

# Pecyn Dogfen Cyhoeddus



At: Cadeirydd ac Aelodau Cyngor Sir      Dyddiad: Dydd Llun, 27 Mai 2013  
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Annwyl Gyngorydd

Cyfeiriaf at y rhaglen ar gyfer cyfarfod y **CYNGOR SIR** sydd i'w gynnal am **10.00 am, DYDD MAWRTH, 4 MEHEFIN 2013 yn SIAMBR Y CYNGOR, NEUADD Y SIR, RHUTHUN LL15 1YN** ac ryw'n amgáu'r adroddiad(au) canlynol.

## Rhif      Eitem Agenda

### **6      MABWYSIADU'R CYNLLUN DATBLYGU LLEOL SIR DDINBYCH 2006 - 2021** (Tudalennau 3 - 84)

Atodiad 2 (Copiau called o'r Atodiadau 1 – 6 eu gweld yn Swyddfeydd y Cyngor Derbyniadau).

Yn gywir

G Williams  
Pennaeth Gwasanaethau Cyfreithio a Democrataidd

## **AELODAETH**

### **Cynghorwyr**

Ian Armstrong  
Raymond Bartley

Gwyneth Kensler  
Geraint Lloyd-Williams

Brian Blakeley  
Joan Butterfield  
Jeanette Chamberlain-Jones  
William Cowie  
Ann Davies  
James Davies  
Meirick Davies  
Richard Davies  
Stuart Davies  
Peter Duffy  
Peter Arnold Evans  
Hugh Evans  
Bobby Feeley  
Carys Guy  
Huw Hilditch-Roberts  
Martyn Holland  
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Alice Jones  
Huw Jones  
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Margaret McCarroll  
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Barry Mellor  
Win Mullen-James  
Bob Murray  
Peter Owen  
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Merfyn Parry  
Paul Penlington  
Arwel Roberts  
Gareth Sandilands  
David Simmons  
Barbara Smith  
David Smith  
Bill Tasker  
Julian Thompson-Hill  
Joe Welch  
Cefyn Williams  
Cheryl Williams  
Eryl Williams  
Huw Williams

**COPIAU I'R:**

Holl Gynghorwyr er gwybodaeth  
Y Wasg a'r Llyfrgelloedd  
Cynghorau Tref a Chymuned



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## **Adroddiad i Gyngor Sir Ddinbych**

**gan;**

**Anthony Thickett BA (Hons) BTP  
MRTPI DipRSA**

**Gwynedd Thomas BA(Hons) DMS  
MRTPI**

**Arolygwyr a benodir gan Weinidogion**

**Dyddiad: 26/04/2013**

## **Report to Denbighshire County Council**

**by;**

**Anthony Thickett BA (Hons) BTP MRTPI  
DipRSA**

**Gwynedd Thomas BA(Hons) DMS MRTPI**

**Inspectors appointed by the Welsh Ministers**

**Date: 26/04/2013**

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**\*\*THIS VERSION OF THE REPORT SUPERSEDES THOSE DATED 23/04/2013 & 25/04/2013\*\***

PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 64

## **REPORT ON THE EXAMINATION INTO THE DENBIGHSHIRE COUNTY COUNCIL LOCAL DEVELOPMENT PLAN 2006-2021**

Plan submitted for examination on 26 August 2011

Examination hearings held between 10 January 2012 and 14 February 2013

Cyf ffeil/File ref: 515469

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<http://www.planning-inspectorate.gov.uk>

## **Summary**

This report concludes that, subject to the recommended and endorsed Matters Arising Changes (MACs) set out in Appendix 1, the Denbighshire County Council Local Development Plan 2006 - 2021 provides an appropriate basis for the planning of the county up to 2021. Denbighshire County Council has sufficient evidence to support the strategy and has shown that it has a realistic prospect of being delivered.

A number of changes are needed to meet legal and statutory requirements. The main changes are summarised below:

- Increasing the provision for housing by allocating additional sites to ensure that the LDP delivers sufficient housing to meet the needs of the county
- The introduction in Policy RD 1 of a minimum density for residential development of 35 dwellings per hectare (unless circumstances dictate otherwise)
- Reducing the target in Policy BSC 4 with regard to the percentage of affordable houses to be provided on new development sites to reflect the evidence on viability
- Delete the Area of Outstanding Beauty (AOB) to the east of the boundary of the Area of Outstanding Natural Beauty (AONB)
- Delete all references that imply that the AOB enjoys the same level of protection as the AONB
- Amend Policy BSC 10 - Gypsy and Traveller Sites to accord with national guidance
- Amend Policy VOE 9 – On-shore Wind Energy to accord with national guidance
- Amend the monitoring and implementation table to ensure that it includes clear mechanisms for implementation and monitoring
- Split Policy RD3 - Extensions, Alterations and Replacement of Existing Dwellings to create separate policies relating to extensions to dwellings and replacement dwellings

Most of the changes recommended and endorsed in this report are based on proposals put forward by Denbighshire County Council in response to matters discussed during the examination. The changes do not alter the thrust of the Council’s overall strategy.

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Appendix 1 Matters Arising Changes recommended or endorsed by the Inspectors

## 1. Introduction

- 1.1 Under the terms of Section 64(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the examination of a Local Development Plan (LDP) is to determine:
  - (a) whether it satisfies the requirements of sections 62 and 63 of the Act and of regulations under section 77 and,
  - (b) whether it is sound.
- 1.2 Before the Council submitted the LDP for examination it made a number of Focussed Changes to the Plan. At the Pre-Hearing Meeting the Council confirmed that the Plan it wished to be examined is the deposit LDP as modified by the Focussed Changes. This composite document formed the starting point for the examination. All changes set out in Appendix 1 are changes to this composite document, which is referred to hereinafter as the LDP or the Plan.
- 1.3 This report contains the assessment of the Denbighshire County Council Local Development Plan 2006 - 2021 (LDP) in terms of the above matters, along with recommendations and the reasons for them, as required by section 64(7) of the Act. The submitted LDP has been considered against the tests of soundness set out in paragraph 4.35 of *Local Development Plans (LDP) Wales, 2005*.
- 1.4 The starting point for the examination is that Denbighshire County Council has produced a strategy, policies and allocations which it considers to be sound. Since the purpose of the examination is to determine whether the Plan is sound the changes recommended in this binding report are made only where it is concluded that there is a need to amend the LDP in the light of the legal requirements and/or tests of soundness. We cannot seek to make a sound plan better. The changes that are recommended and endorsed are in line with the substance of the overall Plan and its policies, and do not undermine the Sustainability Appraisal (SA) and participatory processes that have been undertaken.
- 1.5 All duly made representations, responses made to the Focussed Changes and other consultations and the matters raised at the Hearings have been considered. However, specific representations are referred to only where it is considered that they raise substantive issues concerning the Plan’s soundness. Amendments to the Plan sought by representors are the subject of a recommended change only where it has been found that such a change is required.
- 1.6 Reference to documents in footnotes and elsewhere such as EXAM001, DLDP001 or EB001 relate to the document number in the examination library. References beginning HS relate to documents submitted to the hearings; for example HS1-DCC is the statement submitted by the Council to the first hearing session.

### *Recommended Changes*

- 1.7 Throughout the examination the Council maintained a schedule of Matters Arising Changes<sup>1</sup> (MACs). The schedule includes changes the Council suggested in response to matters raised during the examination. The MACs do not alter the

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<sup>1</sup> Latest version EXAM0129

thrust and strategy of the LDP. This list has formed the basis of the MACs set out in Appendix 1 to this report. The MACs highlighted with grey shading are required to ensure that the Plan is sound and we recommend these binding changes. All these MACs are referred to in this report. The MACS prefixed with an ‘I’ are Inspector changes (IMAC) all others were proposed by the Council.

- 1.8 The MACs that are not highlighted are not required to make the Plan sound but are endorsed in the interests of brevity by removing unnecessary content, or because they improve clarity, precision, coherence and consistency. These MACs are only referred to in the report where they aid understanding of the matters being discussed. MACs relating to minor editing and typographical errors are not referred to in this report. The Council may make any consequential amendments arising from the MACs.

## 2. Procedural Tests

### *The Delivery Agreement and Community Involvement Scheme*

- 2.1 The original Delivery Agreement (including Community Involvement Scheme [CIS]) was produced in 2005 and later versions were approved by the Welsh Government in 2008 and 2011<sup>2</sup>. Procedural test P1<sup>3</sup> requires the LDP to have *'been prepared in accordance with the Delivery Agreement including the CIS'*. The LDP has been prepared in accordance with the timetable set out in the revised Delivery Agreement.
- 2.2 Regulation 7 of the Town and Country Planning (Local Development Plans)(Wales) Regulations 2005 (the Regulations) requires specific consultation bodies to be consulted on the timetable for the preparation of a LDP. The timetable changed between 2005 and 2008 and between 2008 and 2011 and the Council accepts that it did not consult on the 2008 and 2011 versions before submitting them to the Welsh Government for approval. However, in both cases only the timetable was changed<sup>4</sup> and we are satisfied that the specific consultation bodies listed in the Delivery Agreement and CIS had the opportunity to be involved in the preparation of the Plan. Consequently, we do not consider that the failure to comply with regulation 7 prejudiced any specific consultation body, rendered the preparation process unsafe or led to any matters of substance not coming to light.
- 2.3 The Consultation Report<sup>5</sup> sets out the consultations, engagement and publicity carried out by the Council in the various stages of the Plan’s preparation. The Council used electronic and traditional ways to publicise the LDP. Council officers visited Town and Community Councils and all consultation documents were made available in the Council’s offices, one stop shops, libraries and public exhibitions.
- 2.4 We have considered the problems experienced by residents of Bodelwyddan arising from delays to the delivery of information prior to a public meeting and difficulties accessing the CD provided by the Council. However, the information produced for the residents of Bodelwyddan was in addition to the level of engagement required by the approved CIS. We would have expected those carrying out the agricultural land surveys around Bodelwyddan to inform landowners as a matter of courtesy but the CIS contains no such requirement. Representatives of the Bodelwyddan Development Action Group and Bodelwyddan Town Council accepted at the examination that the Council satisfied the minimum requirements of the CIS.
- 2.5 It is argued that the consultations that took place following the submission of the LDP for examination do not comply with the CIS but procedural test P1 relates to the preparation of the plan up to submission. The evidence submitted to the examination, including the catalogue of events set out in the Consultation Report, demonstrates that the Council has prepared the LDP in accordance with the CIS.

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<sup>2</sup> DLDP009

<sup>3</sup> Paragraph 4.35, LDP Wales

<sup>4</sup> DLDP012 paragraph 3.4 & DLDP009 paragraph 3.4

<sup>5</sup> DLDP008, Covering Report



*Consultation on new evidence and the Council’s lists of additional housing sites*

- 2.6 In response to matters raised during the hearing sessions the Council produced additional evidence relating to the delivery of the proposed Key Strategic Site at Bodelwyddan<sup>6</sup> and affordable housing<sup>7</sup>. Further, having considered our preliminary findings<sup>8</sup>, the Council also produced new evidence regarding housing need and supply<sup>9</sup>. All those who had made representations were invited to comment<sup>10</sup>.
- 2.7 At our request the Council produced a list of housing sites it would prefer to be included in the Plan if it were found that additional allocations were required<sup>11</sup>. All the sites on the list had been subject to consultation at the alternative site stage. Consultation on those sites was limited to those persons who objected to the sites at the alternative site stage and the relevant Town and Community Councils. Consultation on the above matters took place between 24 February and 20 April 2012.
- 2.8 In September 2012 the Council produced a list of additional housing sites it wished to be allocated in the Plan, some of which had not been consulted on at site allocation stage. The extent of the consultation on that list is set out in Appendix 4 to EXAM0135 with further detail added by EXAM0144A. Consultation on these sites took place between 11 September and 6 November 2012.
- 2.9 The Regulations are silent with regard to consultation after the submission of an LDP for examination. LDP Wales advises that where fundamental late changes are deemed to be necessary they should be subject to the same process of publicity and opportunity to make representations as the deposited LDP<sup>12</sup>. However, this does not mean that all matters should be open for comment. The Council made clear in the consultation exercise that the additional housing allocations, together with a draft phasing policy, were the only object of the consultation and that it was not an opportunity to raise wider concerns regarding the LDP<sup>13</sup>. This follows the principle set out by the Welsh Government in its circular letter of 10 June 2009 advising on consultation on proposed Focussed Changes to LDPs<sup>14</sup>.
- 2.10 In EXAM0144A the Council confirms that it adopted an equivalent approach to the ‘21 sites’ consultation as that used at deposit stage. At deposit stage persons living close to proposed allocations were not notified directly of those allocations. However, that was not required by the approved CIS. We are satisfied that the Council complied with the advice in LDP Wales and that anyone who may be affected by the allocation of the additional sites had the opportunity to comment.

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<sup>6</sup> EXAM0069

<sup>7</sup> EXAM0075R (revised)

<sup>8</sup> EXAM0075

<sup>9</sup> EXAM0075R (revised)

<sup>10</sup> EXAM087 & 88

<sup>11</sup> EXAM0075R (revised)

<sup>12</sup> LDP Wales, paragraph 4.29

<sup>13</sup> EXAM0122 & 0124

<sup>14</sup> CL-01-2009

### *Sustainability Appraisal and Strategic Environmental Assessment*

- 2.11 In accordance with procedural test P2<sup>15</sup> the LDP and its policies have been subject to sustainability appraisal (SA) including strategic environmental assessment (SEA). The SA was revised during the examination to clarify the thought processes which led to the choice of the Key Strategic Site at Bodelwyddan<sup>16</sup>. As the revision simply provides greater clarity and presented no new evidence further consultation was not considered to be necessary.
- 2.12 The Focussed Changes have been tested where necessary for any impacts they have upon the SA and SEA. The housing sites on the Council’s initial preferred list<sup>17</sup> and the additional housing sites later proposed by the Council<sup>18</sup> were subject to their own sustainability appraisals. The evidence submitted shows that the SA is adequate and that it supports the policies and proposals contained in the LDP.
- 2.13 In accordance with the Habitats Directive a Habitats Regulations Assessment (HRA) of the Plan has been undertaken and an addendum produced following the introduction of additional housing allocations<sup>19</sup>. Natural Resources Wales<sup>20</sup> (NRW) is content and we are satisfied that the results of the HRA Screening Report show that an Appropriate Assessment is not required. It can therefore be concluded that no significant effects upon the integrity of the European sites within the county or in adjacent areas are likely to occur (either alone or in combination with other plans or projects) as a result of implementing the Plan.

### *Conclusion*

- 2.14 For the reasons given above, we are satisfied that procedural tests P1 and P2 are met and that the relevant legal requirements complied with. For the reasons given above, we do not consider that the failure to consult on revisions to the CIS renders the plan unsound.

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<sup>15</sup> Paragraph 4.35, LDP Wales

<sup>16</sup> EXAM0095.A

<sup>17</sup> EXAM0075R (revised)

<sup>18</sup> EXAM0135

<sup>19</sup> EXAM0130

<sup>20</sup> Formerly Countryside Commission for Wales

### 3. The Overall Plan Strategy

*Is the Plan’s strategy to direct the majority of the planned growth to the north of the county supported by robust evidence and does it accord with national policy and the Wales Spatial Plan?*

- 3.1 The main population centres of Rhyl and Prestatyn lie on the north coast with employment sites at Bodelwyddan and St Asaph. The north has the greatest level of housing need and parts suffer from high levels of multiple deprivation. The south of the County has poorer transport links; it is more rural in character with, excepting Llangollen, smaller settlements serving mainly local needs.
- 3.2 The North Wales Coast Strategic Regeneration Area was designated in 2008 and The North Wales Coast Action Plan aims to transform the north of the county *'into a thriving and vibrant coastal area.....which supports prosperous communities within a locally sustainable economy'*<sup>21</sup>. Directing development to the north of the county is supported by the Wales Spatial Plan (WSP) which encourages the development of a strategic hub around Rhyl, St Asaph, Bodelwyddan, Prestatyn and Kinmel Bay. The Key Strategic Site at Bodelwyddan is addressed in detail later but the WSP does not preclude the development of a large mixed use site in this location.
- 3.3 A population and housing study commissioned by the Council in 2005 indicated that, based on past trends, the majority of growth in households would take place in the north of the county<sup>22</sup>. A study by Glyndwr University in 2011 reached a similar conclusion predicting that 64% of future housing need would be in the north<sup>23</sup>. Turning to employment; studies indicate that the greatest area of demand is along the A55 and in the coastal region and that it is this area which is most attractive<sup>24</sup>; due in part to good transport infrastructure including the A55 and the North Wales Coast main line<sup>25</sup>.
- 3.4 To the south of the A55 provision for growth is primarily met in the lower growth towns of Denbigh, Corwen and Ruthin. Policy BSC2 as changed by **MAC-BSC2-1**<sup>26</sup> would be permissive of the development of brownfield land in villages with a defined settlement boundary. New housing in hamlets and other rural areas would be permitted to provide affordable housing to meet local need. Land for employment is allocated in Denbigh, Ruthin, Llangollen<sup>27</sup> and Corwen<sup>28</sup>. LDP Policy PSE 3 protects existing employment sites and provision is made for the re use of rural buildings and new build for employment use under Policies PSE 4 and PSE 5.

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<sup>21</sup> EB024

<sup>22</sup> EB002

<sup>23</sup> EB0010

<sup>24</sup> EB0020 & 21

<sup>25</sup> IP003, paragraph 3.2.10

<sup>26</sup> MAC-BSC-2 is necessary to ensure that Policy BSC2 is consistent with the LDP’s settlement strategy.

<sup>27</sup> The Council proposed the allocation of land at Cilmedw, Llangollen during the examination.

<sup>28</sup> IP003, Table 5

- 3.5 Llangollen is recognised as a key settlement in the WSP. However, expansion is constrained by the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) and the Pontcysyllte Aqueduct World Heritage Site and buffer zone. The submitted LDP included only one allocation for housing in Llangollen but, in response to our concerns regarding housing numbers, the Council indicated that land to the rear of Castle View/The Hollies could be developed and later proposed the allocation of a site at Wern Road. Llangollen has benefited from growth in recent years<sup>29</sup> and more housing would be provided through allocations, completions, commitments and windfall sites.
- 3.6 The Glyndwr study of 2011 identifies housing need in the Llangollen and Corwen local housing market area<sup>30</sup>. Llangollen and Corwen have distinct identities but the evidence submitted to the examination shows that the allocation, completions, commitments and urban potential sites identified would meet the identified housing need up to the end of the plan period.
- 3.7 Policy BSC2 directs development to brownfield land but we are satisfied that the evidence shows that the housing needs of the county cannot be met solely through the development of previously developed land. In our view, the development of greenfield sites is necessary to meet the needs of the county.
- 3.8 The Sustainability Appraisal Report (SAR)<sup>31</sup> concluded that, from an economic perspective, the development of major sites in the north of the county performed better than a wider dispersal of development. The adverse environmental impact of developing large greenfield sites in the north of the county was considered to be equal to the impact of developing in areas more dependent on the private car. Concentrating development into major sites was deemed to have a greater adverse social impact due mainly to the degree and pace of change but it was also considered to be better able to provide affordable housing and employment where it was most needed. The Council’s contention that concentrating development on a major site would provide better opportunities to secure community infrastructure is reasonable.

### *Conclusion*

- 3.9 The north of the county is the most sustainable location for new development. It has the greatest level of need and directing development to that part of the county has the greatest potential to deliver the housing, employment and community facilities to meet those needs. Directing the majority of new development to this area accords with national policy and is supported by robust evidence. In the remainder of the county the LDP makes provision for growth commensurate with the size of settlements; balancing the needs of communities with safeguarding the countryside and the protection of designated landscapes.

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<sup>29</sup> IP003

<sup>30</sup> EB0010

<sup>31</sup> DLDP004

## Key Strategic Site; Bodelwyddan

*Is the Plan’s strategy to direct the majority of the planned growth to the Key Strategic Site (KSS) at Bodelwyddan supported by robust evidence?*

- 3.10 Having concluded that concentrating development on major sites was the preferred way forward, the Sustainability Appraisal Report (SAR) initially considered 6 potential key strategic sites<sup>32</sup>. For the reasons given in the SAR and EXAM0095.A, those 6 were whittled down to three sites in the north of the county. St Asaph KSS was discounted in part to it not being considered large enough to support the development of dedicated community facilities. With regard to the Bodelwyddan and Rhyl South East options the Council accepts that the sustainability appraisal process alone did not come down in favour of one or the other<sup>33</sup>. The sustainability appraisal is one of a number of factors that need to be taken into account in determining a Plan’s strategy and allocations.
- 3.11 The needs of the county cannot be met solely through the development of brownfield land and it is inevitable that agricultural land will be lost. Both sites include the best and most versatile agricultural land but around 63% of the Rhyl South East KSS includes grade 2 land compared to around 45% of Bodelwyddan graded at 3a (with the rest 3b)<sup>34</sup>. Planning Policy Wales (PPW)<sup>35</sup> states that if land in grades 1, 2 or 3a needs to be developed, development should be directed to land of the lowest grade.
- 3.12 Unlike the Rhyl South East site, only a small part of the Bodelwyddan KSS is subject to flood risk (1.1 ha out of an overall 103.7 ha). Evidence submitted to the examination supports the Council’s confidence that the Bodelwyddan KSS will be delivered (albeit not in its entirety within the plan period). On the other hand, the need for a new spine road and multiple land owners, some of whom are opposed to development<sup>36</sup>, casts significant doubt over the delivery of the Rhyl South East KSS.

*Is the Bodelwyddan KSS viable and can it be delivered*

- 3.13 Concerns expressed by the Council’s Valuation and Estates Manager regarding the viability of the KSS<sup>37</sup> were addressed by the submission of a statement by its promoters<sup>38</sup>. Having considered that report and carrying out due diligence checks on the promoter and researching the housing market, the Council’s Valuation and Estates Manager considers that measures to be taken to mitigate risks are reasonable.
- 3.14 In the absence of any evidence to the contrary, we see no reason to doubt the promoter’s claim that they have established a £30m strategic land fund and that they are; *‘securely funded and are backed by investors who are comfortable with*

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<sup>32</sup> DLDP004

<sup>33</sup> EXAM0036.A

<sup>34</sup> EB0018

<sup>35</sup> PPW, paragraph 4.10.1

<sup>36</sup> IP002

<sup>37</sup> HS4-DCC; Appendix 13

<sup>38</sup> EXAM0069

*the relatively long term nature of their investment’.* That £30m is not allocated solely to the development of the KSS and it is argued that the proposed development model would allow the developer to sit on land. However, the promoter has spent a significant amount of time and money developing proposals for the KSS and we see no reason to doubt the company’s commitment to delivering the scheme.

- 3.15 The phasing and co ordination of housing, employment and community infrastructure is a matter for the outline/detailed planning stage. Given the current state of the economy there can be no guarantee that 26ha of employment land allocated at the KSS would be taken up. However, the infrastructure would be put in place and the evidence submitted to the examination<sup>39</sup> demonstrate a need and that a location on the A55 is the most likely to attract new employers. The Council would be remiss if it did not seek to address the needs of its communities by providing employment opportunities in the locations most likely to create the undisputed need for new jobs in this area.

*Would the KSS assist in the regeneration of Rhyl?*

- 3.16 The Council’s claim *that ‘investment in the development of the Key Strategic Site could be in the region of £280 million over 10 years, generating 2550 ‘person years’ of construction employment alone<sup>40</sup>*, is not disputed. The businesses that hopefully will occupy the 26ha of employment land would also provide opportunities and help address high unemployment in the north of the County. The draft development brief<sup>41</sup> requires that training initiatives be established (with Llandrillo College, Rhyl) to furnish residents with the skills necessary to take advantage of opportunities that arise. We are not persuaded that people would cycle from Rhyl to Bodelwyddan but the two are linked by public transport which would be improved as part of the development.
- 3.17 The Council indicated at the examination<sup>42</sup> that it is in discussion with developers regarding the construction of a new hotel, restaurants and associated leisure facilities in Rhyl. The spending power of an additional 1,715 households within about 3 miles is likely to have a favourable influence in any investment decision. None of the above can be guaranteed but the KSS would provide job and investment opportunities and, given that it is only around 3 miles away, it is likely that some of those benefits would be experienced in Rhyl.

*Would the development of the KSS achieve the LDP’s aim of building sustainable communities?*

- 3.18 The addition of 1,715 new houses would inevitably have a significant impact on Bodelwyddan. Elements of the existing social, physical and community infrastructure would not be able to accommodate this level of growth. However, the development would include, amongst other things, recreation and open space, shops, a new primary school and improvements to the existing school.

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<sup>39</sup> EB0020 & 21, IP003

<sup>40</sup> EXAM001A

<sup>41</sup> PD015

<sup>42</sup> HS3a-DCC

The Council’s assertion that there is spare capacity at the two nearest secondary schools in the county and at Llandrillo College Rhyl is not disputed.

- 3.19 Bodelwyddan has Ysbyty Glan Clwyd but no doctors’ surgery or dental practice. The KSS could include such facilities and a new community centre. The employment element of the KSS would provide job opportunities for residents of the enlarged settlement thereby reducing the need to travel. New pedestrian and cycle links would be created and a development of the size proposed would also provide the opportunity to improve public transport services and links to Rhyl railway station.
- 3.20 Policy BSC 5 requires the proposed development to incorporate all the above elements and the Council intend to develop a masterplan for the site in consultation with the community. EXAM069 outlines how the development would be phased to ensure that the necessary physical and community infrastructure would be provided in tandem with the proposed new housing and employment floorspace. The final form of any development is not a matter for this examination but we are satisfied that Policy BSC 5 contains the tools necessary to ensure that the expanded Bodelwyddan is a sustainable community.

#### *Welsh language*

- 3.21 National policy requires local planning authorities to take into account the ability of communities to accommodate development without eroding the position of the Welsh language<sup>43</sup>. According to the Council’s Community Linguistic Impact Assessment, due to its scale and implementation period, the development of the KSS could have a negative impact on the community characteristics of existing Welsh speakers in Bodelwyddan<sup>44</sup>. Around 18% of the population of Bodelwyddan are Welsh speakers (compared to the national average of 20.4%). The assessment concludes that, as those who consider themselves fluent Welsh speakers are in the minority; *‘the impact to existing Welsh speakers would be greater and a threat to a Welsh sense of place in Bodelwyddan’*.
- 3.22 The Community Linguistic Impact Assessment proposes a number of mitigation measures including, amongst other things, Welsh only place and street names, promoting Welsh education for children and adults, and bilingual marketing. We heard that, subject to sufficient demand, the new primary school would be Welsh medium and that it is the Council’s experience that given the choice, non Welsh speaking parents will seek a Welsh medium education for their children.
- 3.23 The Assessment concludes that; *‘There is real opportunity for the proposed development to make a very clear positive contribution to the future of the Welsh language in this coastal area and for the development to pay for new and expanded education facilities’*. We are not convinced that these positive impacts would outweigh the harm to the position of the Welsh language in Bodelwyddan but that is only one of a number of material considerations. Further, this conclusion must be weighed against the finding of the Community Linguistic Impact Assessment that; *‘It would be fair to say that the Welsh language, in*

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<sup>43</sup> PPW, paragraph 4.13.3 & TAN 20; The Welsh Language – Unitary Development Plans and Planning Control

<sup>44</sup> DLDP010

*Bodelwyddan is not part of everyday life for the majority of residents’. Further, the evidence submitted to the examination shows that ‘the percentage of Welsh speakers in Bodelwyddan is low and similar to other coastal areas where most development is needed’<sup>45</sup>.*

#### *Agricultural land classification*

- 3.24 According to the Agricultural Land Classification Surveys carried out on the Council’s behalf by the Welsh Government<sup>46</sup>, the original map showing land classification in Wales was marked ‘provisional’. The purpose of the provisional map is to provide a broad brush classification appropriate for strategic land use assessment. Additional and more detailed survey work is needed where site specific classification is required.
- 3.25 The provisional map shows the KSS to mainly comprise grade 2 agricultural land. However, according to the survey carried out by the Welsh Government in 2010, around 45% of the proposed allocation is grade 3a, the remainder is grade 3b. These results are challenged but it was accepted at the examination that no soil testing, other than that carried out by the Welsh Government, had been carried out on the KSS. It may well be that the proportion of grade 3a and 3b land on the KSS is not exactly 45%/55% but we have no reason to doubt that the survey carried out by the Welsh Government provides a reasonable basis on which to base our deliberations. The KSS includes the best and most versatile agricultural land. PPW advises that such land may be developed if there is an overriding need and lower grade land is either unavailable or has landscape, wildlife or other value which outweighs agricultural considerations<sup>47</sup>.

#### *Infrastructure*

- 3.26 A review of the transport issues arising from the development of the KSS commissioned by the Council concludes that local road junctions either have sufficient capacity to handle the traffic likely to be generated or are capable of upgrading<sup>48</sup>. The site is adjacent to existing bus routes and would provide an opportunity to improve services.
- 3.27 Dwr Cymru (Welsh Water) is satisfied that adequate foul drainage can be provided and that there is sufficient headroom in the Clwyd Coastal zone to meet the likely additional demand for water.

#### *Flood Risk*

- 3.28 Local residents point to records of flooding in Bodelwyddan in 1971, 1999 and 2000. The KSS extends to 103.7 ha, 1.1ha lies in zone C. The Strategic Flood Consequence Assessment carried out on behalf of the Council concluded that the site is not at significant risk of flooding<sup>49</sup>.

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<sup>45</sup> PD013

<sup>46</sup> EB0018

<sup>47</sup> PPW, paragraph 4.10.1

<sup>48</sup> EB0047

<sup>49</sup> EB0035



- 3.29 Environment Agency Wales has no objection to the allocation subject to surface water flows not exceeding current levels. Claims of a high water table in Bodelwyddan are not disputed but we have neither heard nor seen anything to suggest that it would not be possible to limit surface water run off to the existing green field levels.

*Landscape, Historic Environment and Ecology*

- 3.30 The site currently comprises open fields and it is inevitable that the proposed development would have a significant impact on the landscape. However, greenfield development is required in Denbighshire to meet the county’s needs and any new development will have an impact on its surroundings. The site does not lie within a nationally or locally designated landscape area and there are no statutorily or non-statutorily designated areas of ecological importance within the KSS<sup>50</sup>.
- 3.31 The boundary of the KSS adjoins the graveyard to St Margaret’s Church. The church is a listed building and an important landmark. A proposal by an objector to the Unitary Development Plan to extend the settlement boundary to the north of the church was dismissed on the grounds that the Inspector was concerned that new development would harm the open setting of the church<sup>51</sup>.
- 3.32 The land subject to the UDP objection would be included in the KSS. The development of the KSS and the loss of the open fields to the east of Bodelwyddan would inevitably have a detrimental impact on the setting of the St Margaret’s Church. However, the KSS would be significantly larger than that considered at the UDP inquiry, giving greater opportunity to arrange development in such a way so as to respect the church. We are satisfied that the masterplan approach advocated by the Council would ensure that weight is given to the preservation of the listed building and that any impact is minimised.
- 3.33 An ecological survey of the site identified a number of protected species including bats and badgers. No great crested newts were found on the site but they have been recorded in ponds to the north and east of the KSS<sup>52</sup>. In the absence of any technical evidence to the contrary we see no reason to doubt the view of the Council’s Biodiversity Officer that, with appropriate avoidance and mitigation measures, protected species would not be detrimentally affected<sup>53</sup>.

*Conclusions*

- 3.34 The Bodelwyddan KSS is in an area of low risk with regard to flooding. It does not lie within nor does it contain designated landscape or ecological sites. Transport issues can be resolved and the development has the potential to deliver a sustainable settlement. Moreover, it has been shown that it can be delivered and provide the houses, affordable houses and employment opportunities the county needs. In our view, this outweighs the loss of the grade

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<sup>50</sup> PD0103

<sup>51</sup> HS4-R220

<sup>52</sup> EXAM0078

<sup>53</sup> HS4-DCC

3a agricultural land and any impact on the Welsh language in Bodelwyddan and the setting of St Margaret’s Church. We conclude, therefore, that the allocation of the KSS at Bodelwyddan is sound.

## 4. Housing; Need and Supply

### **Need**

*The number of dwellings proposed in the LDP does not accord with the Welsh Government’s latest population and housing projections. Is the deviation substantiated by robust evidence?*

- 4.1 The 2008 Welsh Government projections indicate the need for around 8,400 new units in Denbighshire between 2008 and 2023<sup>54</sup>. Policy BSC 1 makes provision for 7,500 homes to 2021. The Council’s assertion that a lower figure reflects environmental capacity and the capabilities of the local construction industry is not substantiated by evidence and is contradicted by its own submissions to the examination. The Council accepted at the examination that there are sites not allocated in the LDP which are suitable for development. Further, the LDP proposes a build rate of 727 between 2016/7 and 2020/21, undermining the Council’s arguments regarding the capacity of the local construction industry.
- 4.2 In support of its case the Council produced its own 2010 projections<sup>55</sup>. The Council’s projections use newer data regarding births, deaths fertility and mortality rates. Rather than using a 5 year trend period for migration, the Council’s study uses 9 and 10 years which it argues are a more reliable indicator of future trends.
- 4.3 In summary, the report finds that Denbighshire has an aging population. There are more deaths than births every year and the population would decline if there were not more people moving into the county than moving out. It argues that the Welsh Government’s 2008 projections are based on high levels of international migration, particularly following the expansion of the European Union and high levels of migration within the UK fuelled by the then buoyant economy. More recent data shows that those high levels of migration have not continued and that in migration has fallen in the last two years. The report concludes that growth has not been as high as predicted in 2008 and the 2010 estimates of population and households are lower. The study estimates that the county would need between 5,750 and 6,800 new dwellings between 2006 and 2021, depending on which past migration trend is used.
- 4.4 We have considered the argument that accepting the Council’s household projections would conflict with national guidance in that the use of local studies is not included in the criteria set out in paragraph 9.2.1 of PPW. We also acknowledge that the Council appears to have changed its tune following its acceptance of the 2008 projections at the hearing in January 2012. However, in its response to the additional consultation the Welsh Government acknowledged that *‘Alternatives to the national projections can be appropriate provided they are justified by robust evidence’*<sup>56</sup> and it would be wrong, in our view, to ignore this new evidence.

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<sup>54</sup> IP002, Table 3

<sup>55</sup> EXAM0075R(revised) Appendix 3

<sup>56</sup> Rep No: 854/AE/1

- 4.5 The Council used the same methodology and software used to produce the Welsh Government’s 2008 projections and has the benefit of more recent data. We are not persuaded that it is appropriate to predict migration rates based on past rates over more than 5 years. The Welsh Government’s projections are based on trends over the last 5 years and are acknowledged to be statistically sound. However, recent data collected during the lifetime of the LDP shows net in migration to be less than that predicted. The evidence indicates, therefore, that the level of need for new dwellings in the early years of the LDP was lower than the 2008 projection.
- 4.6 The lower level of migration coincides with a low build rate and the downturn in the economy. Basing provision on the level of growth during a recession is unlikely to deliver the number of houses and the right conditions to retain and attract young people to Denbighshire or meet the recognised need for affordable housing. It is also not likely to meet the Council’s aims with regard to the creation of job opportunities and the regeneration of Rhyl. These factors weigh against lowering the target to the levels suggested in the Council’s 2010 projections.
- 4.7 Criticisms have been made that the number of residential units proposed would be detrimental to the Welsh language and culture. However, heeding the arguments put forward to limit development would result in little, if any, development opportunities in some of the smaller towns and villages. We are not convinced that such an approach would necessarily maintain or nurture the Welsh language and culture.
- 4.8 So, how many houses should the LDP make provision for? We are satisfied that the Council has produced evidence to justify providing fewer dwellings than anticipated by the Welsh Government’s 2008 projections. However, in light of the LDP’s objectives and aspirations we do not consider the levels suggested by the Council’s 2010 projections to be appropriate.
- 4.9 Predicting changes in population and households is not an exact science. The 7,500 target in the LDP recognises the change in circumstances between the 2008 and 2010 projections whilst setting a level of provision greater than the 2010 projections which should enable the Council to plan positively for the future. We consider 7,500 to be the minimum that should be provided but the Council should review this aspect of the LDP if new Welsh Government population and household and projections indicate the need for a materially different number of houses.
- 4.10 **MAC-CH7-1** updates the phasing table, **IMAC-CH7-2** amends focussed change FCE20 and **IMAC-CH7-3** deletes the last paragraph of chapter 7. The changes are necessary to reflect that the first phase (2006/7 to 2010/11) has passed and to ensure the LDP is internally consistent.

## **Supply**

*Are all the sites allocated in the LDP available and deliverable?*

- 4.11 In EXAM111Q we set out our preliminary findings regarding the supply of new dwellings. As promised in that note we set out below why we consider that the submitted LDP would fail to deliver 7,500 new dwellings by 2021.
- 4.12 In addition to dwellings built since 2006 and sites with planning permission, new homes would be provided through the development of land allocated in the LDP and windfall sites. The Council splits windfalls into urban potential sites, small sites and conversions. In this section we examine each source of supply and consider whether they will meet the identified need for new homes. IP002 Revised Table 5 – May 2012, indicates that allocated sites would deliver 3,082 new dwellings. That figure includes the KSS at Bodelwyddan (1,585), allocations in towns (616) and villages (789) and a quota of 92 dwellings spread over a number of hamlets.

### *Bodelwyddan KSS*

- 4.13 It is common ground that the first houses on the KSS would not be completed until 2014 at the earliest. The Council anticipate the completion of 70 dwellings in 2014 with annual build rates rising to 245 units per annum between 2018 and 2021<sup>57</sup>. Records of completion rates on other large sites are submitted in support of the claim that the KSS could deliver at such a rate. However, all of the sites referred to are in or around the larger towns and cities in South Wales and were developed when the housing market was strong. We heard that it is the experience of the Home Builders Federation that developers are likely to build between 30 to 40 dwellings per annum on a single site (40 in a good market area). The Council expect that there would be at least two national builders, two regional builders and two registered social landlords present during the peak years.
- 4.14 The Council accepts in the Affordable Housing Statement of Common Ground<sup>58</sup> that the housing market is unlikely to improve over the next 3 to 4 years. Whilst we recognise the benefits of Bodelwyddan as a location for a strategic site, the evidence does not suggest that the housing market in the area at this time is good. A build rate closer to 30 dwellings per annum, therefore, seems more likely. At that rate the KSS would deliver around 120 open market dwellings per annum. We heard that the Council has identified 3 registered social landlords with the capacity to build in 2014/5 and that it intends to work with two to deliver units on the KSS.
- 4.15 At best the Council estimate 70 affordable units per annum being provided on the KSS<sup>59</sup>. Looking at the anticipated housing trajectory for the KSS the number of affordable units ranges from around 28% to 32% of the annual total (with the exception of 2022 which is about 42%). However, the Strategic Site Evaluation

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<sup>57</sup> Table 3, EXAM0075R (Revised)

<sup>58</sup> EXAM0109

<sup>59</sup> Table 3, EXAM0075R (Revised)

produced by the Council concluded that there would need to be an uplift in sales revenues of 125% to 130% above 2008 values to achieve 30% affordable housing on the KSS<sup>60</sup>. That seems unlikely in the timescales set out in the Affordable Housing Statement of Common Ground<sup>61</sup> and must cast doubt on the Council’s estimated build rate.

- 4.16 It is unlikely that the provision of affordable units on the KSS will be solely dependant on contributions from open market developers. However, in light of the above and in the absence of any other basis for calculation, it seems reasonable to apply the 10% target figure agreed to be an appropriate starting point for the provision of affordable housing through Policy BSC 4 (IMAC-BSC5-1 and see paragraphs 5.4 to 5.9 below). On that basis one could expect around 12 affordable units to be provided per annum giving an overall figure of 132 units per year after the initial 70 in 2014. Based on these assumptions the KSS would deliver about 1,000 units up to 2021. This does not mean that the KSS is not sound; it would still make a significant contribution towards meeting the housing needs of the county.

#### *Lower growth towns*

- 4.17 We have taken into account the representations made with regard to specific allocations. At our request the Council produced evidence regarding the deliverability of allocations in the plan<sup>62</sup>, most of which is undisputed and we see no reason to probe further. We are satisfied that site specific concerns are capable of being resolved through good design.
- 4.18 The Council is working with the Health Board to bring the H M Stanley Hospital site forward. The redevelopment of this listed building and its grounds will need to be handled with care but we have neither seen nor heard anything to indicate that it would not deliver some housing. However, the Council’s proposal to increase densities from 30 dwellings per hectare (dph) to 35 dph would increase the number of units on this site from 75 to 112. This may not be possible on such a sensitive site and we consider it prudent to rely on the initial, more conservative estimate of 75<sup>63</sup>.

#### *Villages*

- 4.19 The Council stated at the examination that the figures given for allocated sites in villages in the Plan are based on consultation with the communities concerned. The total number is estimated at 407<sup>64</sup>. The figure of 789 dwellings presented later derives from applying 35 dph to each site irrespective of the characteristics of the site or village. The Council indicated at the examination that it had consulted statutory undertakers with regard to the proposed increases but we are not satisfied that the increased figures are based on a proper assessment of the sites or the villages, both in terms of the physical impact of development or

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<sup>60</sup> EB019, paragraph 7.3.2

<sup>61</sup> EXAM0109

<sup>62</sup> EXAM0038.A

<sup>63</sup> This figure relates to the allocation in the submitted LDP not the expanded allocation proposed in EXAM075R

<sup>64</sup> Table 5 IP002 Revised December 2011 & EXAM004SuppA7

the ability of local infrastructure and the community to accommodate the proposed increased level of development. Some sites and villages could no doubt accommodate more than originally envisaged. However, in the absence of any proper analysis we consider the initial figure of 407 units to be more reliable.

#### *Hamlets*

- 4.20 Policy BSC6 makes provision for affordable dwellings in hamlets. This potential source of new housing is untested and the findings of the Council’s affordable housing study<sup>65</sup> indicate that the requirement for the development of a single dwelling to be affordable may not be viable. The Council has held positive discussions with landowners which assuages some of our doubts but it seems unwise to rely on the policy providing any dwellings. That’s not to say that we consider that Policy BSC 6 to be unsound. One will never know if new initiatives will work unless they are given a chance and a mechanism which allows local people to remain in the community could have considerable benefits.

#### *Sites with planning permission and with planning permission subject to Section 106 agreements*

- 4.21 Submissions are made that the new owners of the Ocean Plaza site in Rhyl, which has planning permission for 230<sup>66</sup> units, intend to redevelop it for solely commercial uses. However, the Council stated at the examination that recent discussions with the owner indicated that the residential element would be retained and that an application had been made to renew the planning permission. Acquiring planning permission on this and other sites demonstrates a commitment to development and, in the absence of evidence to the contrary, we consider it reasonable to rely on the figures presented by the Council.
- 4.22 Technical Advice Note 1: Joint Housing Land Availability Studies (TAN 1), advises that sites subject to Section 106 agreements should only be included in joint housing land availability studies if they are allocated in a development plan. The sites listed in Table 5 of EXAM0075R (revised) are not allocated and the Council has not provided evidence to show that the agreements will be completed and planning permission granted. We do not consider, therefore, that the 47 units listed should be included in the supply calculation.

#### *Urban potential sites, small sites and conversions*

- 4.23 The Council’s figures include an allowance for 1,327 dwellings to be provided on urban potential sites and 994 through the development of small sites and conversions. In total this amounts to 2,321 dwellings being provided through windfalls, which represents about 31% of the LDP’s target of 7,500 dwellings. There is no guarantee that all these sites will come forward, illustrated by the fact that sites identified in the Council’s 2007 Housing Potential Study<sup>67</sup> have not been developed even in the good times before the recession.

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<sup>65</sup> EB008

<sup>66</sup> EXAM0038.A

<sup>67</sup> EB005

- 4.24 Evidence submitted to the examination shows that the completion rate on urban potential sites is 120 dwellings per annum<sup>68</sup>. At such a rate such sites would only provide 1,080 new homes between 2012 and 2021. The Council argue on one hand that market conditions will improve but accept in the Affordable Housing Statement of Common Ground<sup>69</sup> that the housing market is unlikely to pick up over the next 3 to 4 years. Further, if one accepts the assumptions underpinning the Council’s population and household projections, an improvement in the economy could result in a net increase in inward migration and a level of need closer to the Welsh Government’s 2008 household projections. Only 8 years remain in the life of this LDP. Current forecasts do not predict a significant increase in growth in the near future and we are not persuaded that the completion rate will improve soon enough or sufficiently to deliver 1,327 dwellings by 2021.
- 4.25 The Council’s figure for small sites and conversions is 994<sup>70</sup>, derived by doubling the allowance for such sites in the 2011 Joint Housing Land Availability Study (JHLAS). The previous figure of 505 was also derived from the JHLAS but that figure took account of the diminishing supply of such sites over the remaining life of the LDP<sup>71</sup>. That seems to be a more sensible approach, particularly as the Council acknowledge that Denbighshire does not have a substantial industrial heritage and that, as a consequence, the availability of brownfield sites is limited<sup>72</sup>.
- 4.26 The priority for employment use for conversions of rural buildings set out in Policy PSE 4 and the limitation of residential conversions to affordable housing may impact on the supply of dwellings through this source. The requirement that all infill housing in rural areas should be affordable may also impact on the development of small sites. Consequently, we consider that the figure of 505 to be more reliable and that, for the reasons given above, a conservative approach is warranted.

#### *Policy RD1*

- 4.27 On submission the Council’s evidence indicated that 7,771 dwellings would be built during the plan period<sup>73</sup>. Developments throughout the examination including changing the assumed density on allocated sites to 35 dwellings per hectare (dph) increased that figure to 8,331<sup>74</sup>. There is no requirement in the LDP for developers to achieve 35 dph and, contrary to the advice in PPW<sup>75</sup>; the LDP does not include a policy relating to density. The Council proposes a change to Policy RD1 which would encourage higher densities but it lacks bite. IMAC-RD1-2 and 3 introduce a minimum density requirement of 35 dph (unless circumstances dictate otherwise) and are necessary to provide the Council with

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<sup>68</sup> IP002, paragraph 3.3.3,

<sup>69</sup> EXAM0109

<sup>70</sup> EXAM0075R (Revised)

<sup>71</sup> Table 1 IP002 Revised December 2011 & EXAM004SuppA7

<sup>72</sup> EXAM0075R (Revised)

<sup>73</sup> IP002, Revised December 2011 & EXAM004SuppA7

<sup>74</sup> IP002 Revised Table 5 – May 16 2012

<sup>75</sup> Paragraph 9.2.12



the tools to deliver sufficient new housing and to ensure that the LDP accords with national policy.

- 4.28 We are not persuaded that developing at densities in excess of 30 dph will make new housing less attractive and therefore hinder delivery. It should be possible in most cases to create attractive places to live through good design and PPW, Technical Advice Note 12; Design and LDP Policy RD1 provide the tools to achieve that. **MAC-RD1-1** addresses unnecessary repetition in criterion i) and ii) of the policy.

### **Conclusions**

- 4.29 Through the revised Policy RD1 the Council would be able to seek higher densities in appropriate locations but we do not consider that the evidence submitted to the examination supports the Council’s estimates for the delivery of units at Bodelwyddan and on windfall sites. It has not been shown that sites subject to Section 106 agreements will come forward and we consider it prudent not to rely on the 92 units planned for hamlets.
- 4.30 In summary we consider that the evidence submitted to the examination up to February 2012 pointed to the LDP providing the following:

*Table 1*

<b>Source of Supply</b>	<b>Units</b>
Bodelwyddan KSS	1,000
Other allocations	579
Villages	407
Urban potential sites	1,080
Small sites and conversions	505
Sites with planning permission	1,676
Completions	1,205
<b>Total</b>	<b>6,452</b>
<b>Housing provision to be made under Policy BSC1</b>	<b>7,500</b>
<b>Shortfall</b>	<b>1,048</b>

### **Addressing the shortfall**

- 4.31 In response to our initial findings<sup>76</sup> the Council submitted a list of 16 potential sites that could be allocated should we find that more housing was needed<sup>77</sup>. That was unsatisfactory on two counts; discounting those with only 2 or 3 houses those sites would only have delivered around 600 units, further, these sites were not supported by the Council. In response to EXAM111Q the Council submitted 21 sites which it proposes should be allocated to address the shortfall. According to the Council those sites would deliver a further 967 dwellings bringing the total to 7,419<sup>78</sup>. Reducing the allocation at Wern Road, Llangollen to 4 (see

<sup>76</sup> EXAM0075

<sup>77</sup> EXAM0075R (Revised)

<sup>78</sup> The indicative allocation at Sydenham Avenue in Rhyl was reduced to 12 at the Hearing in February 2013.

- paragraph 4.52 below) would reduce that to 7,415. The Council acknowledge that this falls short of target in the LDP.
- 4.32 Applying a density of 35dph to all but Wern Road, Llangollen, Sydenham Avenue, Rhyl and village sites, where individual assessments have been made, the 21 sites could deliver 1053 units. Add this to 6,452 gives 7,505 and the LDP target would be achieved but with no contingency.
- 4.33 Soundness test CE4 requires LDPs to be reasonably flexible to enable them to deal with changing circumstances. Although addressing policies aimed at the phasing of development, PPW<sup>79</sup> requires LDPs to be flexible, particularly where the development of unidentified (windfall) sites may fall short of the assumptions in the Plan. Planning for more than the minimum number of houses required provides a safeguard should these windfalls not come forward at the rate expected and is necessary for the Plan to be reasonably flexible and to be sound. A contingency would also provide a safeguard against unforeseen problems affecting the delivery of allocated sites.
- 4.34 The Council provided, at our request, updated figures for the number of dwellings built since 2006 and the number of units with planning permission<sup>80</sup>. These figures have been incorporated into Table 2. The figure for urban potential sites has been reduced by 120 to reflect that we are one year further into the plan period and it is reasonable, in our view, to assume the 120 average build rate in order to make an allowance for double counting. There may also be some double counting with regard to villages and small sites and conversions but the overall numbers are small and would not, in our view, have a significant impact on the overall figures.
- 4.35 As indicated above, in February 2012 the Council produced a list of 16 sites which it acknowledged '*as the least constrained sites that could be allocated in the LDP*'. The list was compiled using criteria outlined in PPW and the Council's Pre Deposit Preferred Strategy Document<sup>81</sup>. Despite being considered as the least constrained in February 2012, 7 of the 16 sites were not included in the list of 21 sites produced in September 2012. Three sites included only 2 houses each but the remaining 4 could provide a further 250 units. As shown in Table 2 below, including the proposed and potential allocations and bringing the numbers for completions and permissions up to date produces 7,934.

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<sup>79</sup> PPW, paragraph 2.5.2

<sup>80</sup> EXAM0150

<sup>81</sup> EXAM0075.R (revised)

Table 2

<b>Source of Supply</b>	<b>Units</b>
Bodelwyddan KSS	1,000
Other allocations	579
Villages	407
Urban potential sites	960
Small sites and conversions	505
Sites with planning permission	1,749
Completions	1,410
The 21 proposed allocations	1074
The 4 preferred sites	250
<b>Total</b>	<b>7,934</b>
<b>Housing provision under Policy BSC1</b>	<b>7,500</b>
<b>Surplus</b>	<b>434</b>

- 4.36 This would provide a contingency of around 5.5% which is less than the 10% usually considered to be necessary to provide the required level of flexibility. However, more or less may be appropriate depending on the circumstances. At the time EXAM0075 was written around 30% of supply was estimated to come from windfalls. As indicated above, the introduction of the additional allocations reduces that to 20%, thereby reducing reliance on this uncertain source of supply. The Council has shown that the allocations can be delivered and there is, therefore, greater confidence, in our view, that the LDP can deliver the number of houses required to meet the needs of the county. Consequently, we are satisfied that the adopted LDP would be flexible. However, the Council should be vigilant and be prepared to react quickly if monitoring shows that the housing target may not be met.
- 4.37 The additional sites preferred and proposed by the Council<sup>82</sup> alter the balance of the distribution of new housing across the county but EXAM0140 shows that the majority remains in the north of the county and on large sites. Subject to the inclusion of the 21 sites listed in EXAM0135 and the sites at; land off The Paddock and at Bryn Gobaith, St Asaph, Ffordd Hendre, Meliden and to the rear of Castle View, Llangollen, we consider that the LDP will provide sufficient housing to meet the needs of the county<sup>83</sup>. IMAC-BSC1-1, 2, 3 and 4 require the allocation of the additional sites and the updating of the housing supply figures in Table FCE32.
- 4.38 Some of the 21 additional sites rely on the provision of new infrastructure to be delivered. However, all could be delivered before the end of the Plan period. Seeking to delay the release of these additional sites until the last 5 years limits the Plan’s flexibility and is not justified given the identified need.
- 4.39 EXAM0143A contains the Council’s analysis of housing land supply and shows a supply of 5.16 years on adoption of the LDP. An alternate analysis produced by the Home Builders Federation shows a supply of 5.2 years albeit with a caveat

<sup>82</sup> EXAM0075R(revised) & EXAM 0135

<sup>83</sup> Alternative Site Register Reference Nos. ASR-46A-N1, ASR-46A-RS3, ASR-43B-RS1 & ASR-03A-RS3

expressing serious doubt regarding delivery<sup>84</sup>. We are satisfied that the Council’s analysis shows that the adopted LDP would provide the allocations which, added to other sources, would ensure that sufficient land is available to provide a 5 year supply of land for housing.

### **The additional housing allocations**

- 4.40 All the sites put forward by the Council to address the shortfall we identified were discounted at candidate or site allocation stages. Nothing is submitted to indicate the thought process behind choosing these 21 sites ahead of any others and it is argued that some sites are equally if not more suitable than the ones chosen by the Council. By incorporating the 4 sites from the Council’s list of potential allocations produced in February 2012 we are recommending the allocation of further sites. However, the LDP is the Council’s Plan and, provided the additional sites are sound, we do not consider it appropriate to impose replacements or sites which the Council does not support. Nor, in light of our conclusions regarding supply and demand do we see a need to allocate more land for housing.
- 4.41 A number of the proposed additional sites lie in mineral safeguarding areas. Minerals Planning Policy Wales (MPPW) requires LDPs to protect potential mineral resources. LDP Policy PSE 15 resists development which would sterilise the extraction of minerals in safeguarded areas unless, amongst other things, the need for the development outweighs the need for the resource. The Council sets out its reasoning for proposing sites in safeguarded areas in EXAM0145A and concludes that; the sites chosen are subject to significant constraints which are likely to preclude extraction, that the amount lost would be minor in comparison to overall mineral resource and that the need for housing outweighs the need for the resource. We are satisfied that the available evidence supports these conclusions and that the need for housing outweighs the conflict with MPPW.
- 4.42 It is not the purpose of a development plan examination to consider detailed matters that are capable of being resolved through good design or the provision of infrastructure that can be provided without threatening viability and delivery. In this section we consider objections to individual sites which raise significant issues of soundness.

#### *Land between the old and new Ruthin Road and off Whitchurch Road, Denbigh*

- 4.43 These sites are about 1 mile from the town centre and public transport is limited to one bus per hour. However, Denbigh is designated as a lower growth town and the allocations accord with the LDP strategy. We are aware that the development of all four sites would require works to the water treatment works but are satisfied that this does not preclude the delivery of these sites in the plan period.
- 4.44 The sites between the old and new Ruthin Road and off Whitchurch Road are designated as a Green Barrier in the submitted LDP. PPW allows for the

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<sup>84</sup> The HBF consider 3.6 years to be more realistic. EXAM0143Q

boundaries of Green Barriers<sup>85</sup> to be revised where land is needed for development. Brookhouse sits outside the settlement boundary of Denbigh but is a collection of buildings rather than a separate settlement. We do not consider that a Green Barrier is necessary here to prevent the coalescence of settlements and consider the proposed allocations to represent a logical extension to the town. The sites are classified as Grade 2 agricultural land but the Council reviewed other sites in Denbigh and found no suitable alternatives on either brownfield or lower grade agricultural land.

*Land adjoining Hafod y Gan and Ysgol Tir Morfa, Rhuddlan*

- 4.45 Objectors to this and other sites argue that development is not needed to meet the needs of the settlement but Rhuddlan is in the north of the county, it is a lower growth town<sup>86</sup> and the principle of new growth here accords with the LDP strategy. The proposed dwellings will contribute to meeting the needs of the county for both market and affordable housing. The Highway Authority is satisfied that the local road network has the capacity to accommodate the proposed development and other allocations proposed in nearby settlements.
- 4.46 The local school is at capacity but the Council has consulted with the Education Authority which indicates that it is considering options for the school and that there is capacity in schools in Rhyl. Whilst not ideal, the health and other facilities in Rhyl are only a short distance away. We heard that the hinterland of Rhuddlan is all Grade 2 agricultural land and that no other sites around the settlement were found to be more suitable. We are satisfied that all other matters could be addressed at the detailed planning stage.

*Land adjoining Glan Ffyddion Estate, Dyserth*

- 4.47 This site is a mixed allocation of residential development and open space. It is estimated that this site could provide 99 dwellings and it is accepted that it would not be appropriate to provide access through Maes Y Lllys. The change to the allocation site boundary to enable access to the A547 is necessary for the LDP to be effective.

*Land rear of Maes Meurig, Meliden*

- 4.48 Meliden is a sizable village in the north of the county and the development of this site would accord with the LDP strategy. The site adjoins and includes part of a SINC but the Council’s Biodiversity Officer is satisfied that it can be developed without harm. The promoter of the site commissioned a study regarding access which indicates that the site could be accessed via an improved Maes Meurig or via Ffordd Gwilym, consequently we consider that it is deliverable.

*Land at Sydenham Avenue and West Parade, Rhyl*

- 4.49 This site is on the sea front and comprises two amusement arcades. It is in a predominantly residential area but adjoins the proposed Ocean Plaza

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<sup>85</sup> Described as Green Wedges in PPW

<sup>86</sup> Designated as such by FCE32

redevelopment which includes leisure uses and is close to the harbour. In our view, it would be suitable for tourist/leisure use but nothing is submitted to show that its loss from tourist use would have a significant impact on Rhyl as a tourist destination.

*Land to the north west of Maes Derwen and adjacent to the Old Rectory, Llanbedr Dyffryn Clwyd*

- 4.50 These sites lie on either side of the B5429 on the north eastern edge of the village. Llanbedr Dyffryn Clwyd is identified in the LDP as a village which is expected to accommodate housing to meet local need. The submitted LDP allocates 23 houses in the village on 3 sites; the additional allocations would increase that number to 70. However, Llanbedr Dyffryn Clwyd is one of the larger villages in the county and offers some local facilities. Primary school provision is being reviewed but the village school had the capacity to accommodate the proposed development. Consequently, we consider the proposed level of growth to be acceptable.
- 4.51 The Highway Authority has no objection and the proposed allocations provide an opportunity to provide a footpath along the B5429. Landscape impact and archaeology are detailed matters which would be addressed at application stage.

*Land at Wern Road, Llangollen*

- 4.52 This site is promoted by the landowner and we are satisfied that it can be delivered. However, given its shape, size and steep topography we consider it more likely to deliver 4 houses rather than the 8 units proposed by the Council.

*Land to the rear of Castle View and The Hollies, Llangollen*

- 4.53 The site lies within the Area of Outstanding Natural Beauty (AONB) and the Pontcysyllte World Heritage Site Buffer Zone. However, neither of these designations preclude new development and we have neither seen nor read anything to suggest the site could not be developed in a manner sympathetic to these designations.

## 5 Affordable Housing

*Is the overall target of 2,250 to 3,000 affordable homes and the strategy regarding the location of new affordable homes supported by a robust understanding of the local housing market?*

- 5.1 Local Housing Market Assessments were completed in March and November 2008 and an update produced by Glyndwr University in June 2011<sup>87</sup>. The studies were produced using recognised methodologies and we have no reason to believe that their findings are not robust. The North East Wales Housing Market Assessment<sup>88</sup> recommended a growth level of 425 dwellings per annum of which the need for affordable housing was assessed as 251 per annum. This translates to 3,761 affordable housing units over the plan period. The 2011 update identified a need of 2,916 affordable dwellings which supports the higher end of the target of 2,250 to 3,000 set in the LDP.
- 5.2 Turning to location, the LDP strategy directs most of the affordable housing to the areas of greatest need in the north of the county. Elsewhere affordable housing would be provided through allocations in villages and hamlets, conversions and on exception sites. Consequently, we are satisfied that the target in the LDP and its strategy relating to the location of affordable housing is substantiated by the evidence submitted to the examination.
- 5.3 Contrary to the advice in PPW, the LDP does not quantify the need for affordable housing nor does it identify the expected contributions the different policy approaches will make. **IMAC-BSC4-2** and **IMAC-BSC4-3** rectify this omission and are necessary to ensure that the LDP accords with national guidance.

*Is the envisaged provision of affordable housing realistic in terms of economic viability?*

- 5.4 The Council commissioned an Affordable Housing Viability Study which was completed in September 2009<sup>89</sup>. In November 2011, the authors of that study stated that; *‘a wholesale revision of the figures is unlikely to result in any significant change and the overall results from the original study are still robust and relevant to present circumstances’*<sup>90</sup>.
- 5.5 Policy BSC4 expects developments of 3 or more dwellings to provide a minimum 30% affordable housing on site; schemes involving fewer than 3 houses should make a financial contribution. In its original report DVS found that; *‘The results of the study suggest that the economic viability of seeking an affordable housing target of 30%, of the total number of homes proposed on sites of 3 or more units, or 0.10 ha or more (gross) site area, is not currently viable with none of the sample sites meeting this requirement as at April 2009. Our analysis of the sample sites indicates that this is not a viable target, using the 100% sale price data’*. It goes on to say that, in light of the long term nature of the LDP and

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<sup>87</sup> EB006, 7 & 10

<sup>88</sup> EB006

<sup>89</sup> EB008

<sup>90</sup> EXAM005A

given what was considered at the time to be the '*exceptional, depressed state of the market*' it was reasonable to consider results based on 110% sale price data.

- 5.6 Evidence submitted by the Home Builders Federation<sup>91</sup> indicates that house prices fell 2% between 2009 and 2012. Consequently, prices would have to increase more than 10% above current levels to rise to 10% above April 2009 levels. DVS acknowledge that it is impossible to predict when or if a return to higher house price sale levels will occur and whilst it may not be unreasonable to anticipate an uplift in the future, the plan period ends in 8 years. Although not beyond the bounds of possibility it seems highly unlikely that house prices will rise by more than 10% in the near future.
- 5.7 Affordable housing was discussed at hearings in January and May 2012. Following the second session a statement of common ground was issued, in which the Council concede that a blanket provision of 30% on all housing development sites is not supported by the evidence regarding viability<sup>92</sup>. The Council also accept that the evidence base does not support a 10% increase in house prices in the next 3 to 4 years and that a 10% target is an appropriate starting point given the evidence on viability. The signatories to the statement of common ground agreed that the LDP should include a target which is viable at current values but with a mechanism to monitor conditions and to change that target as appropriate.
- 5.8 The evidence submitted by the Council regarding viability<sup>93</sup> indicates that developer’s profit at 10% affordable housing content may be insufficient to ensure that some sites are developed. However, the provision of affordable housing is a key element of Welsh Government policy and evidence submitted to the examination indicates that developers may accept lower profit margins<sup>94</sup>. Consequently, we consider a 10% target to be supported by evidence and to be the appropriate starting point.
- 5.9 We agree that it is sensible to devise an approach which would allow that target to be reviewed without the need for a formal review of the Plan, should evidence support a change. **IMAC-BSC4-1** replaces Policy BSC4 with a policy which includes a viable target and would enable that figure to change should conditions improve. The targets set in the amended Policy BSC4 reflect the evidence submitted to the examination. We acknowledge that many factors impact on viability but the DVS study is based on house prices and we have no other basis, founded on the evidence submitted to the examination, on which to formulate a policy.

*Will the LDP deliver 2,250 - 3,000 affordable homes as set out in Policy BSC4?*

- 5.10 Based on 10% provision we calculate that, together with other sources, around 1,874 affordable homes could be delivered. This is around 370 short of the lower end of the range set in Policy BSC4 and significantly fewer than the identified

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<sup>91</sup> HS5-R751

<sup>92</sup> EXAM0109

<sup>93</sup> EXAM0106

<sup>94</sup> EXAM0106



need. Nevertheless, we consider that it would not be appropriate and that it would be counter productive to find the Plan unsound for this reason.

- 5.11 Having assessed the different opinions and sources of evidence regarding the overall need for housing, we conclude that the figure of 7,500 set in the Plan to be appropriate. Having identified the need and concluded that the Plan (modified as indicated above) can meet that need, we are not persuaded that allocating more sites and increasing potential supply would deliver more housing (and hence more affordable housing).
- 5.12 Further, principle factors with a bearing on viability and the delivery of affordable housing; the state of the economy and the financing of the housing market, including public subsidy are outside the Council’s control. Finding the LDP unsound for reasons outside the Council’s control and leaving Denbighshire without a statutorily adopted development plan is likely to have a negative impact on the delivery of affordable housing. The amended Policy BSC4 should enable the Council to optimise the delivery of affordable housing without prejudicing the overall provision of housing to meet the needs of the County.
- 5.13 Given that, as amended by **IMAC-BSC4-1**, the Council would be able to seek higher levels of affordable housing if the market improves, the target set in Policy BSC4 is left unchanged.

*Is it appropriate to restrict affordable housing in hamlets and the open countryside to local people?*

- 5.14 Policies BSC 6, 8 and 9 limit development in hamlets, on rural exception sites and infill and residential conversions in the open countryside to affordable housing to meet local need. National guidance regarding occupancy restrictions is contained in Circular 35/95, ‘The Use of Conditions in Planning Permissions’. The Circular advises that, if the development of a site for housing is acceptable there will seldom be any good reason on land-use planning grounds to restrict occupancy to a particular type of person, including those living or working in an area.
- 5.15 However, it is desirable and in the interests of building and maintaining sustainable communities, for key workers and people with family and other connections to a community to be able to live in that community. Local is defined in the reasoned justification to Policy BSC 6 but, contrary to the advice in Technical Advice Note 2: Planning and Affordable Housing, it is not defined in Policies BSC 8 and 9. **MAC-BSC8-3** and **MAC-BSC9-1** are necessary to rectify this omission.

*Policy BSC 6 – Local connections affordable housing in hamlets*

- 5.16 An area of search has been established for each designated hamlet and a number of dwellings anticipated to be provided based on both local needs and capacity for new development within the settlement<sup>95</sup>. The areas of search follow established features wherever possible and we are satisfied that, with the exception of Peniel, they provide logical boundaries.

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<sup>95</sup> EXAM001A

- 5.17 The Peniel area of search encompasses a large area of land when only 1 dwelling is deemed to be required. In order to avoid pressure for additional development in the open countryside and to be consistent with other areas of search, the area of search should exclude land west of the B4501 (IMAC-BSC6-1).
- 5.18 The LDP, quite rightly, has not identified every small collection or group of dwellings as a hamlet. The reasons for a settlement’s inclusion are given in the LDP. We find these reasons to be sound and that they support the current designations. Consequently, we do not consider any changes to be necessary.

*Policies BSC 8 and BSC 9*

- 5.19 MAC –BSC8-1 corrects a typographical error and is necessary to make the policy effective. The reasoned justification to Policy BSC 8 indicates that the development of exception sites will only be permitted where it is demonstrated that any allocated sites are not likely to come forward. Sites should not be allocated in the LDP if they are not likely to come forward. The Council have indicated that the policy is intended to apply to sites which are not likely to come forward within a reasonable timescale<sup>96</sup>. MAC –BSC8-2 brings the policy in to line with the Council’s stated intention and is necessary to provide flexibility.

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<sup>96</sup> EXAM001A

## 6. Employment

*Is the amount of land allocated for employment uses in the LDP justified and supported by robust evidence?*

- 6.1 PPW requires local planning authorities to ensure that sufficient land is designated to meet identified and future need. The submitted LDP allocates 59.5ha of employment land, 40ha of which is in the north of the County with the remainder at Denbigh, Ruthin and Corwen<sup>97</sup>. The amount of land allocated and its distribution are informed by two studies commissioned by the Council in 2004 and 2007 and its own Employment Land Review of 2011<sup>98</sup>. The 2007 study undertaken by the University of Bangor advised the Council to plan for a demand of around 3ha per annum which would result in a requirement for an additional 45ha of employment land over 15 years. The Bangor study’s acknowledgement that this figure may be conservative is borne out by an average take up of 4.6ha per annum between 2006 and 2011. There were no completions between April 2010 and March 2011<sup>99</sup> but an allocation of almost 60ha equates to around 4ha per annum which appears reasonable given the available evidence.
- 6.2 Although available for development, the former Pilkington and Hotpoint factories in St Asaph and Bodelwyddan are part of the existing stock of employment land in the county. The studies submitted by the Council indicate a need for additional employment land and their closure does not justify reducing the amount of land allocated for employment in the LDP.

*Are the employment allocations in the LDP deliverable?*

- 6.3 Whether the employment sites allocated in the LDP will be taken up will depend in no small part on the state of the economy. However, the studies commissioned by the Council<sup>100</sup> show that the north of the county and the A55 corridor in particular, is most attractive to potential employers. It is not unreasonable to conclude, therefore, that allocations in this area are more likely to be delivered.
- 6.4 Appendix 2 to HS4-DCC includes a commentary on the status of the employment sites allocated in the LDP. Evidence submitted regarding the KSS indicates that the infrastructure necessary to service the 26ha allocated there can be provided. An improvement in the economic climate would enable the sites at St Asaph and Denbigh to come forward and the sites at Ruthin and Corwen are serviced and available. It is argued by some that given the state of the economy and the availability of more attractive locations elsewhere the employment sites allocated in the LDP will not come forward. As stated earlier, the Council would not be fulfilling its duties if it failed to provide employment opportunities in the locations most likely to attract new businesses. We are satisfied that the evidence indicates that the employment allocations in the LDP are deliverable.

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<sup>97</sup> IP003, Table 5

<sup>98</sup> EB0020, 21 & 23

<sup>99</sup> HS3b-DCC, paragraph 1.4

<sup>100</sup> EB0020 & 21

*Does the LDP provide a range and choice of sites to meet different economic and employment needs?*

- 6.5 With the exception of the St Asaph Business Park, Policy PSE 2 states that the allocations in the LDP may be used for uses in Classes B1 (light industrial and offices), B2 (general industrial) and B8 (storage and distribution)<sup>101</sup>. The Council’s resistance to B8 uses at the St Asaph Business Park on the grounds that it wishes to retain it as a high quality employment site is undermined by the acceptance of uses in Class B2 and waste management facilities on part of that site. However, we are satisfied that sufficient land is allocated in other suitable locations and that failing to allocate B8 uses at the St Asaph Business Park does not render the plan unsound.
- 6.6 **MAC-PSE2-1** ensures that Policy PSE 2 and the allocation shown on inset map 32A are consistent. **MAC-PSE2-2** is necessary to remove repetition in Policy PSE 2 and **MAC-PSE2-3** deletes a part of the reasoned justification which is not relevant to this policy.
- 6.7 Turning to the existing stock, Policy PSE 3 resists the loss of existing employment land and premises unless, amongst other things, it can be shown that it would facilitate the relocation of a non conforming use. **MAC-PSE3-1** introduces a requirement for a site to be marketed which should help determine whether a site is no longer suitable for employment use. We are satisfied that, as amended by **MAC-PSE3-1**, Policy PSE 3 will be able to be applied to the diverse range of employment uses in the county and resist the loss of valuable employment whilst not preventing the beneficial re use of unsuitable land or premises.
- 6.8 There are a number of challenges to the employment designation given to a number of existing employment sites, principally on the grounds that representors seek an allocation for an alternative use. An employment designation would not prevent owners seeking to redevelop sites for other uses and we consider that Policy PSE 3 is the appropriate vehicle for determining whether land and/or buildings are no longer viable or suitable for employment use. **MAC-PSE3-2** replaces an ambiguous statement in the reasoned justification to the policy and is necessary to ensure coherence.
- 6.9 Policy PSE 4 provides for the re use of rural buildings for employment use and, subject to the removal of the requirements for buildings to be redundant or of architectural or historic merit, it will accord with national policy (**MAC-PSE4-1 & 2**). **IMAC-PSE4-2** also ensures consistency with Policies BSC8 and 9 with regard to the provision of new dwellings to meet local need. Policy PSE 5 supports enterprise in rural areas and the change required by **MAC-PSE5-1** avoids any lack of consistency with Policy PSE 4.
- 6.10 Retail issues are addressed elsewhere but the suite of retail policies in the Plan will aid in safeguarding jobs in town centres whilst enabling the creation of new jobs in town centres and other suitable locations.

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<sup>101</sup> As defined in the Town and Country Planning (Use Classes) Order 1987

*Cilmedw, Llangollen*

6.11 During the course of the examination planning permission was granted for employment at land at Cilmedw. That site is earmarked for the relocation of Dobson & Crowther in association with the grant of planning permission for a supermarket on their existing site in the town which is designated for employment use in the LDP. We do not consider it necessary to change the inset map for Llangollen to reflect these developments but have no objection to the Council doing so (MAC-PSE2-4 & 5).

*Policy PSE 1*

6.12 Parts of the policy are poorly drafted or repeat other policy requirements in the LDP. MAC-PSE1-1 deletes unnecessary repetition and is necessary to ensure that the policy is coherent and effective.

## 7. Other matters

### ***The Welsh language and the social and cultural fabric of communities (Policy RD4)***

- 7.1 As a result of Policy RD3 being split into two policies, Policy RD4 becomes Policy RD5 (MAC-RD4-1).
- 7.2 The policy and reasoned justification as amended by MAC-RD4-1, reflects national policy and advice<sup>102</sup>. It is unlikely that the impact of a development on the Welsh language and the social and cultural fabric of communities would be the only material consideration relevant to the assessment of new development. It is, therefore, appropriate for the LDP to say that development could (as opposed to will) be refused if it would cause unacceptable harm to the character and language balance of a community.
- 7.3 The amendments to the policy will also provide greater clarity in terms of when a Community Linguistic Statement or a Community and Linguistic Impact Assessment is required in addition to correcting drafting errors. Whilst the supplementary planning guidance on how to produce these documents is not yet in place, we are satisfied on the basis of the submissions made by the Council, that the requirements would not place an onerous burden on applicants.
- 7.4 With regard to monitoring, the number of Welsh speakers in the county is measured through the census. The Council is right to point out that whilst the census data is useful it is not produced regularly enough to measure the performance of the LDP.

### ***Retail***

- 7.5 The Denbighshire Retail and Leisure Study (2003)<sup>103</sup> and the 2006 update identify a quantitative need for comparison floor space but found no similar need for convenience provision. A qualitative need was identified in the Corwen, Llangollen and St Asaph/Rhuddlan areas. There have been significant changes in the economy since those studies were undertaken and it is argued that they are out of date. The Council has carried out a review<sup>104</sup> which concluded, amongst other things, that the allocations contained within the LDP fall within the threshold recommended in the 2006 Roger Tym study. Further, that given the uncertain economic climate, the number of extant permissions within the County and the high levels of vacancy in a number of towns, it was considered inappropriate to make further allocations for retail. We are satisfied that the evidence submitted to the examination is sufficiently robust and credible and supports the LDP. The approach in the LDP accords with the Wales Spatial Plan and national planning policy and we find it to be sound.
- 7.6 The Plan includes a number of allocations to meet quantitative need. We have considered the arguments in favour of allocating sites at the edges of towns in the north of the County. We are not persuaded that such developments would not undermine the regeneration efforts in Rhyl and endanger the aim to re establish Rhyl as one of the areas most attractive shopping centres.

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<sup>102</sup> PPW Section 4.13 & Technical Advice Note 20: The Welsh Language

<sup>103</sup> EB025

<sup>104</sup> HS12-DCC, Appendix 1

- 7.7 The Plan seeks to reinforce Rhyl (Sub-Regional Centre) and 7 identified town centres as the most appropriate locations for new retail development. PPW requires LDPs to establish the hierarchy of retail centres. **MAC-PSE6-1** is necessary to ensure the Plan does this and, in accordance with the sequential approach set out in PPW, directs new retail development towards town centres. **MAC-PSE6-2** removes the statement that exceptions may be made in relation to brownfield sites and is necessary to avoid potential conflict with Policies PSE 3 and PSE 9.
- 7.8 **MAC-PSE7-1** is necessary to update the LDP with regard to recent retail development in Prestatyn. **MAC-PSE8-1** corrects a typographical error and is necessary to ensure that the policy is effective. The last section of the policy resists the loss of A1 shops in the primary shopping frontage in Rhyl but the reasoned justification extends this to defined town centres as a whole. **IMAC-PSE8-2** ensures consistency and would not prevent the Council resisting the loss of shops where it would have an adverse impact on viability and vitality. **IMAC-PSE9-1**, **IMAC-PSE10-1**, **MAC-PSE9-2** and **MAC-PSE10-2** are necessary to ensure that the policies are consistent in their treatment of small shops and services that would help sustain communities.

### ***Planning Obligations***

- 7.9 After April 2014 the ability of local planning authorities to secure infrastructure through planning obligations will be limited. The Council is examining, together with other local planning authorities in North Wales, how the community infrastructure levy could be applied across the region. This work is still at an early stage and it is doubtful that a charging schedule would be in place by April 2014 (should the Council decide to produce one).
- 7.10 **IMAC-BSC3-1** amends Policy BSC 3 principally in order to set out how the Council will secure the provision of infrastructure after April 2014. The MAC proposed by the Council has been amended to ensure that the reasoned justification accords with national guidance.

### ***Recreation and Open Space***

- 7.11 Contrary to the advice in Technical Advice Note 16; Sport, Recreation and Open Space (TAN 16) the Council has not carried out an Open Space Assessment to inform the preparation of the LDP<sup>105</sup>. However, the TAN goes on to say that local planning authorities should not delay work on the preparation of the LDP where an assessment is not available<sup>106</sup>. In the absence of an Open Space Assessment to inform a local standard for the provision of open space the LDP adopts the Fields in Trust Benchmark Standards. **MAC-BSC11-1** and **2** bring Policy BSC11 into line with these standards as expressed in TAN 16 and the clarification letter issued by the Welsh Government in December 2011<sup>107</sup> and is necessary to ensure that Policy BSC11 accords with national policy.
- 7.12 Requiring a financial contribution where there is sufficient provision may not be necessary to make development acceptable and, thereby, be in conflict with the statutory tests set out in the Community Infrastructure Levy Regulations 2010. Policy BSC3 requires contributions where appropriate. **MAC-BSC11-1** introduces a similar

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<sup>105</sup> TAN 16, paragraph 2.2

<sup>106</sup> TAN 16, paragraph 2.29

<sup>107</sup> CL-02-11 - Technical Advice Note 16: Open Space – Interpretation of Fields in Trust “Benchmark Standards” in Local Development Plans

requirement and is necessary to ensure consistency and that Policy BSC11 accords with national policy.

*Land at Ffordd Elan/Llys Brenig, Rhyl (BSC REC 45A 20)*

- 7.13 This site is designated for community use in the UDP but is proposed to be allocated for recreation and open space in the LDP. The site lies in flood risk zone C1 wherein TAN 15 precludes development for vulnerable uses such as community facilities unless, amongst other things, it is necessary to assist in a regeneration initiative<sup>108</sup>. The site has not been identified as part of any such initiative but does lie in an area with a shortfall with regard to the provision of open space.
- 7.14 The site was fenced at the time of the examination but statements from local councillors that it had been used for informal recreation in the past are not disputed. The use of the site as open space would help address the current shortfall and the Council is actively seeking its procurement for such use. We are satisfied, therefore, that the evidence submitted to the examination shows the allocation to be sound.

***Natural and Historic Environment***

*Is the proposed designation of the Area of Outstanding Beauty (AOB) justified?*

- 7.15 **MAC-VOE2-1** amends the Proposals Map and relevant inset maps to reflect the southerly extension of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) confirmed by the Welsh Government in November 2011.
- 7.16 That extension covers some but not all of the Area of Outstanding Beauty (AOB) designated by the deposit LDP. The Council accepts that those parts of the AOB to the east of the AONB boundary were not, nor are they likely to be considered worthy of inclusion into the AONB. There is no evidence to support a local designation and **MAC-VOE2-2** removes the AOB designation from these areas.
- 7.17 The AOB around Cynwyd and Llandrillo was not included in the extended AONB because it was considered to have a greater perceptual and visual link with the upper Dee valley and the main Berwyn landscape area. The value of the landscape in this area was first identified in the Hobhouse Report in 1947<sup>109</sup> and its special characteristics have been protected by the Glyndwr District Local Plan and the UDP. The Denbighshire Landscape Strategy recognises its landscape value. Consequently, we consider that the AOB designation around Cynwyd and Llandrillo is supported by a robust assessment.

*Should the protection afforded by the LDP to the AOB be equal to that of the AONB?*

- 7.18 The AONB is a national, statutory designation and it is afforded the highest level of landscape protection. The Council and others consider that it is only a matter of time before the AOB (as amended by **MAC-VOE2-2**) is conferred with the same status. NRW has agreed to undertake detailed work to consider the appropriateness of designating and managing parts of the Ceirog Valley and Y Berwyn as an AONB but there can be no guarantee that it will be found worthy. Nor is there any indication of how long the process would take.

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<sup>108</sup> TAN 15, Figure 2 & Section 6

<sup>109</sup> EXAM0083



7.19 By definition, the AOB cannot have the same status as the AONB and by seeking to treat development in the AOB in the same way as development in the AONB the LDP conflicts with national policy. IMAC-PSE17-1 and 2 and IMAC-VOE2-3 correct this shortcoming and are necessary to make the Plan sound.

#### *Rhuddlan Nature Reserve*

7.20 Extending the nature reserve to include the land used for storing materials and waste by the Council’s Highway and Infrastructure Department would improve the approach to Rhuddlan. Incorporating this land into the nature reserve would also no doubt enhance its enjoyment and improve wildlife linkages to the adjoining countryside. However, it is not our role to make a sound plan better. The boundary of the nature reserve as shown on the inset map (44A) accords with the planning permission granted for its creation. Further, given that the disputed area would appear to be one of the few parcels of land available to the Highway and Infrastructure Department in this part of the County, it would seem unlikely that the nature reserve would be extended to include this land. Extending the boundary of the nature reserve to include this area would not, therefore, comply with soundness test CE2.

#### *Pontcysyllte Aqueduct and Canal World Heritage Site*

7.21 PPW advises that national policy regarding World Heritage Sites (WHS) need not be repeated in LDPs<sup>110</sup>. However, we are satisfied that the particular characteristics of this site and its surroundings justify the recognition and protection of the asset at a local level. Criterion i) of Policy VOE-3 addresses the attributes that contribute to the outstanding universal value of the WHS whilst criterion ii) relates to its setting and the buffer zone. The policy distinguishes between the two and does not seek to exert the same level of control in both areas.

#### *Policy VOE 1 – Key areas of protection*

7.22 Parts of the Policy VOE 1 repeat policy requirements set out elsewhere in the LDP. MAC-VOE1-1, 3, 4 and 5 address this in addition to clarifying the purpose of the policy.

#### *Policy VOE 4 – Enabling development*

7.23 In order to reflect the importance of the listed buildings at the former North Wales Hospital in Denbigh and the need to conserve them, a statement to that effect should be included in the policy rather than the reasoned justification. MAC-VOE4-1 and 2 make the necessary changes to the policy and the reasoned justification.

#### *Policy VOE 5 – Conservation of natural resources*

7.24 Policy VOE 5 would require all applicants to submit a biodiversity statement regardless of whether or not the proposed development would affect a protected species or site of nature conservation. The planning system should not place unnecessary burdens on developers. IMAC-VOE5-1 ensures that such statements are only required when necessary and includes other changes required in the interests of clarity and effectiveness.

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<sup>110</sup> PPW, Figure 6.1

### **Gypsy and Traveller Sites**

- 7.25 There is insufficient evidence at this time to indicate a need to allocate a site or sites for gypsies and travellers. The situation will be reviewed following the completion of the North West Wales Housing Market Assessment (LHMA). We share the concern expressed by the Welsh Government regarding the time this exercise is taking but consider that Policy BSC10 (as amended by IMAC-BSC10-1) accords with national guidance relating to transitional arrangements pending the completion of the LHMA<sup>111</sup>. The policy, as amended by IMAC-BSC10-1, relates to permanent and transit sites and would enable any proposals that may come forward to be assessed.
- 7.26 Certain aspects of the policy do not accord with national guidance<sup>112</sup>. Criterion i) states that such development would not be acceptable in the AOB but this is a local landscape designation and should not be used, in itself, to refuse planning permission for gypsy and traveller sites. National guidance indicates that new gypsy and traveller sites are likely to constitute inappropriate development in green barriers<sup>113</sup> and this should be reflected in the policy.
- 7.27 The policy is only supportive of sites within or adjacent to town/village development boundaries. However, sites on the outskirts of built-up areas may be appropriate and rural settings, where not subject to specific planning or other constraints are acceptable in principle<sup>114</sup>. Requiring a site that is outside the town/village development boundary to be adjacent to that boundary is overly restrictive since there may be suitable sites on the outskirts of a settlement that are a short distance away from the boundary. No sound reasons are put forward to justify such a restrictive policy. Further, the presumption against any other site is also too restrictive as there may be suitable opportunities in rural locations. IMAC-BSC10-1 remedies these shortcomings and is necessary to ensure consistency with national guidance and to make the plan sound.

### **Minerals**

- 7.28 The LDP makes provision for sand and gravel extraction in line with the findings of the North Wales Regional Aggregate Working Party. It also safeguards minerals and aggregates from development that would hinder their future extraction and ensures that existing and proposed quarries have buffer zones around them to provide a separation distance between potentially conflicting land uses. Subject to the comments below regarding the safeguarding of tertiary coal resources and the AOB, the LDP is in general accordance with national mineral planning policies<sup>115</sup>.
- 7.29 Although Policy PSE 15 identifies coal as one of the mineral resources to be safeguarded the reasoned justification to the policy states that no safeguarding areas for coal are identified on the proposals map as there are no known primary and secondary coal resources in the area. Coal deposits in the county are limited to two relatively small areas of tertiary coal sources<sup>116</sup> and Minerals Technical Advice Note 2

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<sup>111</sup> Paragraphs 12 to 14, Circular 30/2007 Planning For Gypsy and Traveller Caravan Sites

<sup>112</sup> Circular 30/2007

<sup>113</sup> Paragraph 33, Circular 30/2000. The circular refers to Green Belts and Green Wedges but this terminology is synonymous with Green Barriers

<sup>114</sup> Paragraph 26, Circular 30/2007

<sup>115</sup> Minerals Planning Policy Wales (2000); Minerals technical Advice Note (MTAN) Wales 1: Aggregates; and, Minerals Technical Advice Note 2: Coal

<sup>116</sup> British Geological Society Mineral Resource Map of Wales

(Wales) Coal (MTAN 2) does not require the safeguarding of tertiary coal resources. There is no indication that coal extraction is likely to occur within the lifetime of the Plan. IMAC-PSE15-1 deals with the inconsistency between the Policy PSE 15 and its reasoned justification and ensures that the policy accords with national guidance by removing the reference to coal in the policy.

7.30 National policy indicates that minerals development should not take place in an AONB save in exceptional circumstances<sup>117</sup>. Proposals which fall within locally designated areas will need to be given careful consideration and the degree of protection should be commensurate with their importance to the biodiversity and/or landscape of the area concerned and Plans should set out distinct policies for statutorily designated areas and non-statutorily designated areas<sup>118</sup>. Policy PSE 17 does not differentiate between the level of control within the AONB and the AOB and, therefore, does not accord with national policy. IMAC-PSE17-1 and 2 correct this shortcoming and are necessary to make the Plan sound.

### **Waste**

7.31 The Local Development Plan Waste Technical Paper<sup>119</sup> states that the sites identified for waste management in the LDP exceed the requirements of the North Wales Regional Waste Plan 1<sup>st</sup> Review (expressed in hectares). However, the LDP does not, as required by Technical Advice Note 21, Waste (TAN 21) ‘*make explicit the capacity of the area to deal with waste, and also make accurate and quantified assessments about their own waste arisings*’. MAC-VOE7-1 corrects this omission and explains why regulatory and technological changes mean that reliable predictions for arisings are difficult to make and is necessary to make the Plan sound.

7.32 The Council states<sup>120</sup> that it was not its intention that Policy VOE 8 would prevent farmers in the AONB and Pontcysyllte Aqueduct and Canal World Heritage Site and buffer zone, from dealing with their own waste by way of composting and anaerobic digestion. IMAC-VOE8-1 removes any ambiguity and would enable farmers to diversify in this way subject to the safeguards contained in the policy. These safeguards would include impacts on the landscape and, in line with our findings elsewhere, specific mention of the AOB has been removed from the policy lest it be inferred that it enjoys the same level of protection status as the AONB.

### **Green Barriers**

7.33 The green barriers designated in the UDP were reviewed during the preparation of the LDP<sup>121</sup>. Policy RD 2 and the supporting text indicate that the green barriers have been designated to reinforce the separation of the neighbouring settlements and to preserve the character of historic towns. We consider that this accords with the purposes of green barriers as set out in PPW<sup>122</sup>.

7.34 The Council argue that the Prestatyn – Gronant green barrier plays an important role in protecting the setting of the Clwydian Range and Dee Valley AONB but that is not one of the purposes of a green barrier. However we are satisfied this green barrier

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<sup>117</sup> Minerals Planning Policy Wales para 21

<sup>118</sup> Minerals Planning Policy Wales para 26

<sup>119</sup> EB 012

<sup>120</sup> EXAM001.A

<sup>121</sup> IP001 Sections 3.3 & 4.3 + Appendix 3

<sup>122</sup> Paragraph 4.8.10

serves to prevent the coalescence of settlements. This is one of the purposes of a green barrier and we are satisfied that the designation is sound.

- 7.35 There are only narrow bands of open land separating parts of Rhyl from Rhuddlan and Prestatyn from Meliden and we consider the green barriers designated in the LDP are required to prevent the coalescence of these settlements.

### **Tourism**

- 7.36 The LDP encourages high quality development which would support and enhance the visitor economy. The Plan seeks to facilitate the extension of the holiday season and to reposition Rhyl and Prestatyn within the tourism market. The outdoor activity sector is recognised as one that has significant growth potential. The approach is in line with national planning policy set out in PPW.
- 7.37 **IMAC-PSE12-1** is necessary to provide greater flexibility with regard to enabling environmental improvements to be made to existing static holiday caravan or chalet sites. The change to the policy would hopefully make upgrading existing sites a more attractive proposition and would be in line with the LDP’s objectives and national planning policy guidance<sup>123</sup>
- 7.38 With regard to touring caravan and tent sites, Policy PSE 12(v) limits the length of time a caravan or tent may be pitched on a site to 31 days. A visitor may wish to take longer than 31 days to savour the delights of Denbighshire and requiring the removal of his/her tent or caravan is unduly onerous when the objective is the prevention of permanent residential occupation. Technical Advice Note 13; Tourism suggests the use of seasonal occupancy conditions in such cases. **IMAC-PSE12-1** includes a change which brings the policy in to line with national guidance.
- 7.39 The reasoned justification to Policy PSE 14 states that chalet development supporting outdoor activity tourism will only be permitted if a need is demonstrated and there are no opportunities to use existing buildings for accommodation. This is a statement of policy and **MAC-PSE14-1** moves it into Policy PSE 14. **MAC-PSE14-2** is necessary to ensure consistency in relation to the treatment of static caravans in Policies PSE 12 and 14. Modern static caravans and chalets are designed to be lived in all year round and a restriction on permanent occupation should be founded on the strict control over new housing in the countryside rather than the alleged unsuitability of such accommodation. **MAC-PSE12-2** amends the reasoned justification to Policy PSE 12 accordingly. **MAC-PSE12-3** is necessary to clarify that Policy PSE 12 will apply where static caravans are the predominant caravan type on a site.
- 7.40 As drafted, Policy PSE 13 would only permit tourism related proposals in the coastal tourism protection zone, precluding any other form of development. The Council accepts **MAC-PSE13-1** is necessary to clarify the purpose of the policy which is to resist the loss of tourism related development. **MAC-PSE11-1** is necessary to make sense of Policy PSE 11.

### **Achieving Sustainable Accessibility**

- 7.41 **MAC-ASA1-1** corrects a small but nevertheless significant typographical error which is necessary to ensure that criterion i) of Policy ASA1 is coherent and effective. **MAC-ASA1-1** also resolves tension between this policy and Policy VOE 5 by recognising that

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<sup>123</sup> TAN 13, para 14

the impacts of new transport infrastructure on the natural and built environment will need to be balanced against the need for such development. MAC-ASA1-2 makes sense of the third paragraph of reasoned justification. MAC-ASA3-1 is required to make clear that, in accordance with national policy, maximum parking standards will be applied throughout the county.

### **Renewable energy**

- 7.42 The LDP was too far advanced to enable an assessment of the potential of all renewable energy resources and renewable and low carbon energy opportunities as required by national planning policy<sup>124</sup>. An assessment will be undertaken to inform the first review of the LDP and any future Supplementary Planning Guidance. We consider this to be a realistic and pragmatic approach that avoids delaying the adoption of the LDP.
- 7.43 Technical Advice Note 8: Planning for Renewable Energy (TAN 8) identifies Strategic Search Areas (SSA) to which large scale wind farms are directed. The Clocaenog Forest SSA (SSA A) lies partly within Denbighshire. TAN 8 supports the introduction of policies in development plans which seek to restrict almost all wind energy developments, larger than 5 MW to SSAs. However, the TAN does not preclude the development of any large schemes outside SSAs. The TAN states that: *'If there is robust evidence that land outside (but close to) the SSA is suitably unconstrained local planning authorities might wish to consider the possibility of development of wind farms in these areas as well'*.
- 7.44 TAN 8 allows local planning authorities to refine SSA boundaries. The Council undertook a refinement exercise but later withdrew it<sup>125</sup>. In the absence of such an exercise, precluding any large scale development outside SSA A would be overly restrictive and could undermine the national objective to increase the production of renewable energy. Similarly requiring developers of schemes of 5MW to 25MW to demonstrate overriding need and to carry out a sequential test would be unduly onerous and may prevent acceptable schemes coming forward. Given that Policy VOE 9 requires an assessment of the impact of wind turbines on the surrounding area, we see no need to include a restriction on the height of turbines within the policy.
- 7.45 IMAC-VOE9-1 is necessary to ensure that Policy VOE 9 accords with national guidance. It also removes any inference that the AOB shares the same level of protection as the AONB. IMAC-VOE10-1 is necessary to remove a similar inference in Policy VOE 10.

### **Policy RD 3 - Extensions, Alterations and Replacement of Existing Dwellings**

- 7.46 Policy RD3 seeks to be both a policy relating to extensions to dwellings and a policy controlling replacement dwellings. The combination is not helpful and impairs the effectiveness of the policy and the ability to meet its aims. IMAC-RD3-1 and MAC-RD3-2 address this by creating two separate policies.
- 7.47 Permitting extensions to residential curtilages into agricultural land undermines the strict control of development in the countryside set out in national policy and the LDP. Consequently the provision for such in the Council’s proposed MAC has been deleted. The reasoned justification to Policy RD3 states that; *'It is also necessary to control*

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<sup>124</sup> PPW para 12.8.18

<sup>125</sup> HSS17-DCC

*extensions to dwellings in order to maintain a mix of dwelling types and sizes within communities as this helps to meet the diverse housing needs of the community and contributes to maintaining and supporting sustainable communities’.* There is nothing in the policy (as originally worded or as amended by the Council’s proposed MAC) to indicate that a proposed extension or alteration may be refused planning permission for this reason. Further, there is nothing to indicate how it would be applied. How is a community defined and its needs determined? What criteria are to be used? No evidence is submitted to justify such a requirement and it has been deleted from the Council’s proposed MAC.

### **Policy BSC 7 – Houses in Multiple Occupation and Self Contained Flats**

7.48 The Council accepts that the third criterion of Policy BSC7, which seeks to preclude the construction of extensions to facilitate conversion, is unnecessary given that the impact of such development is controlled by the first two criteria. **MAC-BSC7-1** removes the third criterion.

### **Policy BSC 12 – Community facilities**

7.49 The planning system controls the use of land in the public interest. The LDP is a strategic document and the lack of a policy in the LDP regarding Howell’s School Denbigh does not render it unsound. Policy BSC 12 relates to community facilities generally which includes schools and places of worship and we do not consider it necessary to refer to any community use specifically. The first part of the policy is clumsy and **MAC-BSC12-1** is required to ensure that the meaning is clear.

### **Monitoring and Implementation**

7.50 We are satisfied, for the reasons set out above, that the policies in the LDP are effective and capable of being implemented. Effective monitoring is essential and subject to the changes in **MAC-MON-1** we are satisfied that the LDP includes clear mechanisms for implementation and monitoring. In order to meet the need for housing and affordable housing and, given that we are now 7 years into the plan period, the relevant targets are more challenging than proposed by the Council.

## **8. Overall Conclusions**

8.1 We conclude that, with the changes that have been recommended and endorsed as set out in Appendix A of this report, the Denbighshire County Council Local Development Plan 2006 - 2021 satisfies the requirements of section 64(5) of the 2004 Act and meets the procedural, consistency and coherence and effectiveness tests of soundness in LDP Wales.

*A Thickett*

Inspectors

*G Thomas*

**Appendix 1**

**Denbighshire Local Development Plan – Schedule of Matter Arising Changes (MAC)**

MACs in grey shading are required to make the Plan sound and are binding on Denbighshire County Council, all other MACs are endorsed in the interests of brevity by removing unnecessary content, or because they improve clarity, precision, coherence and consistency.

The deletion of Chapters 2 and 3 will result in the re numbering of chapters. The MAC references and chapters in the following table relate to the chapter numbers set out in the submitted plan.

No.	Policy	Amendment
MAC-GEN-1		Number paragraphs.
MAC-GEN-2		Replace the full definitions of LDP objectives at end of each policy with; 'This policy will contribute to meeting objectives.....'; citing the number of the objective/s as set out at the end of the reasoned justification to the policy.
MAC-CH1-1	Chap 1	<p>Replace chapter 1 with the following:                      Introduction                      This document contains local planning policies, which sit within the framework of national planning policies set out by the Welsh Government. These policies are designed to take forward the Local Development Plan objectives, spatial strategy and vision for this County; 'Denbighshire by 2021'. Policies are grouped under 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).                      The Local Development Plan does not repeat national planning policies, national guidance or other legislation. However, those policies, statutory instruments and further legislative requirements will also be a material consideration when making decisions on both development proposals and planning appeals. The relevant national policy guidance is linked to each Local Development Plan policy for ease of reference. Appendix 1 to this document also sets out links with national planning policies but readers should be aware that these tables are by no means exhaustive.                      Denbighshire County Council will produce a number of Supplementary Planning Guidance Notes (SPGs), providing detailed guidance on individual policies. Once an SPG has been adopted, it will be used in the decision making process. Altogether these documents provide</p>

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No.	Policy	Amendment
		the framework for the use and development of land within the county. The number of local planning policies relevant to individual development proposals will vary, depending upon the location, circumstances and considerations material to the proposal itself. Therefore, the Local Development Plan must be read as a whole.
MAC-CH2-1	Chap 2	Delete Chapter 2 'Consultation on the Local Development Plan'
MAC-CH3-1	Chap 3	Delete Chapter 3 'The County Of Denbighshire'
MAC-CH4-1	Chap 4	Renumber the following chapters accordingly
MAC-CH4-2	Chap 4	<p>Replace Chapter 4 with the following and rename Chapter 2:</p> <p><b>PLANNING POLICY CONTEXT</b></p> <p>The Local Development Plan forms part of a range of plans, policies and programmes which have an influence over development in Denbighshire. In preparing this Plan the Council must have regard to national and regional strategies and the Local Development Plan has an important role in delivering and implementing many of these plans and programmes. Summarised below are the key points from the relevant strategies and plans.</p> <p><b>Wales Spatial Plan (2008 update)</b></p> <p>Denbighshire falls into two Spatial Plan areas, the North East Wales – Borders and Coast, and Central Wales Areas.</p> <p><b>North East Wales – Borders &amp; Coast</b></p> <p>Priorities within the Wales Spatial Plan that have implications for the Local Development Plan can be summarised as:</p> <p><b>Coastal Area</b></p> <ul style="list-style-type: none"> <li>• The identification of a Hub centred around Rhyl, St Asaph, Bodelwyddan and Prestatyn with the aim of fostering economic and social growth and inclusiveness, addressing socio-economic deprivation and improving access to services and employment inland.</li> <li>• Providing a realistic scale of development. Developing a distinct identity, unique sense of place, outward looking, safe communities, enhancing Welsh language and culture, improved accessibility to the rural hinterland.</li> <li>• Health related growth is an opportunity at Bodelwyddan.</li> <li>• A Strategic Employment Site has been identified at St Asaph West and Bodelwyddan.</li> <li>• Coastal tourism resorts need to diversify their economies to improve their image and leisure offer.</li> </ul>



No.	Policy	Amendment
		<ul style="list-style-type: none"> <li>• Rhyl-Foryd harbour is identified as needing further assessment for development.</li> <li>• Regeneration programmes centred around Rhyl and Colwyn Bay are identified.</li> </ul> <p><b>Rural Hinterlands and market towns</b></p> <ul style="list-style-type: none"> <li>• Denbigh and Ruthin are identified as rural service centres offering a range of facilities. Priority is to strengthen their role and reduce the need to travel.</li> <li>• Llangollen has been identified as having an international market for tourism.</li> </ul> <p><b>Central Area</b></p> <p>The central area is rural in nature with a high quality environment and a drive to foster sustainable rural development.</p> <ul style="list-style-type: none"> <li>• Denbigh, Ruthin, Corwen and Llangollen are identified as a primary settlement cluster with links to the Chester sub region and the Bala area.</li> <li>• Llangollen is earmarked as a settlement with a tourism focus.</li> </ul> <p><b>The Big Plan: Part 1 2011-14</b></p> <p>The Big Plan brings together the Community Strategy, Health, Social Care &amp; Well-being Strategy, Children &amp; Young People’s Plan and Community Safety Plan for Denbighshire. Key issues identified in the plan relate to:</p> <ul style="list-style-type: none"> <li>• Older people</li> <li>• Regeneration in Rhyl</li> <li>• Children and young people’s skills</li> <li>• Vulnerable families</li> <li>• Rural areas</li> <li>• Healthy lifestyles</li> <li>• Keeping people safe</li> <li>• Denbighshire’s economy and workforce.</li> </ul> <p>Action plans will be produced covering each area of the Big Plan, for which the Local Development Plan will be a key delivery mechanism.</p> <p><b>Other Regional and Local Strategies</b></p> <p>Due regard has also been given to many other approved and emerging regional and local strategies such as the Regional Waste Plan; Regional Transport Plan; Local Housing Strategies, the Local Biodiversity Action Plan and AONB Management Plan. Details of all plans considered whilst developing the Local Development Plan can be found in the Sustainability</p>

No.	Policy	Amendment															
		Appraisal report that accompanied the Deposit Local Development Plan. <b>Neighbouring areas</b> Denbighshire borders five other local authorities and the importance of the relationships and influences between these and the wider sub region has been recognised in the development of the Local Development Plan. Denbighshire has clear linkages in terms of housing, employment and tourism markets with Conwy, Flintshire and also the Cheshire West & Chester sub-region.															
MAC-CH4-3		Insert Map 1: County Character Map (previously part of Chapter 3)															
MAC-CH6-1	Chap 6 & App2	Delete Appendix 2 and replace it with the table 'How The Local Development Plan Addresses Key Issues In Denbighshire'															
MAC-CH7-1	Chap 7	Replace the phasing table with the following; <table border="1" data-bbox="539 619 1865 948"> <thead> <tr> <th>Phase</th> <th>No. Units</th> <th>Dwellings per annum (approx)</th> </tr> </thead> <tbody> <tr> <td><b>1 (2006/07 – 2010/11)</b></td> <td><b>1,205 (actual completions)</b></td> <td><b>250</b></td> </tr> <tr> <td><b>2 (2011/12 – 2015/16)</b></td> <td><b>2,667</b></td> <td><b>533</b></td> </tr> <tr> <td><b>3 (2016/17 – 2020/21)</b></td> <td><b>3,628</b></td> <td><b>727</b></td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>7,500</b></td> <td><b>Average 500 per annum</b></td> </tr> </tbody> </table>	Phase	No. Units	Dwellings per annum (approx)	<b>1 (2006/07 – 2010/11)</b>	<b>1,205 (actual completions)</b>	<b>250</b>	<b>2 (2011/12 – 2015/16)</b>	<b>2,667</b>	<b>533</b>	<b>3 (2016/17 – 2020/21)</b>	<b>3,628</b>	<b>727</b>	<b>TOTAL</b>	<b>7,500</b>	<b>Average 500 per annum</b>
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<b>TOTAL</b>	<b>7,500</b>	<b>Average 500 per annum</b>															
IMAC-CH7-2	Chap 7	Replace FCE20 with the following: 'Of the 7,500 dwellings required 1,410 have been built since the start of the plan period (2006). A further 1,749 have planning permission. The Local Development Plan makes allocations for approximately 3,300 new dwellings principally in Bodelwyddan and other settlements to the north of the A55, together with sites in Denbigh, St Asaph, Ruthin and Corwen. It is considered that a further 1,400 can be accommodated within existing development boundaries.															
IMAC-CH7-3	Chap 7	Delete the last paragraph of Chapter 7															

No.	Policy	Amendment
<b>Respecting Distinctiveness</b>		
MAC-RD1-1	RD1	Replace criterion i) with the following: i) Respects the site and surroundings in terms of the siting, layout, scale, form, character, design, materials, aspect, micro-climate and intensity of use of land/buildings and spaces around and between buildings; and
IMAC-RD1-2	RD1	Replace criterion ii) with the following: ii) Makes most efficient use of land by achieving densities of a minimum of 35 dwellings per hectare for residential development (unless there are local circumstances that dictate a lower density).
IMAC-RD1-3	RD1	Add the following to the end of the 2 <sup>nd</sup> paragraph of the reasoned justification: In the interests of achieving more sustainable forms of development, and reducing the use of greenfield land, new residential development will be expected to achieve the minimum densities set out in the policy. Higher densities will be sought in more sustainable locations where there is a range of services/facilities and good transport links (including public transport provision).
MAC-RD1-4	RD1	Add definition of 'blue corridor' to Glossary: Green/blue corridors are a network of blue (water) and green open spaces and corridors within the urban environment to serve as an integral element of the drainage infrastructure and floodway for flood conveyance. This can help tackle current and future problems of flooding and environmental degradation of water bodies.
MAC-RD1-5	RD1	Delete: 'Supported by the strong commitment in the Local Development Plan to apply the policies that protect environmental assets,' from the first sentence in the 3 <sup>rd</sup> paragraph of the reasoned justification.
MAC-RD1-6	RD1	Delete paragraph 4 of the reasoned justification.
MAC-RD1-7	RD1	Replace the 5 <sup>th</sup> paragraph of the reasoned justification with the following: In addition, achieving safe designs and improving community safety will be an important consideration, requiring liaison with community and local authority partnerships.
IMAC-RD3-1	RD3	Replace Policy RD3 and its reasoned justification with the following; Policy RD3 – Extensions and alterations to dwellings The extension and alteration of existing dwellings will be supported provided that the following criteria are met:

No.	Policy	Amendment
		<p>i) the scale and form of the proposed alteration or extension is subordinate to the original dwelling or the dwelling as it was 20 years before the planning application to extend the dwelling is made; and</p> <p>ii) the proposal is sympathetic in design, scale, massing and materials to the character and appearance of the existing building, and</p> <p>iii) the proposal does not represent an overdevelopment of the site</p> <p><u>Justification</u>  This policy seeks to ensure that extensions to dwellings are designed to complement and/or enhance the existing property and the surrounding area. Extensions which are out of character or would not be subordinate to the original dwelling will not be permitted. Original in this respect is defined as the dwelling as first built or, if it is more than 20 years old, as it was 20 years before any application is made. Twenty years is considered sufficient to take account of the differing needs of households between generations. Supplementary planning guidance will be produced to complement this policy.</p>
MAC-RD3-2	RD3	<p>Insert new policy RD 4:  Policy RD 4 – Replacement of Existing Dwellings  Proposals for the replacement of an existing dwelling outside settlement boundaries will only be supported where it can be demonstrated that:</p> <p>i) the building has legal use rights as a dwelling; and</p> <p>ii) the dwelling is not of local historical importance or makes a valuable contribution to the character of an area; and</p> <p>iii) the dwelling is structurally unsound, of a poor design and inefficient in terms of energy and water.</p> <p>Planning permission for a replacement dwelling may be subject to a condition to ensure that the original dwelling, or outbuildings, is demolished and that permitted development rights are removed.</p> <p><u>National Policy Links:</u>  Planning Policy Wales:  Chapter 4 – Planning for Sustainability  Chapter 9 – Housing  Technical Advice Notes:</p>

No.	Policy	Amendment
		<p>TAN12 – Design  <u>Justification</u>  Applications for the erection of a new dwelling on the site of a former dwelling in the open countryside will be treated as an application for the erection of a new dwelling. However, there may be occasions when an existing dwelling in the open countryside is either inappropriately sited or is deficient in facilities.  In order to qualify for consideration for a replacement dwelling, a dwelling should have a lawful existing residential use right as defined by Town and Country Planning Act 1990. Dwellings which were never intended to have a permanent residential use including chalets, caravans and other structures built of materials for only temporary or seasonal use, will be excluded from this policy. Where there is doubt, the Council will request that the applicant present a certificate of lawfulness for the building. The Council is committed to retaining buildings of character or merit in the countryside.</p>
MAC-RD4-1	RD4	<p>Replace Policy RD4 and its reasoned justification with the following and renumber Policy RD 5.</p> <p>In determining all planning applications, the needs and interests of the Welsh language will be taken into account. Development could be refused if its size, scale or location would cause significant harm to the character and language balance of a community.</p> <p>To be able to make an informed decision on applications that may have an effect on the future of the Welsh language within communities, applicants will normally be expected to submit a:</p> <ul style="list-style-type: none"> <li>i) Community Linguistic Statement to accompany a planning application for smaller developments within villages, hamlets or the open countryside comprising proposals of the following kind: 5 residential units or more, commercial, industrial or leisure/tourism development with a floor area of 1000m<sup>2</sup> or more, development likely to lead to the loss of community facilities or employment opportunities, Infrastructure projects with long term community impacts;</li> <li>ii) More detailed assessment in the form of a “Community and Linguistic Impact Assessment” to accompany a planning application in all settlements where developments are on a larger scale comprising proposals of the following kind: 20 residential units or more, commercial, industrial or leisure/tourism development with</li> </ul>

No.	Policy	Amendment
		<p>a floor area of 3000m<sup>2</sup> or more, large scale infrastructure projects with long term community impacts.</p> <p>Developers will be expected to provide bilingual signage as a minimum means of promoting the Welsh language. In appropriate circumstances, mitigation against any adverse effect will be secured through requiring a financial contribution by Section 106 or other means.</p> <p><u>Justification</u></p> <p>Over the past decade there has been a small increase in Welsh speakers in the more urban areas of the County. At the same time the percentage of Welsh speakers in some of communities has decreased in line with national trends. The Local Development Plan seeks to retain the County's bilingual distinctiveness and the policy will apply to the whole of the County. The scale of development will determine the likely impact on community life and smaller settlements have a lower threshold of development. In the higher tier settlements such as the growth towns, the policy will only apply to larger proposals. Guidance has been taken from "Planning and the Welsh Language: The Way Ahead" (2005). Policy RD 5 outlines the necessary requirement to ensure development does not harm the sociological – linguistic nature of our communities.</p> <p>Detailed advice regarding the preparation of Community Linguistic Statements and Community and Linguistic Impact Assessments will be included in Supplementary Planning Guidance.</p>
<b>Building Sustainable Communities</b>		
IMAC-BSC1-1	BSC1	Update the housing supply information shown on table FCE 32 to include the allocations set out in IMAC-BSC1-2 to 4 and to reflect a density of 35dph (other than Wern Road, Llangollen, Sydenham Avenue, Rhyl and in villages which have been assessed individually and Glasdir to which a density of 40dph is applied).
IMAC-BSC1-2	BSC1	Allocate the sites listed in Appendix 2 and shown in Appendix 4 to EXAM0135 for residential development with the exception of ASH08 'Land adjoining Glan Ffyddion Estate, Dyserth'
IMAC-BSC1-3	BSC1	Allocate land adjoining Glan Ffyddion Estate, Dyserth for mixed residential and recreation use as shown on EXAM0149
IMAC-BSC1-4	BSC1	Allocate the following sites for residential use as shown on EXAM0075R(revised); Land off The Paddock, St Asaph, land off Bryn Gobaiith (ASR-46A-RS3), St Asaph, land rear of Ffordd Hendre, Meliden and land to the rear of Castle View and The Hollies, Llangollen,

No.	Policy	Amendment
MAC-BSC1-2	BSC 1	Change the Glyndyfrdwy development boundary (Map 05C) to that shown on Appendix 1 of EXAM0129
MAC-BSC2-1	BSC 2	Replace Policy BSC2 with the following: Development proposals in Lower Growth Towns, Llangollen, Rhuddlan and villages with development boundaries as defined in the inset maps will be directed to previously developed land, except where greenfield land is allocated for development in the Plan.
IMAC-BSC3-1	BSC3	<p>Replace the policy and its reasoned justification with the following: Where relevant, development will be expected to contribute to the provision of infrastructure to meet the additional social, economic, physical and/or environmental infrastructure requirements arising from the development. The Council's priorities, which will vary depending on the nature and location of development, are:-</p> <ul style="list-style-type: none"> <li>i) Affordable housing (in accordance with Policy BSC4);</li> <li>ii) Recreation and Open Space (in accordance with Policy BSC11);</li> <li>iii) Sustainable Transport Facilities (in accordance with Policy ASA2);</li> <li>iv) Regeneration (in accordance with Policy PSE1);</li> <li>v) Council priorities current at the time of application in line with other issues identified in the Local Development Plan, or by the local community</li> </ul> <p><u>National Policy links</u>  Planning Policy Wales :  Chapter 12 – Infrastructure and Services.  Technical Advice Notes  TAN 2 – Planning and Affordable Housing  TAN 8 – Renewable Energy  TAN 12 - Design  TAN 15 – Development and Flood Risk  TAN 16 – Sport, Recreation and Open Space  TAN 18 – Transport  TAN 20 – The Welsh Language</p> <p><b>Other Guidance</b>  <b>Circular 13/97 Planning Obligations</b></p>

No.	Policy	Amendment
		<p><b>Community Infrastructure Levy Regulations 2010</b>  <b>Justification</b>  Measures to mitigate the impact of development will be identified at the planning application stage through consultation. Requirements will be fairly and reasonably related in scale to the development and its resulting impact. The tests set out in Circular 13/97 and the Community Infrastructure Levy Regulations 2010 will be used to determine when it would be appropriate to seek planning obligations. Where large sites are to be developed in phases the needs generated by the whole site will be assessed and used as the basis for seeking mitigation. This is necessary to secure the provision of all necessary works and services and to ensure that the necessary requirements or contributions are divided fairly. Where appropriate, contributions may be index linked or determined in detail at set trigger dates to reflect increases/decreases in development costs and values (viability) between the date the agreement is signed and the actual delivery.</p> <p>The Community Infrastructure Levy introduces a tariff-based approach to the delivery of infrastructure and after April 2014 the ability to secure infrastructure through Section 106 agreements will be limited. The methods used to secure necessary infrastructure will, therefore, vary and will include planning obligations (S106 agreements) and/or Community Infrastructure Levy payments (if a Charging Schedule is adopted).</p> <p>Before a Community Infrastructure Levy Charging Schedule is adopted and for proposals or infrastructure not affected by the Community Infrastructure Levy Regulations 2010 the method used for securing mitigation will normally be a S106 agreement. In appropriate cases payments may be pooled.</p> <p>All criteria will be subject to amendment following a review of the Council's Priorities or following introduction of the Community Infrastructure Levy.</p> <p>Monitoring will ensure that contributions are being secured through this policy.</p> <p>Detailed guidance will be provided through Supplementary Planning Guidance.</p>
IMAC-BSC4-1	BSC4	<p>Replace Policy BSC 4 with the following:  Approximately 2,250-3,000 affordable homes will be provided over the plan period. All developments of 3 or more residential units are expected to provide a minimum of 10% affordable housing either on site on developments of 10 or more residential units or by way of</p>



No.	Policy	Amendment						
		<p>a financial contribution on developments of less than 10 residential units. Sales prices will be monitored through the Annual Monitoring Report and should sale prices increase 10% above the 2009 sale price data as indicated in the DVS Affordable Housing Viability Study (2009) all residential developments of 3 or more units will be expected to provide a minimum of 30% affordable housing on site.</p> <p>Once sale prices increase to 20% above the 2009 sale price data as indicated in the DVS Affordable Housing Viability Study (2009) developments of less than 3 dwellings will be expected to make a financial contribution to the provision of affordable housing.</p> <p>All homes permitted through Policies BSC 6, BSC 8, BSC 9 and PSE 4 will be affordable housing for local needs.</p> <p>In recognition of differing characteristics throughout the County, negotiations to determine the actual provision of affordable housing will be based on factors outlined in the Council's Affordable Housing Supplementary Planning Guidance.</p> <p>In the interests of creating and maintaining sustainable mixed communities, proposals for 100% affordable housing sites will only be considered on sites of 10 units or less.</p>						
IMAC-BSC4-2	BSC4	<p>Replace the first paragraph of reasoned justification with the following: The North East Wales Local Housing Market Assessment (2008) quantifies the affordable housing need in Denbighshire as 3,761 dwellings. The Update of Housing Need, Demand and Affordability in the Local Housing Market Areas of Denbighshire (2011) subsequently identifies an equivalent figure as 2,916. This figure will be subject to review and update.</p>						
IMAC-BSC4-3	BSC4	<p>Insert the following before the last paragraph of reasoned justification: This table identifies the expected contributions the different policy approaches will make in addition to provision through direct intervention through, for example, the Empty Homes initiative</p> <table border="1" data-bbox="698 1117 1559 1347"> <thead> <tr> <th data-bbox="698 1117 1106 1206">Source of affordable homes</th> <th data-bbox="1106 1117 1559 1206">Number of units that could be achieved</th> </tr> </thead> <tbody> <tr> <td data-bbox="698 1206 1106 1295">Bodelwyddan KSS (Policy BSC5)</td> <td data-bbox="1106 1206 1559 1295">114</td> </tr> <tr> <td data-bbox="698 1295 1106 1347">Other allocations (Policy</td> <td data-bbox="1106 1295 1559 1347">190</td> </tr> </tbody> </table>	Source of affordable homes	Number of units that could be achieved	Bodelwyddan KSS (Policy BSC5)	114	Other allocations (Policy	190
Source of affordable homes	Number of units that could be achieved							
Bodelwyddan KSS (Policy BSC5)	114							
Other allocations (Policy	190							

No.	Policy	Amendment	
		BSC4)	
		Urban potential, small sites & conversions (Policies BSC4, BSC9 & PSE4)	160
		Provision since 2006	426
		Units with planning permission	229*
		<b>Total</b>	<b>1,119</b>
		Number of units provided through other sources.	755
		<b>Overall total</b>	<b>1,874</b>
		*March 31 2012	
MAC-BSC5-1	BSC 5	Replace the first bullet point of Policy BSC5 with the following; 1,715 dwellings including the provision of affordable housing in accordance with Policy BSC 4; and	
MAC-BSC5-2	BSC 5	Replace the last paragraph of the policy with the following: A development brief and detailed masterplan will be required to be produced in consultation with key stakeholders and the local community before a decision is made on a planning application.	
IMAC-BSC6-1	BSC 6	Change the area of search at Peniel (Map 23D) to exclude land west of the B4501.	
MAC-BSC6-2	BSC 6	Change the area of search at Loggerheads (Map 21C) as shown on Appendix 2 of EXAM0129	
MAC-BSC7-1	BSC 7	Delete criterion iii)	
MAC-BSC8-	BSC 8	Replace the first paragraph of the of policy with:	

No.	Policy	Amendment
1		'Affordable housing development will be supported as an exception to normal policy provided it meets all the following criteria:'
MAC-BSC8-2	BSC 8	Replace criterion i) of Policy BSC8 with the following: i) Evidence must be produced to demonstrate that allocated sites are not likely to come forward within 5 years. The greater the need for affordable housing demonstrated for the settlement the more likely an exception site would be permitted ahead of an allocated site.
MAC-BSC8-3	BSC8	Add the following to the end of the reasoned justification to Policy BSC 8: New housing in these locations will be restricted to affordable housing to meet local need. An applicant must have a connection with the Community Council area in accordance with the Council's Local Connections Policy, as stipulated in the Supplementary Planning Guidance on Affordable Housing. Applicants will not necessarily need to be registered on any housing waiting list but must: 1. not be able to afford to purchase a suitable property for their needs on the open market, and 2. not own a property already, unless a larger or smaller house is required to meet the needs of the household and they are not able to afford to purchase a suitable property on the open market or they wish to move because of relationship and family breakdown, or are unable to meet monthly payments on their existing property, and 3. be subject to a financial appraisal which proves a genuine need for an affordable dwelling in the Community Council area. This appraisal will be based on the specific needs criteria for affordable housing as set out in the Council's Supplementary Planning Guidance on Affordable Housing. The assessment of need and eligibility will be undertaken by a responsible body (i.e. a Registered Social Landlord) in accordance with the details set out in the Council's Supplementary Planning Guidance on Affordable Housing.
MAC-BSC9-1	BSC9	Insert the following after the penultimate paragraph of the reasoned justification to Policy BSC 9: Applicants must have a connection with the Community Council area in accordance with the Council's Local Connections Policy, as stipulated in the Supplementary Planning Guidance on Affordable Housing. Applicants will be assessed against the 3 criterion set out in the reasoned justification to Policy BSC8.

No.	Policy	Amendment
IMAC- BSC10-1	MAC- BSC10	<p>Replace Policy BSC10 with the following:</p> <p>Proposals for gypsy and traveller caravan sites (including mixed residential and business sites) will be permitted provided the following criteria are met:</p> <ul style="list-style-type: none"> <li>i) the site is situated outside the Area of Outstanding Natural Beauty, Green Barriers and the Pontcysyllte Canal and Aqueduct World Heritage site (including the buffer zone) and</li> <li>ii) the site is located within or on the outskirts of an established settlement boundary with access to a range of facilities/services (including schools), public transport and main transport routes, and,</li> <li>iii) the proposal makes suitable provision for on-site play space, storage and parking; and,</li> <li>iv) the proposal would not be detrimental to the amenity of occupiers of adjacent properties</li> </ul> <p>Sites in other locations will only be permitted where it is demonstrated that sites within or on the outskirts of an established settlement boundaries are not available and all the above criteria are met.</p> <p>The Council will identify permanent and transit caravan sites for gypsies and travellers should an unmet need be identified for Denbighshire in the emerging North West Local Housing Market Assessment.</p>
MAC- BSC11-1	BSC11	<p>Replace Policy BSC11 with the following:</p> <p>Existing recreation, public open space, allotments and amenity greenspace will be protected and where possible enhanced.</p> <p>Development that would result in the loss of public or private land with recreational and/or amenity value will only be permitted where alternative outdoor provision of equivalent or greater community benefit is provided.</p> <p>The County minimum standard of 2.4 hectares per 1,000 population will be applied to all development sites.</p> <p>Open space should always be provided on site. Commuted sums will only be acceptable where it is demonstrated that development would not be financially viable should the full requirement for open space be provided on site or where it is impractical to provide the full requirement for</p>

No.	Policy	Amendment										
		<p>open space on site.</p> <p>Where there is no identified shortfall of open space in the local area the Council will, where appropriate, expect developers to make a financial contribution by means of a commuted sum to mitigate the impact of increased usage on the existing open space and equipment in the area.</p> <p>Within the Key Strategic Site at Bodelwyddan open space requirements will form an integral part of the Development Brief and Masterplan for the site.</p>										
MAC-BSC11-2	BSC11	<p>Replace paragraph 2 of the justification with the following:            New housing developments place increased demand on existing open space, sport and recreation facilities both formal and informal. The Council expects developers to include the required amount of formal and informal open space within their developments and on site. Commuted sums may be acceptable where it is not feasible to provide open space on site. Replace the table after paragraph 4 of the justification with the following:            Fields In Trust (FIT) Benchmark Standards</p> <table border="1" data-bbox="539 756 1126 1267"> <thead> <tr> <th>Type of Open Space</th> <th>Standard</th> </tr> </thead> <tbody> <tr> <td>Outdoor Sport incl Playing pitches</td> <td>1.6 Hectares/1,000 Population</td> </tr> <tr> <td>Children's Equipped Playspace</td> <td>0.25 Hectares/1,000 Population</td> </tr> <tr> <td>Children's Informal Space</td> <td>0.55 Hectares/1,000 Population</td> </tr> <tr> <td>Overall</td> <td>2.4 Hectares/1,000 Population</td> </tr> </tbody> </table>	Type of Open Space	Standard	Outdoor Sport incl Playing pitches	1.6 Hectares/1,000 Population	Children's Equipped Playspace	0.25 Hectares/1,000 Population	Children's Informal Space	0.55 Hectares/1,000 Population	Overall	2.4 Hectares/1,000 Population
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MAC-BSC12-1	BSC 12	<p>Replace the first paragraph with the following:            'Proposals for the provision of community facilities will be supported provided:'</p>										

No.	Policy	Amendment
<b>Promoting a Sustainable Economy</b>		
MAC-PSE1-1	PSE1	Replace the policy with the following: In the North Wales Coast Strategic Regeneration Area the Council will support proposals which: <ul style="list-style-type: none"> <li>• retain and develop a mix of employment generating uses in town centres; or</li> <li>• provide new family residential accommodation; or</li> <li>• enable the retention, enhancement and development of tourism related facilities; or</li> <li>• address existing problems of deprivation in a manner which is consistent with the principles of sustainable development.</li> </ul>
MAC-PSE2-1	PSE2	Replace the annotation PSE-2 32A-01 (B1, B2) use on LDP proposals map 32A Parc Busnes Llanelwy / St Asaph with PSE 2 32A-01 (B1 Use)
MAC-PSE2-2	PSE2	Delete the first bullet point after the paragraph relating to St Asaph Business Park.
MAC-PSE2-3	PSE2	Delete paragraph 2 of the reasoned justification.
MAC-PSE2-4	PSE2	Allocate land for employment use at Cilmedw, Llangollen as shown on ASR-03A-N1 on the Alternative Sites Register (PD011)
MAC-PSE2-5	PSE2	Delete allocation PSE-EMP 03A-04
MAC-PSE3-1	PSE3	Replace criterion ii) with the following: ii) a continuous marketing process of 1 year, alongside all practical attempts possible to retain the employment use, has demonstrated that the site or premises is no longer capable of providing an acceptable standard of accommodation for employment purposes; and
MAC-PSE3-2	PSE3	Replace the 3rd paragraph of the reasoned justification with the following: Consideration should be given to the impact the closure would have on surrounding employment uses and the local economy.
MAC-PSE4-1	PSE4	Re title Policy PSE 4 'Re-use and adaptation of rural buildings in open countryside' and replace policy text with the following:

No.	Policy	Amendment
		<p>All conversions of rural buildings will be expected to make a positive contribution to the landscape and ensure that any architectural and/or historic features are retained.</p> <p>Proposals for the conversion of rural buildings outside development boundaries for employment use will be supported.</p> <p>Proposals for the conversion of rural buildings outside development boundaries for residential use will only be permitted where:</p> <ul style="list-style-type: none"> <li>i) an employment use has been demonstrated not to be viable; and</li> <li>ii) the dwelling(s) are affordable to meet local needs.</li> </ul>
IMAC-PSE4-2	PSE4	<p>Replace the first paragraph of reasoned justification with the following: In line with national guidance re use for employment purposes will be the first priority. Residential re use will only be permitted where it has been shown that an employment use is not viable and where the new dwelling(s) would be affordable to meet local need as set out in the reasoned justification to Policy BSC8.</p>
MAC-PSE5-1	PSE5	<p>Replace criterion iii) with the following:</p> <ul style="list-style-type: none"> <li>iii) proposals for new buildings are supported by an appropriate business case which demonstrates that it will support the local economy to help sustain local rural communities; and</li> </ul>
MAC-PSE6-1	PSE6	<p>Replace Policy PSE 6 with the following: Proposals for new retail development will be directed towards defined town centres in the first instance, provided that they are of a scale and type appropriate to the size, character and function of the centre. The hierarchy of centres in the county is as follows: Sub Regional Centre: Rhyl Town Centres: Prestatyn, Denbigh, Ruthin, Llangollen, District Centres: Rhuddlan, St Asaph, Corwen</p>
MAC-PSE6-2	PSE6	<p>Replace the second paragraph of the reasoned justification with the following: Policy PSE 8 addresses other types of development which may be acceptable in town centres such as leisure uses which attract a large number of people, commercial or community uses.</p>
MAC-PSE7-1	PSE7	<p>Amend the reasoned justification to reflect the implementation of the permitted retail development in Prestatyn.</p>

No.	Policy	Amendment
MAC-PSE8-1	PSE8	Replace Policy PSE 8 with the following: Development proposals within town centres defined on the proposals maps will be permitted provided that all of the following criteria are met: <ul style="list-style-type: none"> <li>i) they enhance the vitality and viability of the town centre and</li> <li>ii) they do not result in an unacceptable imbalance of retail and non retail uses</li> <li>iii) within the primary shopping frontage of Rhyl the change of use of ground floor retail premises (A1 shops) to any other use class will be resisted.</li> </ul>
IMAC-PSE8-2	PSE8	Replace the second paragraph of reasoned justification with the following: Town centres may appropriately accommodate non-retail uses; however, it is essential that the primary function of the town centre is not eroded by incremental development. Towns across the County perform a variety of different roles which will be supported through the Local Development Plan. Proposals for non retail uses such as financial institutions, leisure uses, offices and proposals that relate to the night time economy (e.g. pubs, clubs etc) will be permitted where they enhance the vitality of the town and do not result in an unacceptable imbalance of non A1 uses.
MAC-PSE9-1	PSE9	Replace Policy PSE 9 with the following: Proposals for small scale retail uses within development boundaries will be permitted outside town centres provided they: <ul style="list-style-type: none"> <li>i) are less than 500m<sup>2</sup> gross area, and</li> <li>ii) serve the local area, and</li> <li>iii) do not form part of an industrial estate, and</li> <li>iv) do not jeopardise the viability and vitality of town or district centres</li> </ul>
IMAC-PSE9-2	PSE9	Replace the first paragraph of reasoned justification with the following: Retail development outside of town centres can jeopardise the vitality and viability of existing town centres. The Local Development Plan will seek to limit the scale of retail development outside of town centres, whilst recognising the need to allow some development to help sustain communities, particularly in rural areas. The Council will support proposals for new small scale shops, and pubs and post offices etc within development boundaries or associated with identified hamlets.
IMAC-PSE10-1	PSE10	Replace Policy PSE 10 with the following: Proposals for new or the expansion of existing local shops and local services within



No.	Policy	Amendment
		<p>settlements will be supported provided they satisfy Policy PSE 9. Proposals to combine a number of services within a single location to ensure their overall continued viability will be looked upon favourably.</p> <p>Proposals that result in the loss of such shops or services to other uses will not be permitted unless it can be demonstrated that all of the following criteria are met:</p> <ul style="list-style-type: none"> <li>i) the unit is no longer financially viable; and</li> <li>ii) the unit has been actively marketed for a period of 12 months without success; and</li> <li>iii) all other reasonable options to find a new user for the unit have been pursued.</li> </ul>
MAC-PSE10-2	PSE10	Delete the second paragraph of the reasoned justification.
MAC-PSE11-1	PSE11	Insert 'it' before every criteria
IMAC-PSE12-1	PSE12	<p>Replace Policy PSE 12 with the following:</p> <p>Proposals for new static caravan sites will not be permitted. However the environmental improvement of existing static holiday caravan or chalet sites by remodelling, provision of new facilities and by landscaping will be supported provided the development is acceptable in terms of other Local Development Plan policies and meets the following criteria:</p> <ul style="list-style-type: none"> <li>i) the proposed development preserves or enhances the character and appearance of the area; and</li> <li>ii) it can be demonstrated that any proposed increase in the number of static caravan/chalet units would preserve or enhance the landscape setting of the overall site.</li> </ul> <p>The change of use of a static caravan or chalet from tourist use to residential use and the conversion of touring caravan sites to statics will not be permitted.</p> <p>New touring caravan and camping sites will be encouraged where all the following criteria are met:</p> <ul style="list-style-type: none"> <li>i) the site is small in scale and proportionate to its location, particularly within and adjoining the Area of Outstanding Natural Beauty or Area of Outstanding Beauty, Pontcysyllte Aqueduct and Canal World Heritage Site (including the buffer zone) or other regionally important landscape areas; and</li> <li>ii) the development would not result in an over concentration of sites in any one locality to the detriment of the landscape or residential amenity; and</li> </ul>

No.	Policy	Amendment
		<p>iii) the development makes a positive contribution to the local biodiversity, and natural and built environment; and</p> <p>iv) the development would not appear obtrusive in the landscape and is high quality in terms of layout, design and landscaping in line with the development principles, and it has no adverse highway or community impacts;</p> <p>The grant of planning permission may, where appropriate, be subject to the imposition of a seasonal occupancy condition.</p>
MAC-PSE12-2	PSE12	<p>Replace the third paragraph of reasoned justification with the following:</p> <p>The replacement of existing static caravan sites with woodland-lodge style developments will be permitted where it improves the appearance of the site. Development will only be permitted after it has been demonstrated that no adverse impact on the integrity of nature conservation and biodiversity sites will result. The use of a caravan or chalet in the countryside for other than holiday purposes will be resisted.</p>
MAC-PSE12-3	PSE12	<p>Replace the fourth paragraph of reasoned justification with the following:</p> <p>Any extensions to static caravan sites will be minor in nature. For the purpose of this policy, sites where static caravans are the predominant caravan type will be considered as an existing static caravan site and therefore assessed as above.</p>
MAC-PSE13-1	PSE13	<p>Replace Policy PSE 13 with the following:</p> <p>Within the coastal tourism protection zones shown on the proposals maps proposals which would result in the loss of tourism facilities will not be supported.</p>
MAC-PSE14-1	PSE14	<p>Add a 4<sup>th</sup> criterion to Policy PSE 14:</p> <p>iv) chalet development in association with outdoor activity tourism will only be permitted if a significant need is demonstrated and there are no opportunities to use or convert existing buildings for tourist accommodation.</p>
MAC-PSE14-2	PSE14	<p>Replace the third paragraph of reasoned justification with the following:</p> <p>In line with policy PSE 12, new static caravan sites will not be permitted.</p>
IMAC-PSE15-1	PSE 15	<p>Replace Policy PSE 15 with the following:</p> <p>High quality resources of minerals, including limestone, sand and gravel, Denbigh Gritstones, igneous and volcanic deposits will be safeguarded from development that would result in its permanent loss or hinder future extraction. Development will only be permitted where:</p>

No.	Policy	Amendment
		<p>i) it can be demonstrated that the need for the development outweighs the need to protect the mineral resource; or</p> <p>ii) where such development would not have a significant impact on the viability of that mineral being worked; or</p> <p>iii) where the mineral is extracted prior to the development.</p>
IMAC-PSE17-1	PSE17	Replace criterion i) of Policy PSE 17 with the following: Applications for the working of minerals within the Area of Outstanding Natural Beauty will not be permitted unless exceptional circumstances can be demonstrated
IMAC-PSE17-2	PSE17	Replace the second paragraph of the reasoned justification to the following: 'There are a number of existing quarries located within the Area of Outstanding Natural Beauty. Proposals for extraction within the Area of Outstanding Natural Beauty, including proposals to extend existing sites, will be assessed using the strict tests contained within Minerals Planning Policy Wales paragraph 21.
<b>Valuing Our Environment</b>		
MAC-VOE1-1	VOE1	<p>Replace policy with the following: Policy VOE 1 – Key Areas of importance The following areas will be protected from development that would adversely affect them. Development proposals should maintain and, wherever possible, enhance these areas for their characteristics, local distinctiveness, and value to local communities in Denbighshire:</p> <ul style="list-style-type: none"> <li>• Statutory designated sites for nature conservation;</li> <li>• Local areas designated or identified because of their natural landscape or biodiversity value;</li> <li>• Sites of built heritage; and</li> <li>• Historic Landscapes, Parks and Gardens.</li> </ul>
MAC-VOE1-2	VOE 1	Policy Justification – 1st paragraph: replace ' geomorphologic with 'geomorphological'.
MAC-VOE1-3	VOE 1	Replace the 2 <sup>nd</sup> and 3 <sup>rd</sup> paragraphs of the reasoned justification with the following: This policy includes locally designated or identified areas. The intention is to supplement national policies where further recognition is required at the local level. Planning Policy Wales

No.	Policy	Amendment
		(PPW) and Technical Advice Note (TAN 5) 'Nature Conservation and Planning' provide information about statutory nature designations and the different levels of protection. Statutory designated sites for nature conservation are; Ramsar sites, Special Protection Areas (SPAs), Special Areas of Conservation (SACs), Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNR), Marine Nature Reserves (MNRs) and Local Nature Reserves (LNRs).
MAC-VOE1-4	VOE 1	Delete the 4 <sup>th</sup> and last paragraphs of the reasoned justification.
MAC-VOE1-5	VOE 1	Remove reference to LDP Objective No. 8.
MAC-VOE2-1	VOE 2	Amend the relevant proposal maps to show the enlarged Clwydian Range and Dee Valley AONB.
MAC-VOE2-2	VOE 2	Amend the relevant proposal maps to delete those parts of the AOB to the east of the AONB boundary.
IMAC-VOE2-3	VOE 2	Delete the 2 <sup>nd</sup> paragraph of the reasoned justification.
MAC-VOE4-1	VOE 4	Add the following to the end of the policy: The former North Wales Hospital, Denbigh is designated under this policy in order to secure the future of these important listed buildings. Any enabling development must be the minimum necessary to achieve this.
MAC-VOE4-2	VOE 4	Delete the following from the 1 <sup>st</sup> paragraph of reasoned justification: The Former North Wales Hospital, Denbigh is designated under this policy as the Council wants to secure the future of these important listed buildings but any enabling development must be the minimum necessary to secure the future of the buildings.
IMAC-VOE5-1	VOE 5	Replace Policy VOE 5 with the following: Development proposals that may have an impact on protected species or designated sites of nature conservation will be required to be supported by a biodiversity statement which must have regard to the County biodiversity aspiration for conservation, enhancement and restoration of habitats and species. Where the overall benefits of a development outweigh the conservation interest of a locally protected nature site, mitigation and enhancement measures in or adjacent to these sites

No.	Policy	Amendment
		<p>should be an integral part of the scheme.</p> <p>If necessary, measures required to mitigate likely adverse effects on the qualifying features of statutory designated sites should be put in place prior to the commencement of development. Measures required to offset any likely adverse effects will be secured by planning conditions and/ or planning obligations.</p> <p>Planning permission will not be granted for development proposals that are likely to cause significant harm to the qualifying features of internationally and nationally designated sites of nature conservation, priority habitats, priority species, regionally important geodiversity sites, or to species that are under threat.</p>
IMAC- VOE7-1	VOE 7	<p>Replace the first paragraph of reasoned justification with the following two paragraphs:</p> <p>The North Wales Regional Waste Group (NWRWG) undertook a forecasting exercise for the year 2012/13, taking into account past trends, population projections, the likely impact of awareness raising campaigns and other waste reduction measures. The NWRWG considered it unrealistic to forecast beyond the year 2013 due to policy, regulatory and technology changes, all of which would impact on the level of waste arisings.</p> <p>The North Wales Regional Waste Plan 1<sup>st</sup> Review identified an urgent need to address the current lack of recycling and recovery facilities in the county. The allocations identified above provide a choice of sites which can be taken forward for waste management. The sites listed above would provide a minimum of 15.2ha (excluding Denbigh quarry which requires detailed site investigation) of land for waste management, including sites for local facilities and those which can serve more than one local authority area. This is in excess of the North Wales Regional Waste Plan 1<sup>st</sup> Review (2009) requirements which are 7.31ha for local facilities and 7.27ha for facilities to serve more than one local authority area. The figures identified by the North Wales Regional Waste Plan 1st Review include 20% overprovision, therefore with the additional land identified there is a much greater level of overprovision included within the LDP. This approach is considered appropriate to allow for sites not coming forward and to ensure a geographical spread of sites across the County. Rhuallt and St Asaph Business Park are considered to be of a strategic nature, whereas the sites in the south of the County are considered to be of local significance. There are a number of employment sites across the County which also offer potential in terms of their suitability for waste management. The Bodelwyddan employment site is considered to offer potential and a detailed allocation will be</p>

No.	Policy	Amendment
		identified within the Master Plan for the area. Small scale, localised waste management can help to reduce the transport impacts waste can have and assist the local economy. The way in which waste is managed will change over the life of the Local Development Plan and it is important that policies do not prevent such change but ensure that it is carried out in such a way as to maximise benefit and minimise or remove any negative impacts.
IMAC- VOE8-1	VOE 8	<p>Replace Policy VOE 8 with the following:</p> <p>Proposals for the treatment of biodegradable waste by means of composting, including anaerobic digestion and in-vessel composting, will generally be acceptable on sites with existing agricultural use to deal with biodegradable waste arising from that use or on sites outside of the AONB and Pontcysyllte Aqueduct and Canal World Heritage Site (including the buffer zone).</p> <p>Proposals for the management of all other wastes arising outside of the development boundary will be permitted provided that all the following criteria are met:</p> <ul style="list-style-type: none"> <li>i) There is an unmet need identified in the Regional Waste Plan or the proposal relates to the management of waste generated and to be dealt with entirely on that site; and</li> <li>ii) Allocated sites are either unavailable or unsuitable for the proposed activity; and</li> <li>iii) There are no suitable sites within the development boundary; and</li> <li>iv) The proposal will not have any unacceptable community impacts; and</li> <li>v) The proposal is of an appropriate scale and nature in terms of the site and its surroundings; and</li> <li>vi) The proposal seeks to avoid the disposal of waste in landfill or where the proposal is for landfill, the site is outside of the AONB, Pontcysyllte Aqueduct and Canal World Heritage Site (including the buffer zone) or other regionally important landscape and there is an appropriate scheme for restoration and aftercare.</li> </ul>
IMAC- VOE9-1	VOE 9	<p>Replace Policy VOE 9 with the following:</p> <p>On shore wind turbine developments will be supported subject to an assessment of their environmental and sustainability impacts:</p> <p>STRATEGIC / LARGE SCALE developments (generating capacity over 25MW) will be supported within the Clocaenog Strategic Search Area (SSA-A).</p> <p>LOCAL AUTHORITY WIDE SCALE developments (generating capacity between 5MW and 25MW) will only be permitted within the Clocaenog Strategic Search Area where they do not</p>

No.	Policy	Amendment
		<p>prejudice the development of strategic/large scale schemes.  SUB LOCAL AUTHORITY SCALE developments (generating capacity between 50kW and 5MW) in the form of individual turbines or clusters of turbines will only be permitted within the Clocaenog Strategic Search Area where they do not prejudice the development of strategic/large scale schemes; and  In all the above cases, outside the Area of Outstanding Natural Beauty, Conservation Areas, World Heritage Site and Buffer Zone, and other sites designated for ecological, historic, landscape, or other value, and where they do not adversely affect the setting of these areas.  MICRO / SMALL SCALE turbine developments (generating capacity below 50kW) will be permitted subject to an assessment of localised impacts.  All applications will be subject to normal environmental impact tests and include specific assessment / explanation of all the following criteria:  i) how the proposals are consistent with the Clocaenog Statement of Environmental Master Planning Principles (applicable to strategic/large, local authority wide, and sub local authority scale, where in or on the periphery of the SSA-A); and  ii) impacts, including cumulative impact on the surrounding area and community (e.g. landscape/visual, noise, biodiversity, transport, health impact); and  iii) information on wind resource and the justification for the choice of turbine; and  iv) community engagement; and  v) mitigation proposals; and  vi) the colours to be used on the turbine tower and blades.</p>
IMAC- VOE10-1	VOE 10	<p>Replace Policy VOE 10 with the following:  Development proposals which promote the provision of renewable energy technologies may be supported providing they are located so as to minimise visual, noise and amenity impacts and demonstrate no unacceptable impact upon the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity. In areas that are visually sensitive, including the AONB, Conservation Areas, World Heritage Site and Buffer Zone and in close proximity to historic buildings, visually intrusive technologies will not be permitted unless it can be demonstrated that there is no negative impact on the designation or there is an overriding public need for the development.</p>

No.	Policy	Amendment
<b>Achieving Sustainable Accessibility</b>		
MAC-ASA1-1	ASA1	Replace criterion (i) and (ii) with the following: (i) there is a need and justification for the proposal on economic and/ or social grounds; and (ii) there are no unacceptable effects on the natural and built environment; and
MAC-ASA1-2	ASA1	Replace the third paragraph of reasoned justification with the following: There are several foot and cycle paths and disused railways throughout the county. Their location makes them a useful resource in providing safe, accessible routes for walking, cycling and horse riding. Local communities are encouraged to take part in outdoor activities, experience the natural environment and improve health and well-being. Safeguarding land for planned cycling/walking routes will help to extend the network of such routes across the County and beyond.
MAC-ASA3-1	ASA3	Replace the 2 <sup>nd</sup> paragraph of reasoned justification with the following: Choice of travel can be influenced by the availability of parking facilities. Maximum parking standards will be applied throughout the County to reduce the over-reliance on the car. Their purpose is to minimise individual car-based trips and to promote sustainable transport means. However, the need to avoid exacerbating parking and congestion problems in surrounding areas has to be a priority.



<b>Monitoring</b>				
MAC-MON-1	Replace the monitoring and implementation table in chapter 9 with the following			
<b>LDP Objective</b>	<b>LDP Policy</b>	<b>Policy Target</b>	<b>Indicator</b>	<b>Trigger Level</b>
<b>Objective 1: Population and Community</b>	BSC 1	Meet the housing needs of the County.	The number of new houses granted planning permission.  The number of new homes completed annually.	In the case of both indicators: Less than 500 per year for 3 consecutive years in Phase 2 and less than 750 per year for 3 consecutive years in Phase 3.
	BSC 1	Maintain 5 year housing land supply		Less than 5 years housing land supply.
	BSC 2	Increase the number of brownfield sites coming forward for development.	The amount of new development granted planning permission on brownfield sites.	Decrease below 60% for housing and employment (excluding Bodelwyddan KSS).
	BSC 4, BSC 8, BSC 9	Increase the number of new affordable dwellings built in the County.	Number of affordable dwellings permitted per annum.  Number of affordable dwellings completed per annum.	In the case of both indicators: Less than 165 affordable dwellings permitted per year for 3 consecutive years in Phase 2 and less than 225 per year for 3 consecutive years in Phase 3.
	BSC 10	Meeting the needs of gypsies and travellers		Where a need for permanent and/or transit sites is

LDP Objective	LDP Policy	Policy Target	Indicator	Trigger Level
				identified for Denbighshire in the North West Wales Local Housing Market Assessment (LHMA). The Council will work in partnership with neighbouring authorities to instigate a site search. A suitable site will be identified and planning permission granted within 18 months of receipt of the North West Wales LHMA, should it identify a specific need.
<b>Objective 2: Economy and Jobs</b>	PSE 2	An average of 4 hectares of employment land taken up per annum.	The amount of new employment land, in hectares, granted planning permission.	Less than 3 hectares per year for 3 consecutive years.
	PSE 1 and PSE 3	Protect employment land from non employment uses.	The amount of employment land, in hectares, lost to non employment uses.	More than 5% lost in conflict with Policy PSE 3 in comparison to the amount of employment land available, in hectares, in the year of LDP adoption.
	PSE 5	Help to sustain the rural economy	Unemployment levels	Increase in unemployment levels

LDP Objective	LDP Policy	Policy Target	Indicator	Trigger Level
				in rural areas 5% above 2011 levels.
<b>Objective 4: Retail</b>	PSE 6 and PSE 9	Direct new retail development to existing town centres.	Amount of unallocated new major retail, office and leisure floor space permitted outside town centres.	1 new major retail, office and leisure development permitted outside town centres contrary to LDP policy.
	PSE 7	Meet the quantitative need for non food retailing in the county	The provision of new non food retail floorspace in Rhyl, Prestatyn and Denbigh	No projects delivered by 2015.
	PSE 8	Maintain the balance of retail and non retail uses within town centres	Number of shops lost due to a change of use.	5% increase in non retail uses in a town centre for 3 consecutive years.
	PSE6, PSE 8 and PSE 9	Maintain and enhance the vitality and viability of town centres	Number of vacant retail units within town centres.	Vacancy rate of 15% or above for 3 consecutive years.
	PSE 10	Protect local shops and services	Number of local shops or services lost due to a change of use.	Loss of any local shop or service contrary to policy.
<b>Objective 5: Transport</b>	ASA 1	Provision is made for safe access by all users, including cyclist, pedestrians to public services, retail and community facilities	Number of developments that incorporate recommendations made in accompanying transport assessment and non-motorised user audits	One development failing to incorporate the recommendations made in accompanying transport assessment and non-motorised user audits
	ASA 2	Use of planning conditions/ S106 agreements to secure the	Number of new developments improving or	No new developments making necessary

LDP Objective	LDP Policy	Policy Target	Indicator	Trigger Level
		improvement of or contributions to the improvement of public transport, walking or cycling infrastructure likely to be caused by new developments	making contributions towards the improvement of public transport, walking or cycling infrastructure through planning conditions/ S106 agreements	contributions towards the improvement of public transport, walking or cycling infrastructure through planning conditions/ S106 agreements after four years.
	ASA 3	Application of maximum parking standards to new development proposals in line with relevant Supplementary Planning Guidance	Number of new developments exceeding maximum parking standards set out in relevant Supplementary Planning Guidance.	One new development failing to comply with maximum parking standards.
<b>Objective 6: Transport</b>	BSC 5	Provision of new road infrastructure/improvements to existing road network between A55 Junction 26 and Bodelwyddan - Sarn Road	Length of new road infrastructure/improvement works to existing network between A55 Junction 26 and Bodelwyddan (Sarn Road);	No new road infrastructure / no improvement works to existing network between A55 Junction 26 and Bodelwyddan (Sarn Road) before the occupation of the first dwelling on the KSS.
		Improvement of public transport / increased bus service links between Bodelwyddan KSS and key settlements in negotiation with service providers	Frequency of bus services linking Bodelwyddan KSS and key settlements per hour.	No increase in frequency of bus services linking Bodelwyddan KSS and key settlements in accordance with the timetable agreed by developers and service

LDP Objective	LDP Policy	Policy Target	Indicator	Trigger Level
				operators
		Provision of new cycle and pedestrian routes/facilities as part of the Bodelwyddan KSS to provide connectivity between residential and employment / community facility areas	Number/length of new cycle and pedestrian routes/facilities as part of the Bodelwyddan KSS	No cycle and pedestrian routes/facilities before the occupation of the first dwelling on the KSS
<b>Objective 7: Welsh Language</b>	RD 5	No significant harm to the Welsh character or language balance of the community.	Results of Community Linguistic Statements or Assessments submitted	Any development permitted where the Community Linguistic Statement or Assessment concludes Welsh character or language would be harmed where such harm is not outweighed by other considerations.
		An increase in Welsh or bilingual signage and Welsh place names.	Use of Welsh or bilingual signage and the use of Welsh place names in new development.	Any development where new streets or places are created not including Welsh names or bilingual signage
		Prepare and adopt Supplementary Planning Guidance regarding the Welsh language.	Preparation and adoption of SPG.	Adoption of SPG within 12 months of the adoption of the LDP.
<b>Objective 8: Public Open Space</b>	BSC 11	Ensure new developments make an adequate contribution to public open space provision.	Number of units granted where the open space requirements are met.	1 planning permission granted where the open space requirements are not met, except where

LDP Objective	LDP Policy	Policy Target	Indicator	Trigger Level
				justified in line with policy.
		Protect allocated open space from development.	Amount of allocated open space lost to development.	1 planning permission granted for development on open space, except where justified in line with policy.
<b>Objective 9 Minerals</b>	PSE15	Safeguard high quality resources of minerals, including limestone, sand and gravel, Denbigh gritstones, igneous and volcanic deposits from development that would result in permanent loss or hinder extraction.	Area of mineral lost to development.	Loss of identified mineral except where justified in line with the policy
	PSE16	Maintain a buffer between sensitive development and quarries.	Number of planning permissions granted for sensitive development in buffer zones.	One or more planning permission granted for sensitive development within a buffer zone.
	PSE17	Contribute to the regional demand for aggregates.	Tonnes of sand & gravel extraction permitted. Maintain a 10 year landbank of hard rock	No extraction permitted by 2017. Landbank falls below 10 years

LDP Objective	LDP Policy	Policy Target	Indicator	Trigger Level
<b>Objective 10: Waste</b>	VOE 7	Denbighshire will contribute towards the regional need for waste management capacity.	The percentage of waste management capacity permitted as a percentage of the total capacity required, as identified in the North Wales Regional Waste Plan 1 <sup>st</sup> Review.	Less than 50% capacity permitted by 2015, either within or outside of the County delivered in partnership with other north Wales local authorities, as proportion of capacity required by Denbighshire.
<b>Objective 11: Energy</b>	VOE 10	Progress towards the TAN 8 target for onshore wind energy.	The capacity of renewable energy developments (MW) (installed or permitted but not yet operational) inside the Strategic Search Area by type per annum (in collaboration with CCBC).	Not achieving the target set out in TAN 8, National Energy Policy or PPW by 2015.
	VOE 10	Prepare and adopt Supplementary Planning Guidance regarding renewable energy.	Preparation and adoption of SPG.	Supplementary Planning Guidance not adopted by 2013
	VOE 9	Increase the capacity of renewable energy developments in the County.	Number and type of renewable and low carbon energy schemes permitted per annum.	Less than 1 development per year over 3 consecutive years.
<b>Objective 12: Infrastructure</b>	BSC 3	Secure contributions towards infrastructure to meet the additional social, economic, physical and/or environmental infrastructure requirements arising from development.	Number of planning obligations secured.	Failure to secure contributions where necessary.

LDP Objective	LDP Policy	Policy Target	Indicator	Trigger Level
	BSC 12	Prevent the loss of community services or facilities.	Number of services or facilities lost through change of use.	Loss of any community facility unless justified in line with policy.
	VOE 6	To ensure new development does not increase risk of flooding.	% of new developments with Sustainable Drainage Systems (SuDS) incorporated, or similar solution, where suitable.	Failure to secure any or any successful challenges to the requirement, where suitable.
		To ensure major development proposals make efficient use of water resources and without detriment to the environment.	Number of major development proposals developed in accordance with by a Water Conservation Statement.	Failure to secure any or any successful challenges to the requirement, where suitable.
		Prepare and adopt Supplementary Planning Guidance regarding water management.	Preparation and adoption of SPG.	Guidance not adopted by 2015.
<b>Objective 13: Mixed use Development</b>	BSC 5	Prepare and adopt Supplementary Planning Guidance regarding the Key Strategic Site.		Supplementary Planning Guidance not adopted by the end of 2013.
		Deliver the Key Strategic Site	Planning permission granted for 1715 dwellings, 26 hectares of employment land and associated facilities and infrastructure.	Planning permission granted not granted by the end of 2013
<b>Objective 14: Design -</b>	RD 1	Respect site and surroundings and ensure sustainable land take.	Average density of residential development permitted.	Average density of residential development permitted falling below 35 dwellings per hectare unless justified by



LDP Objective	LDP Policy	Policy Target	Indicator	Trigger Level
				policy.
		Produce supplementary planning guidance regarding design.		Supplementary planning guidance not produced by the end of 2013.
	BSC 1	Create mixed and balanced communities	The provision of a range of house sizes, types and tenure to reflect local need.	No developments completed with a range of house sizes, types and tenure to reflect local need.
	BSC 7	Prevent the creation of Houses in Multiple Occupation	Number of HMOs granted planning permission.	1 or more HMOs granted planning permission
	VOE 1	Direct inappropriate development away from the flood plain.	Amount of development permitted in C1 and C2 flood plain areas not meeting all TAN 15 tests (paragraph 6.2 i-v).	1 or more granted planning permission.
<b>Objective 15: Tourism.</b>	PSE 1	Contribute towards the visitor economy.	Number of tourism facilities lost through change of use	Loss of any tourism facility except where justified in line with policy.
		Contribute towards the visitor economy.	Number of planning permissions granted and completed in accordance with policies PSE1 criteria iii), PSE 11, PSE 12 and PSE 14	No planning permissions granted over 3 years in accordance with the named policies
	VOE 3	To protect the designation of the World Heritage Site, its Outstanding	Prepare joint SPG.	Joint SPG not adopted by the end of 2013

LDP Objective	LDP Policy	Policy Target	Indicator	Trigger Level
		Universal Value and setting. To protect and enhance the World Heritage Site Buffer Zone character.	Prepare joint SPG.	Joint SPG not adopted by the end of 2013
<b>Objective 16: Areas of Protection-</b>	VOE 5	Protect statutory designated sites of nature conservation from adverse affects caused by new development.	Number of developments that have an adverse effect on statutory designated sites of nature conservation.	No development proposal granted planning permission that would have an adverse effect on statutory designated sites of nature conservation and unless accepted by Natural Resources Wales as being necessary for management of the designated site.
<b>National policy objectives</b>		Delivering new housing on allocated sites	Number of planning permissions granted on allocated sites, as a % of total development permitted (hectares and units).	
		Maintaining the vitality and viability of town centres	Amount of major retail, office and leisure development (sqm) permitted in town centres expressed as a percentage of all major development permitted.	

LDP Objective	LDP Policy	Policy Target	Indicator	Trigger Level
		Amount of residential development meeting the Code for Sustainable Homes Level 3 and obtaining 6 credits under Ene 1 – Dwelling Emissions Rate	All new housing developments to meet this National requirement.	One new development not meeting national requirements.
		Amount of non residential development over 1,000m <sup>2</sup> on a site over 1ha meeting BREEAM 'very good' standard and achieving mandatory credits for Excellent under issue Ene 7 – Reduction of CO2 Emissions.	All new non residential developments to meet this National requirement.	One new development not meeting national requirements.

Mae tudalen hwn yn fwriadol wag