulation Appraisal process has been completed. Comments from CCW have informed the updated Habitats Regulation Appraisal.

### **Equality Impact Assessment**

- 7.17 In order to ensure that the Local Development Plan is inclusive and does not discriminate against different groups in the community an Equality Impact Assessment has been undertaken. It is required under legislation that all local authorities undertake an Equality Impact Assessment (EqIA) when reviewing or developing new policies, strategies or functions in order to fulfil requirements set out in a variety of national legislation. A copy of the full Assessment report has been supplied to Councillors on CD (Accompanying Document AD7). This will be published alongside the Focussed Changes, during the consultation period.
- 7.18 There is considerable overlap between Equality Impact Assessment and the Sustainability Appraisal, which considers the social impact of the Plan's policies on specific objectives. Therefore the approach followed has been adapted from the Denbighshire County Council Equalities Impact Assessment Toolkit, taking into account any overlap with the Sustainability Appraisal. The assessment anticipates the likely consequences of the changes on any group of people and aims to ensure that equality is promoted and negative impacts minimised or eliminated.

### **Information papers**

- 7.19 A set of Information Papers has been supplied to Councillors on CD (Accompanying Document AD11, with paper copies available for viewing in the Members' Room, from Group Leaders and the Planning Policy Team. These reflect the themes in the Plan and bring together background information, evidence and policy context which have shaped the development of the Plan. These papers will be kept up to date as the Plan progresses to Public Examination as background information for the Examination, and to provide a helpful guide for the Planning Inspector, councillors and anyone likely to be taking part in the Examination.

## **8 WHAT HAPPENS NEXT?**

### **Submission to Welsh Assembly Government**

- 8.1 Once approved by Council, the Deposit LDP will be submitted for independent examination. This involves sending the LDP and accompanying documents to the Assembly Government and the Planning Inspectorate. This will include a copy of every representation received on the deposit LDP and at the alternative sites stage.

### **Focussed Changes consultation**

- 8.2 When the Council submits the Plan for examination, any changes proposed to the Plan will be advertised for a six week consultation period. Any responses received are then forwarded from the Council directly to the Planning Inspector so that he/she has all the information necessary to consider such changes early in the Examination process. There is no requirement for the Council to comment on the responses received.

### **Examination in Public**

- 8.3 Following Full Council approval the Local Development Plan will be submitted to the Welsh Assembly Government. An independent Planning Inspector will be appointed to hold a public Examination into the “soundness” of the Plan. This will provide the opportunity for the Inspector to explore in detail issues arising, especially those issues identified by objectors to the Plan.
- 8.4 In comparison with the old style Public Inquiry held for the UDP, the LDP Examination is expected to focus on soundness of the plan and to consider representations on the basis of how they affect the plan as a whole. The LDP examination process is Inspector led and intended to be a briefing to provide the Inspector with the information to reach conclusions on the soundness of the plan. The exact nature of sessions will vary with complexity, nature and scope of evidence, and significance, but generally is expected to be more informal round table discussions, with scope for formality, including cross-examination, should the Inspector consider this necessary.
- 8.5 Hearing sessions will take the form of a public discussion where the issues to be discussed will be identified in advance by the Inspector and participants invited to contribute. Objectors to the Plan have a right to appear at the Examination to put their case to the Inspector and he/she is able to invite anyone to specific round table sessions who could contribute to the discussions. Written representations will be given the same consideration as those dealt with orally at the Examination.
- 8.6 The LDP team is working to deliver a Local Development Plan that is ‘sound’. However, the process for making formal representations on the Deposit Plan is founded on people challenging the plan under the tests of soundness, and it is what will be examined by the Planning Inspector. The Inspector will have to consider the soundness of the Plan as a whole. ‘Sound’ can be interpreted as “shows good judgement” and “is able to be trusted”. Local Development Plans Wales (2005) provides 10 criteria for assessing soundness. These criteria are, in effect, consistency, its coherence and effectiveness. A self assessment in respect of the soundness of the Local Development Plan has been undertaken and this is attached as Accompanying Document AD10.

### **Adoption of the LDP**

- 8.7 The Inspector’s report will be binding on the Council. Once minor factual accuracy has been checked, the Council must adopt the plan in accordance with the Inspector’s recommendation. The Inspector can only recommend changes where there is sufficient information to demonstrate that the plan will remain sound and sustainable.

## **9 OTHER ISSUES**

### **Planning Inspectorate**

- 9.1 On submission of the LDP to Welsh Assembly Government / the Planning Inspectorate will commence the Examination process. The timetable for completion of the Examination will be defined by the Inspectorate.
- 9.2 The Inspectorate is committed to achieving completion of the Examination within a 52 week period (though it should be noted that this excludes any periods where additional work is being undertaken by the Authority at the request of the Inspector). The Planning Inspectorate will enter into a Service Level Agreement with the Council for the Examination. It is envisaged that expenditure will be spread across 2011/12 and 2012/13, with the majority falling in 2011/12.

### **Programme Officer**

- 9.3 A Programme Officer has to be appointed by the Authority. This person represents the Planning Inspector, but works impartially to liaise between the Inspector, the Council and the general public and is responsible for all the arrangements for the smooth running of the Examination. There is an expectation that the Programme Officer should be in post, once the Plan is formally submitted, with the hours of work varying through the examination process.

### **Accommodation**

- 9.4 The Council will have to make arrangements for a suitable venue(s) for the hearing sessions and for associated office accommodation on site / nearby for the Inspector and Programme Officer. Arrangements for office accommodation for the Programme Officer and for the examination library outside the hearings will be made following the appointment of the Programme Officer

## **10. CONCLUSIONS**

- 10.1 The Local Development Plan has been developed by the Council over some years with comprehensive consultation with and the involvement of the public throughout the process. Councillors have worked hard to ensure the Council has developed a Plan which sets out a robust strategy for growth to meet the Council's priorities of Regeneration and Responding to Demographic Change, whilst protecting the County's unique environment and heritage and ensuring that the views of relevant stakeholders are taken into account. The Plan which is now being promoted for progression is the product of collaborative working across the Council, with external stakeholders, neighbouring authorities and of on-going community input. This report provides the opportunity to progress the Plan to the next formal stage, in line with statutory requirements.

- 10.2 The promotion of a Local Development Plan presents an extremely important and positive opportunity for the Council and the people of Denbighshire. The adoption of a robust and up to date Local Development Plan allows the Council through its Members to shape the location and pattern of development across the County for the next 10 years and beyond in a way that reflects the Council's corporate priorities, the needs of local communities and which is consistent with the national policy imperative to deliver sustainable development.
- 10.3 On the other hand, there are risks associated with not having an up to date Plan. The Local Development Plan is the key vehicle for guiding future development within the County and there is risk of not having an up to date planning policy framework and not having a robust basis to refuse planning proposals, for example, if the Council is unable to demonstrate that it has a 5 year supply of land for housing development, there is a real risk of losing planning appeals for housing sites which are not supported by the Council.
- 10.4 It is a statutory requirement for Councils in Wales to produce a local development plan and WAG will be awarding Planning Delivery Grant payments to those authorities making good progress in line with their Delivery Agreements. Failure to progress the LDP will also impact on the Council's ability to deliver sufficient land for housing (both market and affordable) to meet the County's needs, and by restricting supply potentially having a further impact on house prices, making them even less affordable for local people.

## **11 How does the decision contribute to the Corporate Priorities?**

The LDP is consistent with and will have a positive impact on all 4 of the Council's Corporate Priorities. In particular, the LDP will have a direct role to play in achieving the priorities of Regeneration and Responding to Demographic Change through the policies and proposals within it, influencing development on the ground.

## **12 What will it cost and how will it affect other services?**

There are cost implications of progressing the LDP and formally submitting to WAG & the Planning Inspectorate. There will be costs relating to public consultation on the Focussed Changes, including the actual printing and consultation of the document itself, production of consultation materials. The most significant costs will result from the public examination, including the Inspectorate's charges, legal fees and employing a programme officer. These costs will be budgeted for from the existing service budget.

Ultimately when adopted in 2012 the LDP will of course have significant cost implications on several service areas and several towns and villages. Cost implications from development growth and population change could primarily manifest itself through impact on existing services and infrastructure e.g. highways, schools, open space provision, community facilities such as

libraries etc. However the County's population is likely to grow even without the LDP in place - the LDP simply provides a more effective and planned mechanism for delivering this growth. Therefore an effectively prepared LDP should aim to secure social and physical infrastructure and services to accompany any growth which will provide an overall benefit rather than a burden to both our communities and Council Services.

### **13 What consultations have been carried out?**

The LDP has been developed through extensive consultation as set out above and with Members through the LDP Working Group. Full details of the consultation carried out throughout the preparation of the Plan are set out in the Consultation Report, Accompanying Document AD3.

### **14 Chief Finance Officer Statement**

The costs associated with this phase of the implementation of the LDP should be contained within existing resources. The council has been building a specific reserve within the accounts to contribute to the costs of producing the Plan.

### **15 What risks are there and is there anything we can do to reduce them?**

Failure to support the agreed strategy or major changes proposed would mean having to return to an earlier stage of the process, putting back adoption of the Plan by 2-3 years. WAG support the current level of growth in the Plan and any reduction to that level could lead to a fundamental objection to the LDP from the Assembly. Additional consultation and research could entail significant costs for the Council.

The Local Development Plan is the key vehicle for guiding future development within the County and there is risk of not having an up to date planning policy framework and not having a robust basis to refuse planning proposals, and losing planning appeals for development which is not supported by the Council.

National policy requires that local authorities must have sufficient land available to provide a 5 year supply of land for housing. Without progressing the Local Development Plan there is a significant risk that the Council will be unable to deliver sufficient land to meet the County's needs for new homes, particularly affordable homes.

It is a statutory requirement for Councils in Wales to produce a local development plan and the Council would be failing to meet this requirement if the Plan is not progressed.

### **16 Power to make the Decision**

Local Government Act 2000, Planning & Compulsory Purchase Act (2004), and associated regulations and guidance.

## **ACCOMPANYING DOCUMENTS**

- AD1. Denbighshire Deposit Local Development Plan written statement (with proposed changes shown)**
- AD2. Denbighshire Deposit Local Development Plan Proposals Maps (with proposed changes shown)**
- AD3. Consultation Report – copy of covering report (Appendices supplied to all Councillors on disc)**
- AD4. Policy BSC 5 – Bodelwyddan Key Strategic Site – summary of key issues raised and Council’s response**
- AD5. Focussed Changes Report**
- AD6. Sustainability Appraisal – Non Technical Summary (full report supplied to all Councillors on disc)**
- AD7. Habitats Regulation Appraisal (full report supplied to all Councillors on disc)**
- AD8. Community Linguistic Impact Assessment (full report supplied to all Councillors on disc)**
- AD9. Equality Impact Assessment (full report supplied to all Councillors on disc)**
- AD10. Soundness Self Assessment Checklist**
- AD11. Information Papers**