



To: Members of the County Council

Date: 27 May 2013

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Dear Councillor

I refer to this agenda for the meeting of the **COUNTY COUNCIL** to be held at **10.00 am** on **TUESDAY, 4 JUNE 2013** in **COUNCIL CHAMBER, COUNTY HALL, RUTHIN LL15 1YN** and enclose the following report(s).

**Agenda Item
No**

**6 ADOPTION OF THE DENBIGHSHIRE LOCAL DEVELOPMENT PLAN 2006
- 2021 (Pages 3 - 14)**

Appendices 3 and 4 (Hard copies of Appendices 1 – 6 will be available at Council Office Receptions).

Yours sincerely

G Williams
Head of Legal and Democratic Services

MEMBERSHIP

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Raymond Bartley
Brian Blakeley
Joan Butterfield
Jeanette Chamberlain-Jones

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Cefyn Williams
Cheryl Williams
Eryl Williams
Huw Williams

COPIES TO:

All Councillors for information
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Appendix 3

List of current Supplementary Planning Guidance (SPGs)

1. Extensions to Dwellings
2. Landscaping New Developments
3. Children's Day-Care
4. Open Space Requirements in New Developments
5. Private Hire (Taxis) Vehicles
6. Trees and Development
7. Residential Space Standards
8. Access for all
9. Agricultural and Forestry Workers' Dwellings
10. Infill Housing in the Open Countryside
11. Hot Food Take Aways
12. Shop Fronts
13. Conservation Areas
14. Listed Buildings
15. Archaeology
16. Conversion of Rural Buildings
17. Advertisements
18. Nature Conservation and Species Protection
19. Retail Kiosks
20. Static Caravan and Chalet Development
21. Parking
22. Affordable Housing
23. Llangollen Design Guide
24. Householder Development Design Guide
25. Residential Development Design Guide
26. Pontcysyllte Aqueduct and Canal World Heritage Site
27. West Rhyl

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Planning and Compulsory Purchase Act 2004

**The Environmental Assessment of Plans and
Programmes (Wales) Regulations 2004**

**The Town and Country Planning (Local Development
Plan) (Wales) Regulations 2005**

DENBIGHSHIRE

LOCAL DEVELOPMENT PLAN 2006 – 2021

ADOPTION STATEMENT
(including SA/SEA statement)

XXXXX 2013

1.0 Introduction

1.1 When a Local Planning Authority adopts its Local Development Plan (LDP), it is required to produce and publish an adoption statement in accordance with Regulation 25(2) of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005. Regulation 16 of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 also requires the production and publication of a strategic environmental assessment/sustainability appraisal statement as part of the Local Development Plan adoption process. This document has been produced to satisfy the requirements of both regulations.

2.0 Part 1: Local Development Plan Statement of Adoption (*Regulation 25(2) of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005*)

2.1 The Denbighshire Local Development Plan 2006 – 2021 was adopted and became operative on xxxxxx 2013. The adopted Local Development Plan forms the development plan for the Denbighshire County Council area and will be the basis for decisions on land use planning in the area. The adopted Local Development Plan replaces the Denbighshire Unitary Development Plan 1996 – 2011.

2.2 Copies of the adopted Local Development Plan, including Proposals Maps and the following documents:

- Binding Inspectors' Report
- Sustainability Appraisal Report (incorporating the Environmental Report)
- Habitats Regulation Assessment
- This Adoption Statement

are available for inspection free of charge in the following locations:

- Planning and Public Protection Services, Caledfryn, Denbigh
- Bodelwyddan Community Centre
- The following libraries and/or one stop shops: Corwen, Llangollen, Ruthin, Denbigh, St Asaph, Rhuddlan, Rhyl, Prestatyn
- On the Council website www.denbighshire.gov.uk

2.3 A person aggrieved by the Local Development Plan who desires to question its validity on the ground that it is not within the powers conferred by Part 6 of the Planning and Compulsory Purchase Act 2004 or that any requirement of that Act or any regulation made under it has not been complied with in relation to the adoption of the Local Development Plan, may, within six weeks from xxxxxx, make an application to the High Court under Section 113 of the 2004 Act.

3.0 **Part 2: Sustainability Appraisal and Strategic Environmental Assessment (S/SEA) Adoption Statement** (*Regulation 16 of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004*)

3.1 When a plan is adopted the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (Regulation 16(4)) require a statement that provides the following information:

- a) How environmental considerations have been integrated into the plan or programmes;
- b) How the Environmental Report (The SA/SEA Report) has been taken into account;
- c) How opinions expressed in relation to the consultations on the plan/programmed and Environmental Report have been taken into account;
- d) How the results of any transboundary consultations have been taken into account;
- e) The reasons for choosing the plan as adopted, in light of the other reasonable alternatives dealt with; and
- f) The measures that are to be taken to monitor the significant environmental effects of the implementation of the plan.

3.2 The remainder of this document addresses each of these matters in turn. It should be noted however that a substantial amount of information relating to these matters is contained within existing documents such as SA/SEA reports, Consultation Report and Inspectors' Report. In accordance with paragraph 8.5.2 of the Local Development Plan Manual (June 2006), rather than duplicate this material, appropriate cross references are made to relevant documents within this statement.

3.3 **How Environmental Considerations have been integrated into the Local Development Plan.**

3.4 The Local Development Plan has been subject to a Strategic Environmental Assessment (SEA) in order to consider the potential impact of the Plan on the environment and to improve the Plan's environmental performance. Planning legislation also requires that development plans are subject to a broader Sustainability Appraisal (SA); which incorporates social and economic considerations in addition to environmental; and this information has been incorporated into this Adoption Statement. The Local Development Plan was also subject to a Habitats Regulation Assessment (HRA) which concluded that the Local Development Plan will not have a significant effect on European sites. Relevant environmental information is contained within existing published SA/SEA and Habitats Regulations documents listed below. For ease of reference the document number from the Local Development Plan Examination Library has been attached to each document listed.

SA/SEA Scoping Process

- Sustainability Appraisal Report – Scoping Report 2006 (PD002)

Pre-Deposit Consultation Stage

- Initial Sustainability Appraisal Report 2008 (PD003)
- Initial Sustainability Appraisal Report, Non Technical Summary 2008 (PD004)
- Pre-Deposit Habitats Regulation Appraisal Screening Report 2008 (PD007)

Deposit Consultation Stage

- Sustainability Appraisal Report – Deposit Version 2009 (PD005)
- Sustainability Appraisal Report – Deposit Version Non Technical Summary 2009 (PD006)
- Habitats Regulation Assessment – Accompanying Deposit Local Development Plan 2009 (PD008)

Focussed Changes Stage

- Sustainability Appraisal Report Screening of Focussed Changes 2011 (DLDP006)

Submission and Examination Stages

- Sustainability Appraisal Report Final Version 2011 (DLDP004)
- Sustainability Appraisal Report Non Technical Summary 2011 (DLDP005)
- Habitats Regulations Appraisal 2011 (DLDP007)
- Questions from the Inspector regarding the SA (EXAM003Q)
- Response from DCC regarding SA (EXAM003A)
- Questions from the Inspector regarding the SA (EXAM036Q)
- Response from DCC regarding SA (EXAM036A)
- Questions from the Inspector regarding revisions to the SA report (EXAM095Q)
- Response from DCC regarding revisions to the SA report (EXAM095A)
- Habitats Regulations Appraisal (Addendum May 2012) CCW comments on HRA (EXAM0119)
- Sustainability Appraisal of Additional Housing Sites September 2012 Appendix 1 – Assessment of Sites (EXAM0125)
- Habitats Regulation Appraisal (Addendum September 2012) and DCC Habitats Regulations Appraisal of Matter Arising Changes – Supplement (October 2012) (EXAM0130)
- SA/SEA Screening of Planning Inspectors binding recommendations and matter arising changes, April 2013 (as Annex to Final SAR, June 2013)

3.5 How the Environmental Report (SA/SEA Report) has been taken into account.

3.6 The SA/SEA process has been an iterative one with the preparation of the Local Development Plan. Each stage in the Local Development Plan process has been informed and influenced by the SA/SEA.

Participation Phase

3.7 Development of the SA/SEA scoping report included a review of existing plans and programmes; the establishment of baseline environmental and

sustainability data; the identification of potential issues and opportunities and the development of the SA framework against which the Plan options and policies would be tested.

Pre-Deposit Stage

- 3.8 Appraisal of the Preferred Strategy (pre-Deposit stage) included assessment via the agreed SA framework of a range of high-level options for strategic development. The options were based around different ways of approaching levels of growth, spatial approach and location of growth and high level policies. The six potential Key Strategic Sites were assessed and three potential sites were put forward in the Preferred Strategy. Detailed tables reflecting the assessments carried out are in Appendix 3 of the Initial SAR Report 2008 (PD003). Where any potential adverse effects or opportunities were predicted mitigation measures and recommendations were made. These recommendations along with consultation responses were considered further as the Plan progressed and appropriate revisions were incorporated into the Deposit Local Development Plan. The site assessment criteria for potential development sites were assessed against the 18 SA objectives at this stage.

Deposit Stage

- 3.9 The Council prepared the Deposit version of the Local Development Plan in 2009 having considered the findings of the SA/SEA and the consultation responses to the Pre-Deposit Plan. The refined Vision, Objectives and development plan policies were assessed, including more detailed assessment of the potential 3 Key Strategic Sites. The results of the SA/SEA helped to inform the decision to take Bodelwyddan forward as the preferred site. The assessments and main changes can be found in Sustainability Appraisal Report - Deposit Version 2009 (PD005).

Focussed Changes

- 3.10 Representations of the Deposit Local Development Plan were received and a number of changes proposed to the Plan. These proposed changes were assessed through the SA/SEA framework and the results are contained in Sustainability Appraisal Report Annex 'Screening of Focussed Changes' May 2011 (DLDP006). Representations on the SA/SEA accompanying the Deposit Local Development Plan were also considered and amendments made as reflected in the Focussed Changes.

Additional Housing Sites

- 3.11 During the Examination process the Council was invited to put forward additional housing sites to ensure an adequate land supply. The Council put forward 21 additional sites each of which was subject to SA/SEA appraisal, these can be found in Sustainability Appraisal of Additional Housing Sites September 2012 Appendix 1 – Assessment of Sites (EXAM0125).

Matters Arising Changes

- 3.12 In response to matters raised during the Examination hearing sessions, the Council proposed a series of changes known as Matters Arising Changes. A final list of proposed changes including those put forward by the Council and those the Inspector deems necessary to make the Local Development Plan sound can be found in Appendix 1 to the Inspector's Report. The Matters Arising Changes have been screened through the SA/SEA framework and the results are contained in Sustainability Appraisal Report Annex 'Sustainability Appraisal Screening of Matters Arising Changes' April 2013. The Matters Arising Changes were also subject to HRA screening DCC Habitats Regulation Appraisal (Screening of Inspectors IMACs) – Addendum (April 2013).
- 3.13 **How opinions expressed in response to statutory consultations have been taken into account.**
- 3.14 A number of consultation exercises have been undertaken on the SA/SEA report in accordance with The Environmental Assessment of Plans and Programmes Regulations. The general public, stakeholders and the Environmental Consultation Bodies (Environment Agency Wales, Countryside Council for Wales (now both within Natural Resources Wales) and Cadw), were consulted at each stage outlined below.
- 3.15 **SA Scoping.** In accordance with Regulation 12 (5&6) of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004, a SA scoping report was published for an 8 week consultation in July 2006. Responses to the scoping consultation and how they were taken into account are reported in Appendix 1 of the Scoping Report. The Council arranged a workshop to discuss the issues and objectives as they felt the poor response to the consultation reflected the lack of understanding of this new process. Following the consultation the Council revised the Revised SA Scoping Report (June 2007) (PD002).
- 3.16 **Pre Deposit Stage.** In accordance with Regulation 15 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005, the *Initial* Sustainability Appraisal Report 2008 (PD003) was published for public consultation alongside the Pre-Deposit Local Development Plan 2008 (PD001) for 8 weeks in June 2008. A summary of the main issues raised and how they were taken into account are presented in Appendix 2 'Consultation responses for the *initial* SAR' October 2009 (PD005). Thorough comments were made by the three statutory consultees which led to wording amendments to SA Objectives 6, 9 & 14.
- 3.17 **Deposit Stage.** In accordance with Regulation 13 of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 and Regulation 17 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005, the Sustainability Report 2009 (PD005) was published for consultation alongside the Deposit Local Development Plan (DLDP001) for 6 weeks in October 2009. A summary of the main issues raised

and how they were taken into account can be found in the Final SAR, June 2013. Eight individual representations and one statutory consultee comments together with the Council's responses and any recommended changes can be found in Appendix 2 to this document. Concern was expressed over the choice of Key Strategic Site with suggestions made for alternative sites. The comments from the statutory consultee were not direct SA/SEA objections but prudent to consider. Comments led to changes in Policy VOE1 & VOE 5 wording to protect the qualifying features of European sites.

- 3.18 **Focussed Changes following Deposit Local Development Plan consultation.** Changes were proposed to the Local Development Plan following consideration of representations made during the deposit consultation. As part of the consideration of the changes an SA/SEA screening assessment was undertaken, documented in SAR Annex with the 'Screening of Focussed Changes' May 2011 (DLPD006). No responses were received with regard to this document during the Submission consultation.
- 3.19 **Additional Sites and Matters Arising Changes.** The Council proposed additional changes during the Examination process; Matter Arising Changes and additional housing sites. These changes were subject to public consultation (Exam0123). Sustainability Appraisals of the Additional Housing Sites were consulted upon at the same time September 2012 (Exam0125). The results of these representations can be found in (Exam0135). One representor (277) expressed concern regarding the level of information contained in the assessment although no comments were received from the statutory consultees.
- 3.20 **How the results of any transboundary consultations have been taken onto account.**
- 3.21 The Scoping SA/SEA process did not indicate that the Local Development Plan is likely to have significant effects on the environment of another EU Member State. As such no transboundary consultation was entered into under Regulation 14 of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004.
- 3.22 **The reasons for choosing the plan as adopted, in light of the other reasonable alternatives dealt with.**
- 3.23 Strategic growth options, spatial options, refinement of spatial options, plan policies and development allocations have been considered as part of the Local Development Plan preparation and SA/SEA process. These aspects are considered separately below.
- 3.24 With regard to growth options, the initial Sustainability Appraisal Report considered three realistic growth options: Lower Growth Option, reflecting the current UDP growth rate; Moderate Growth Option, based on meeting the mid range projections of housing and employment needs; High Growth Option, based on the higher end of the projected housing and employment needs. The

Moderate Growth Options was presented at the Pre-Deposit consultation as Local Development Plan Preferred Strategy.

- 3.25 With regard to spatial options, two spatial distribution of growth options were assessed. Dispersing growth across the County in line with the current UDP (option 1), with the second option looking at concentrating growth into a smaller number of larger sites, with growth being focussed in the north of the County. This second option was considered most likely to deliver more positive economic and social benefits whilst limiting environmental impacts. The concentration option was presented at the Pre-Deposit consultation as the Local Development Plan Preferred Strategy.
- 3.26 An additional study undertaken by consultants on behalf of the Council identified potential strategic sites in main towns. Sites were chosen across the County based on where mixed use development could deliver new serviced employment land near existing labour resources or on an existing undeveloped allocation, perceived to need associated higher value uses to provide cross subsidies.
- 3.27 Of these six sites, three sites were presented at the Pre-Deposit Local Development Plan consultation as the Local Development Plan Preferred Strategy; Rhyl South East, St Asaph West and Bodelwyddan East.
- 3.28 The conclusion to allocate Bodelwyddan as the preferred Key Strategic Site for the Deposit Local Development Plan (2009) was informed by both the findings of the SA which indicated that it performed well against the three aspects of sustainability and also the findings of other studies such as the Entec Strategic Masterplan Study (2009) (EB019), BE Group Employment Land Study (2004) (EB020), and BE Group Major Mixed Development Areas Study (2007) (EB017) which examined the viability and deliverability of aspects such as housing and employment along with the ability to deliver infrastructure requirements.
- 3.29 In respect of policy options these have been progressively developed and considered from pre-deposit stage through to the completion of the Local Development Plan Examination. All proposed policies have been subject to an SA/SEA assessment where appropriate and it is considered that the Plan's policies provide an effective and sufficiently tailored framework to help facilitate Denbighshire's sustainable development future.
- 3.30 Finally, with regard to development allocations and assessment of candidate sites a 'site assessment criteria' was developed which was subject to assessment through the SA Objective framework. SA recommendations were fed into generic site mitigation measures. The Candidate Site Assessment Report can be viewed as an appendix to the Deposit Local Development Plan (PD010). The relative merits of the various sites were compared by Officers and consulted with all Town & Community Councils. The most appropriate sites were incorporated into the plan as development allocations.

- 3.31 **The measures that are to be taken to monitor the significant environmental effects of the implementation of the plan.**
- 3.32 Regulation 37 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 require the Council to prepare and submit to Welsh Government an Annual Monitoring Report (AMR) to track the progress of the Local Development Plan's implementation. Regulation 17 of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 requires the Council to monitor the significant environmental effects of the Local Development Plan. These statutory requirements to monitor the Local Development Plan and its significant environmental effects will be undertaken through the AMR.
- 3.33 Since no representations relating to the monitoring framework were received following the initial Sustainability Appraisal Report (June 2008), no changes have been made to that version of the framework other than updating. It is contained within Section 13 of the Final Sustainability Appraisal Report, June 2013.
- 3.34 Chapter 9 of the Local Development Plan contains the Monitoring Framework that provides the basis for monitoring the effectiveness of the Local Development Plan policies. Section 13 of the Final SA Report (June 2013) sets out the Sustainability Objectives and Monitoring Indicators for the SA/SEA. The SA/SEA monitoring framework sets out targets and indicators against each SA objective. The SA/SEA monitoring will be carried out annually and reported as part of the Annual Monitoring Report for the Local Development Plan.

Further Advice.

If you require any further advice or assistance or wish to be placed or removed on the Authority's consultation database, please contact the Policy Section at:

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