

To: Chair and Members of the Planning Committee

Date: 13 April 2023

Direct Dial: 01824 712589

e-mail: democratic@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **PLANNING COMMITTEE** to be held at **9.30 AM** on **WEDNESDAY, 19 APRIL 2023** in **COUNCIL CHAMBER, COUNTY HALL, RUTHIN AND BY VIDEO CONFERENCE.**

Yours sincerely

G Williams
Monitoring Officer

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST (Pages 5 - 6)

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

4 MINUTES (Pages 7 - 12)

To confirm the accuracy of the minutes of the Planning Committee meeting held on the 22 March 2023 (copy attached).

APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (ITEM 5) -

5 APPLICATION NO. 09/2022/1080 - LAND OPPOSITE PORTH Y WAEN, ABERWHEELER, DENBIGH (Pages 13 - 38)

To consider an application for the change of use of agricultural land to form community amenity land, formation of new vehicular access and parking and associated works at Land opposite Porth y Waen, Aberwheeler, Denbigh (copy attached).

ADDITIONAL ITEM

6 REVIEW OF MEMBER TRAINING PROTOCOL (Pages 39 - 44)

To receive a report outlining to members suggested amendments to the Member Training Protocol (Planning) (copy attached)

MEMBERSHIP

Councillors

Councillor Mark Young (Chair)

Councillor Peter Scott (Vice-Chair)

Ellie Chard

Terry Mendies

Karen Edwards

Raj Metri

Gwyneth Ellis

Win Mullen-James

James Elson

Merfyn Parry

Chris Evans

Pete Prendergast

Jon Harland

Gareth Sandilands

Huw Hilditch-Roberts

Andrea Tomlin

Alan James

Cheryl Williams

Delyth Jones

Elfed Williams

Julie Matthews

COPIES TO:

All Councillors for information

Press and Libraries

Town and Community Councils

WELCOME TO DENBIGHSHIRE COUNTY COUNCIL'S PLANNING COMMITTEE

HOW THE MEETING WILL BE CONDUCTED

Unless the Chair of the Committee advises to the contrary, the order in which the main items will be taken will follow the agenda set out at the front of this report.

General introduction

The Chair will open the meeting at 9.30am and welcome everyone to the Planning Committee.

The Chair will ask if there are any apologies for absence and declarations of interest.

The Chair will invite Officers to make a brief introduction to matters relevant to the meeting.

Officers will outline as appropriate items where we have received requests for deferral, withdrawals, special reports, and any Part 2 items where the press and public may be excluded. Reference will be made to additional information prior to the start of the meeting, including the late representations/amendments summary sheets ('Late Sheets') and any supplementary or revised plans relating to items for consideration.

The Late Sheets' contain important information, including a summary of material received in relation to items on the agenda between the completion of the main reports and the day before the meeting. The sheets also set out the proposed running order on planning applications.

In relation to the running order of items, any Members seeking to bring forward consideration of an item will be expected to make such a request immediately following the Officer's introduction. Any such request must be made as a formal proposal and will be subject to a vote.

The Planning Committee currently consists of 21 elected Members. In accordance with protocol, 11 Members must be present at the start of a debate on an item to constitute a quorum and to allow a vote to be taken.

County Council Members who are not elected onto the Planning Committee may attend the meeting and speak on an item, but are not able to make a proposal to grant or refuse, or to vote.

CONSIDERING PLANNING APPLICATIONS

The sequence to be followed

The Chair will announce the item which is to be dealt with next. In relation to planning applications, reference will be made to the application number, the location and basis of the proposal, the relevant local Members for the area, and the Officer recommendation.

If any Member is minded to propose deferral of an item, including to allow for the site to be visited by a Site Inspection Panel, the request should be made, with the planning reason for deferral, before any public speaking or debate on that item.

Where relevant, the Chair will offer the opportunity for Members to read any late information on an item on the 'Late Sheets' before proceeding.

Prior to any debate, the Chair may invite Officers to provide a brief introduction to an item where this is considered to be worthwhile in view of the nature of the application.

The Chair will announce that the item is open for debate and offer Members opportunity to speak and to make propositions on the item.

If any application has been subject to a Site Inspection Panel prior to the Committee, the Chair will normally invite those Members who attended, including the Local Member, to speak first.

On all other applications, the Chair will permit the Local Member(s) to speak first, should he/she/they wish to do so.

Members are normally limited to a maximum of five minutes speaking time, and the Chair will conduct the debate in accordance with Standing Orders.

Once a Member has spoken, **he/she should not speak again** unless seeking clarification of points arising in debate, and then only once all other Members have had the opportunity to speak, and with the agreement of the Chair.

At the conclusion of Members debate, the Chair will ask Officers to respond as appropriate to questions and points raised, including advice on any resolution in conflict with the recommendation.

Prior to proceeding to the vote, the Chair will invite or seek clarification of propositions and seconders for propositions for or against the Officer recommendation, or any other resolutions including amendments to propositions. Where a proposition is made contrary to the Officer recommendation, the Chair will seek clarification of the planning reason(s) for that proposition, in order that this may be recorded in the Minutes of the meeting. The Chair may request comment from the Legal and Planning Officers on the validity of the stated reason(s).

The Chair will announce when the debate is closed, and that voting is to follow.

The voting procedure

Before requesting Members to vote, the Chair will announce what motions have been made, and how the vote is to proceed. If necessary, further clarification may be sought of amendments, new or additional conditions and reasons for refusal, so there is no ambiguity over what the Committee is voting for or against.

Members attending via Zoom

The voting will proceed with the Chair going around all the Planning Committee members eligible to vote to ask for their verbal "For", "Against" or "Abstain" vote. The votes will be marked down.

Members attending in person in the Chamber

The Members will use the electronic voting system and the result will be read out by the Chair.

Final Result

The Chair will add up the votes and will announce whether the application has been approved or refused.

LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a *member/co-opted member of

*(*please delete as appropriate)*

Denbighshire County Council

CONFIRM that I have declared a ***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-

*(*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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Public Document Pack Agenda Item 4

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee held in Council Chamber, County Hall, Ruthin and by video conference on Wednesday, 22 March 2023 at 9.30 am.

PRESENT

Virtual - Councillors Ellie Chard, Karen Edwards, Gwyneth Ellis, James Elson, Huw Hilditch-Roberts, Alan James, Delyth Jones, Julie Matthews, Terry Mendies, Raj Metri, Win Mullen-James, Merfyn Parry, Pete Prendergast, Gareth Sandilands, Peter Scott (Vice-Chair), Andrea Tomlin, Cheryl Williams and Mark Young (Chair)

Council Chamber, County Hall, Ruthin – Councillors Karen Edwards, Gwyneth Ellis, James Elson, Huw Hilditch-Roberts, Alan James, Delyth Jones, Terry Mendies, Win Mullen-James, Merfyn Parry, Pete Prendergast, Peter Scott (Vice-Chair), Andrea Tomlin and Mark Young (Chair)

Observers - Councillor Hugh Irving, Councillor Diane King and Councillor Emrys Wynne (Virtual).

ALSO PRESENT

Legal Officer (RJ); Development Manager (PM); Principal Planning Officer (PG); Planning Officer (BM); Zoom Hosts (RTJ); Committee Administrator (SJ).

1 APOLOGIES

Apologies for absence were received from Councillors Jon Harland and Elfed Williams.

The Chair stated members that were attending virtually via Zoom and those present in the Chamber, County Hall, Ruthin.

2 DECLARATIONS OF INTEREST

Councillor Cheryl Williams declared a personal interest in Urgent item - Application No. 45/2021/0516 - Kynsal House, Vale Road, Rhyl – Councillor Williams informed the committee a family member neighboured the site.

3 URGENT MATTERS AS AGREED BY THE CHAIR

In accordance with Section 100B(4) of the Local Government Act 1972 the Chair declared that he intended to include for discussion the following matter which required urgent attention –

Application no. 45/2021/0516 – Kynsal House, Vale Road, Rhyl

It was agreed to consider the matter following the main business items.

4 MINUTES

The minutes of the Planning Committee held on 15 February 2023 were submitted.

Matters of Accuracy –

Page 10 - Application No. 03/2022/0862 42 Market Street, Llangollen – Councillor Karen Edwards stated she had abstained from the vote.

Councillor Win Mullen-James stated she had been in attendance at the meeting but had not been included on the attendee list. Councillor Huw Hilditch-Roberts stated he too had been in attendance.

Members stressed the importance of accurately recording members attendance at the meeting. The Chair confirmed at the start of each meeting he verbally confirmed members present virtually and in the Chamber, County Hall.

Present at the previous meeting held on the 15th February 2023 had been –

Virtually – Councillors Ellie Chard, Jon Harland, Huw Hilditch-Roberts, Julie Matthews, Win Mullen James, Pete Prendergast, Gareth Sandilands and Elfed Williams

In person – Councillors Karen Edwards, Gwyneth Ellis, James Elson, Alan James, Delyth Jones, Terry Mendies, Merfyn Parry, Peter Scott, Andrea Tomlin and Mark Young (Chair).

Matters Arising – None

***RESOLVED** that subject to the above, the minutes of the meeting held on 15 February 2023 be approved as a correct record.*

APPLICATION FOR PERMISSIONS FOR DEVELOPMENT (ITEM 5)

Applications received requiring determination by the Committee were submitted together with associated documentation. Reference was also made to late supplementary information (blue sheets) received since the publication of the agenda, which contained additional information relating to those applications.

5 APPLICATION NO. 43/2022/0537/ PF - STATION HOUSE, 1 BRIDGE ROAD, PRESTATYN

An application was submitted for the Change of use of former museum and tea rooms to form one dwelling at Station House, 1 Bridge Road Prestatyn (previously circulated).

General Debate –

A site meeting had taken place on Friday 17 March 2023. Councillor Andrea Tomlin had been present at the site visit. She informed members she had lived in the area for a number of years and knew the site well stating it was an iconic character property situated within a conservation area. The property had previously been a residential property before its use as a tearoom. The property was situated in an elevated position on Bridge Road. In her opinion although it was included in Natural Resource Wales flooding maps, members should consider the character of the property, the site the history of the area as part of its decision. She stressed to members the importance of the area, it was part of a conservation area. Members were to ensure preservation or enhancement to the area's character or appearance. In her opinion there was no reason to not allow the property to become a residential property as it once had been. Councillor Tomlin therefore **proposed** to grant the application contrary to officer recommendation. Councillor Alan James had also been present at the site visit and thanked officers for their time. Councillor James seconded the proposal set by Councillor Tomlin.

Councillor Hugh Irving represented a neighbouring ward in Prestatyn echoed the comments stated by Councillor Tomlin above. He thanked officers for the pictures included in the application, stating they demonstrated the character of the property clearly for members. He informed members that the two most recent flooding in Prestatyn in 2001 and 1978 when the sea defence broke did not reach the area where the property stood.

Councillor Merfyn Parry made reference to the flooding maps provided by Natural Resource Wales. He stated members had to take consideration of the guidance. Members acknowledged the risk to the property but stated it applied to the whole area, both businesses and residential properties. It was noted that no physical changes to the property were being made within the application.

The Development Manager confirmed consultation with the statutory bodies had taken place. Planning officers took into account the comments received from Natural Resource Wales when determining the recommendation. Natural Resource Wales concluded a flood event in the area, the property would potentially be under water by 0.6m. Members noted in the event of a flood, individuals would have to be evacuated or rescued.

Members asked if officers had taken account of the history of the site, including if any flooding had been observed at the site. In response to members concerns the Development Manager confirmed the history of the site was taken into consideration when looking at all material planning considerations for the officer recommendation. Officers confirmed they had no evidence to suggest the property had previously been flooded. The Development Officers noted the comments including the need for housing in the County.

Councillor Tomlin provided her reasons for granting the application contrary to officer recommendations for the following reasons;

- The property had been built for residential dwelling of the station master. The property had been used for residential use for the majority of the buildings existence.

- The property was within a conservation area

The Legal Officer commented that if flooding occurred at the area it would be tragic for those that occupied the property but balanced against the devastation that would occur more generally in the area would be fairly small.

Proposal - Councillor Andrea Tomlin proposed the application be granted contrary to officer recommendation, seconded by Councillor Alan James.

VOTE –

For – 17

Abstain – 1

Refuse – 0

RESOLVED that permission be **GRANTED** contrary to officer recommendation for the reasons stated above.

ADDITIONAL INFORMATION

6 RESPONSE TO WELSH GOVERNMENT ON THE REVISED, JANUARY 2023 VERSION, OF THE TECHNICAL ADVICE NOTE 15: DEVELOPMENT FLOODING AND COASTAL EROSION.

The Lead Member for Local Development and Planning introduced a report on the proposed revisions to Technical Advice Note (TAN) 15: Development, flooding and coastal erosion (previously circulated). She informed members TAN15 was National guidance issued by Welsh Government which must be followed by the local planning authorities. It provided guidance on development in terms of coastal and flood risks. The new TAN15 was out for consultation which was due to close on the 17th April 2023. The report provided a briefing note for all members on the New TAN 15 due to be in place later in the year. Members were asked for their response to Welsh Government on the consultation. A draft letter for Welsh Government had been attached for members' comments.

Councillor Emrys Wynne expressed concerns on the Welsh Language. He suggested it could potentially have an indirect effect on the Welsh Language. He asked if officers could possibly include a statement on the possible indirect effects on the Welsh Language. The Planning Officer thanked the Councillor for his comments, she confirmed she would discuss the wording with the member outside the committee.

Councillor Alan James proposed to support the proposal stated by Councillor Wynne. Councillor Peter Scott seconded the inclusion of text on the indirect effect on the Welsh Language. Members were in agreement for Councillor Wynne to submit suggested wording.

Councillor Scott asked for reassurance that the proposed TAN 15 Defended Zone included rivers and coastal defences in the county. The Planning Officer confirmed the TAN 15 defended zones in the new flood maps for planning, looked at defended

zones established to a certain level of defence. That could be for rivers or sea and they had to be maintained. It was stressed the defences had to be accepted by Natural Resource Wales, Welsh Government and Local Authority. Members heard the Natural Resource Wales flood map for planning was updated every six months. There was a process for members to challenge flood maps, any challenges were to be directed to Natural Resource Wales. Members heard following Natural Resource Wales accepting a proposed challenge, those details could be used to assess planning applications and in Local Development Plans. This amendment had been included in the revised version of TAN 15 in January 2023.

Members heard a Strategic Consequences Assessment was conducted regularly by the authority. Consultants reviewed the flood risks and feed back to include in the assessment. The Strategic Consequence Assessment was presented to Welsh Government for consideration when reviewing flood maps.

The Planning Officer stated the National Policy Landscape had changed. Included in the Future Wales 2040, the strategic plan for Wales was a policy which addressed flooding. Within the plan it included Rhyl and Prestatyn are allocated as regional growth areas. Supplementary to those policies was Planning Policy Wales and the Technical Advice Notes. It was stressed the importance of ensuring the Local Development Plan was in accordance to those documents.

The flood maps included in the revised note provided the most up to date information when considering planning applications.

The Lead Member guided members through the recommendations to the report.

VOTE –

For – 17

Abstain – 0

Refuse – 0

RESOLVED that the Planning Committee approve the letter responding to the TAN 15 consultation attached as Appendix 1 to be submitted to Welsh Government.

7 APPLICATION NO. 45/2021/0516 - KYNSAL HOUSE, VALE ROAD, RHYL

To receive an urgent report seeking nominations from Members of the Planning Committee to represent the Council at the Hearings for application ref: 45/2021/0516 Kynsal House, Vale Road, Rhyl which had been called in by Welsh Government for determination by Welsh Ministers.

On behalf of himself and Councillor Diane King, Councillor Pete Prendergast requested to represent the Planning Committee at the appeal.

Councillor Ellie Chard **proposed** to appoint the two local members to represent the Council at the appeal hearing along with a planning consultant and a highway consultant. Councillor Peter Scott seconded the proposal.

The Development Manager informed members a date would be set for the appeal following the initial submission deadline of 31 March 2023.

VOTE –

For – 16
Abstain – 1
Refuse – 0

RESOLVED that Councillors Pete Prendergast and Diane King represent the Council at the Hearings for application ref: 45/2021/0516 which had been called in by the Welsh Government for determination by Welsh Ministers.

The Chair closed the meeting at 10.25 am.

Agenda Item 5

WARD : Llandyrnog

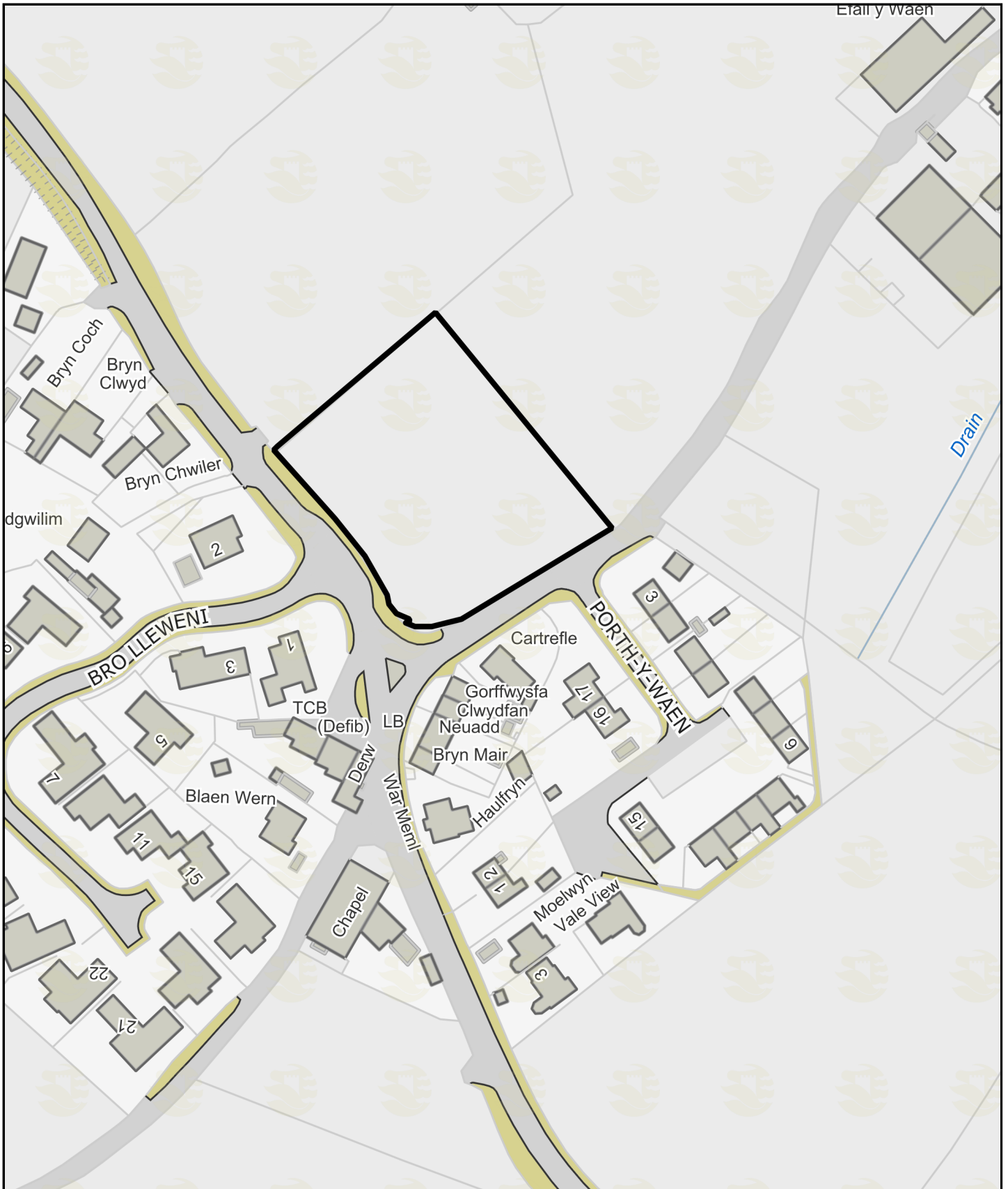
WARD MEMBER(S): Cllr Merfyn Parry (c)

APPLICATION NO: 09/2022/1080/ PF

PROPOSAL: Change of use of agricultural land to form community amenity land, formation of new vehicular access and parking and associated works

LOCATION: Land opposite Porth y Waen, Aberwheeler, Denbigh

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09-2022-1080

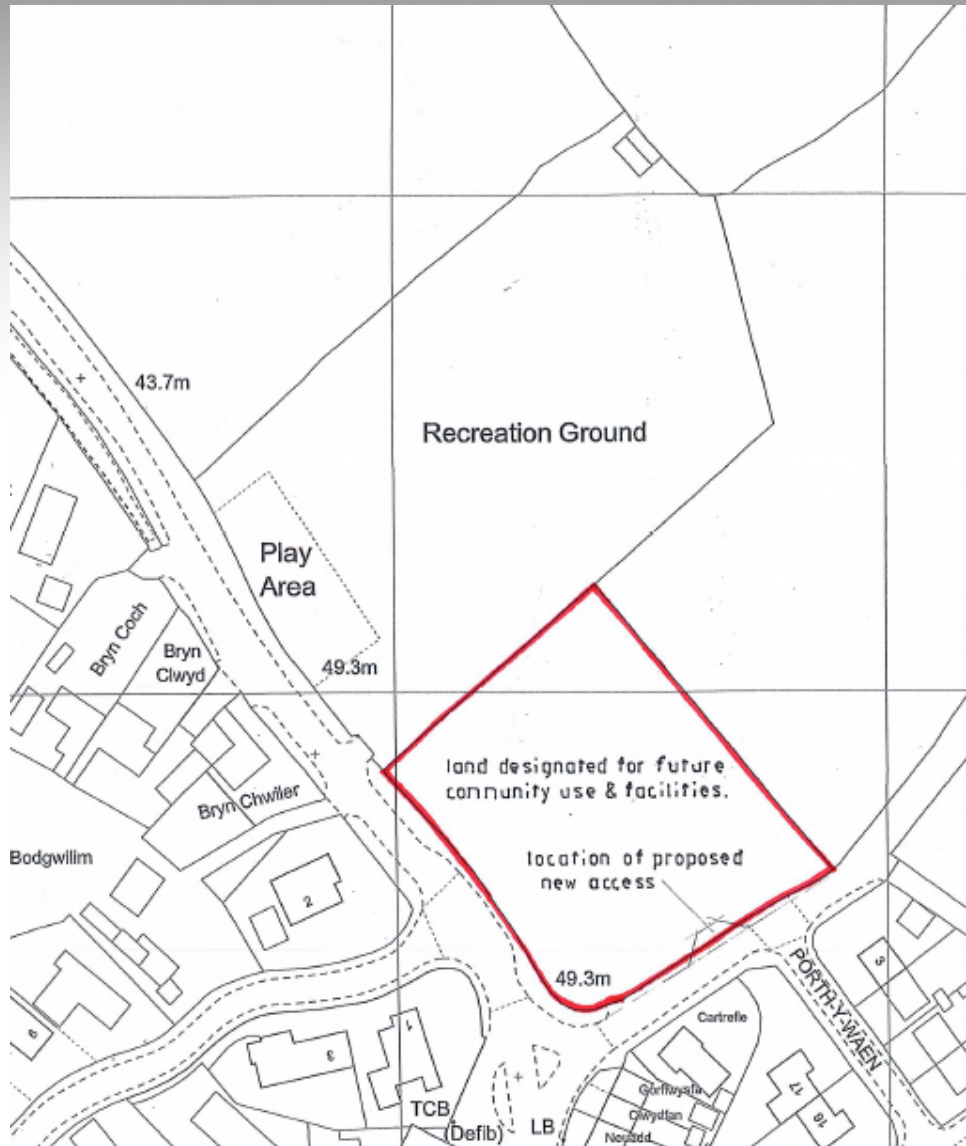


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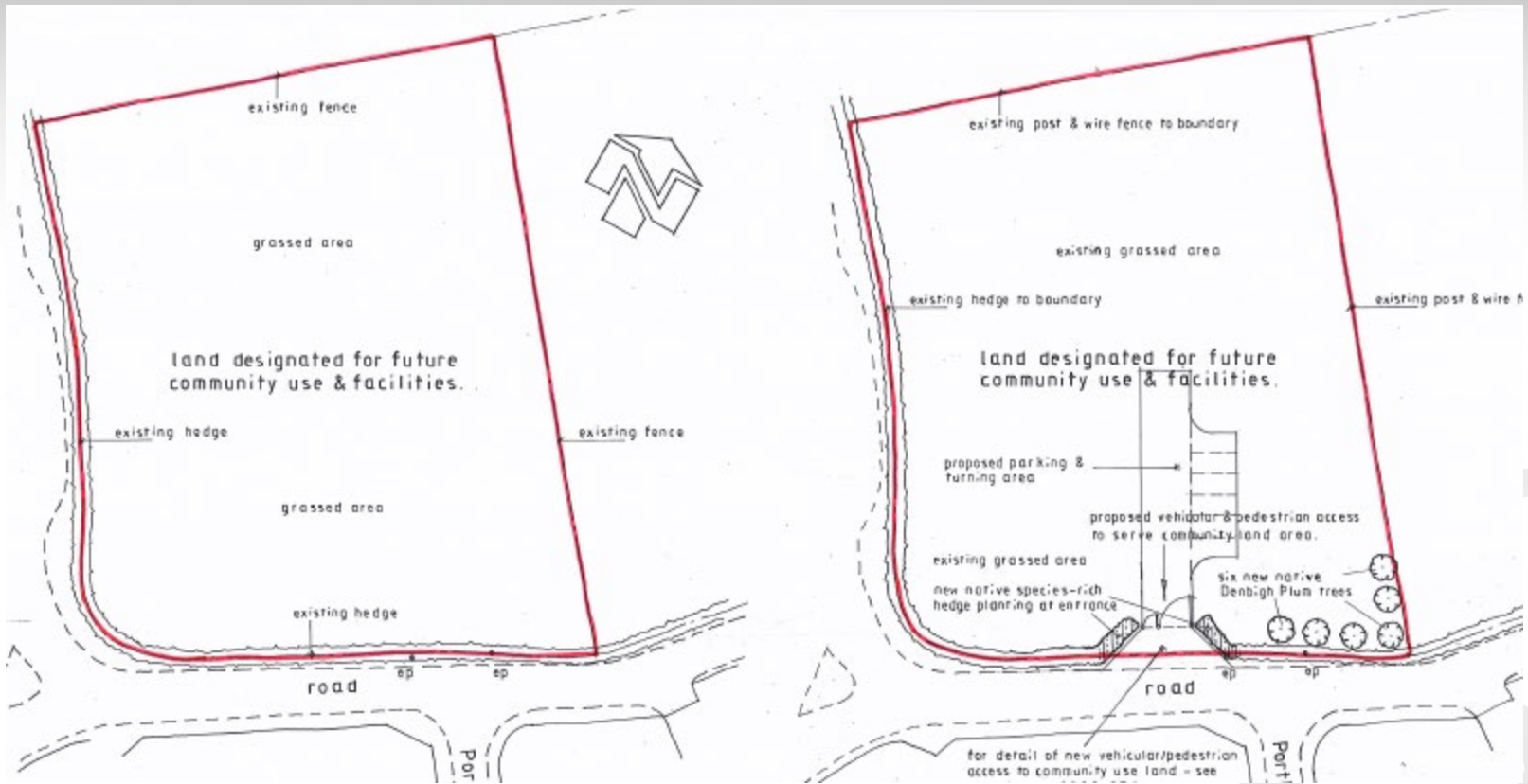
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Location plan



Existing and proposed site plan



Aerial view of the site



Location of access opposite Porth y Waen



View of the site from centre of the village

WARD : Llandyrnog

WARD MEMBER(S): Cllr Merfyn Parry (c)

APPLICATION NO: 09/2022/1080/ PF

PROPOSAL: Change of use of agricultural land to form community amenity land, formation of new vehicular access and parking and associated works

LOCATION: Land opposite Porth y Waen, Aberwheeler, Denbigh

APPLICANT: Mrs Helen Williams, Aberwheeler Community Council

CONSTRAINTS: Cllr Merfyn Parry (c)

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Member request for referral to Committee

CONSULTATION RESPONSES:

ABERWHEELER COMMUNITY COUNCIL-

No response received (applicant)

CLWYD POWYS ARCHAEOLOGICAL TRUST

'After checking the location via Google Street, the hedgerow involved looks to be quite modern, with the likelihood that a visibility splay increase for the road junction may have removed a section at the southwestern end. A little more investigation may be necessary, but I would suggest that the hedgerow may have been re-aligned with a road widening too, making the hedgerow of little significance. There are no known heritage assets on, or near the proposed section to be removed, and although the hedgerow/roadside is visible on the 1st ed Ordnance Survey mapping, I would suggest that it is not of any historic significance'.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer
No objection. Access is adequate to serve the development. Walking to the site would be more favourable and footway is opposite the site. There are low traffic movements on the road and no highways related issues are likely to arise from vehicular or pedestrian movement to/from the site. Consent will be required under Section 184 of the Highways Act.
- Ecology Officer
Awaiting response
- Drainage Officer
SAB approval required.

- Strategic Housing & Policy Officer-
The site is Grade 3a agricultural land which is classed as Best and Most Versatile (BMV).
Planning Policy Wales (11).

The applicant will need to demonstrate the overriding need for the development on this BMV land in line with national policy.

- The site is lies in open countryside where development must be strictly controlled. The applicant makes reference to future plans for a community centre that the proposed car park would serve. Without the details of the proposed community centre, it is not possible to assess the overall impact of the proposed development and this application would appear incomplete and premature. The provision of built community facilities can; subject to material planning considerations, be supported under LDP policy BSC 12 and a communities aspiration for additional facilities is understood.

The proposed car park on it's own would appear to be an inappropriate development in open countryside, the overriding need for which on BMV land has not been established.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Chris Dickson, Cartrefle, Aberwheeler

Nicola Bellerby, Cartrefle, Waen, Aberwheeler, Bodfari Kate Jackson, Bryn Awel, Bodfari

Summary of planning based representations in objection:

Principle

Why does the site need to be in this location when the chapel can be used as a community centre

Already an entrance on the B5429 to the playground

Only part of the scheme submitted and only for a car park.

The park and recreational area is already underused and in need of development and maintenance, eg, provision for older children, benches for parents, upkeep of the football field, outdoor gym equipment, cycle run etc.

Wildflower planting can take place at the existing park

Highways

The road is too narrow for an entrance to be used safely

No footpath on that side of the road

A new access will cause safety concerns for road users including pedestrians and horses, horse boxes, delivery vans, tractors buses

Impacts to driveways opposite

Hedge is kept high so visibility is a concern

Query why existing entrance cant be used or a different entrance into the site

No pedestrian walkway

Improvements should be made to the existing park entrance at the brow of the hill

Visual amenity

Concerns the field is at a higher level than the road

Ecology

Loss of ancient hedgerows and impacts to birds and wildlife

Residential amenity

The access will impede the use of driveways of occupiers of dwellings opposite

Drainage and flooding

The field regularly floods in the south east corner and contained by the vegetation

EXPIRY DATE OF APPLICATION: 08/03/2023

EXTENSION OF TIME AGREED? 21/04/2023

REASONS FOR DELAY IN DECISION (where applicable):

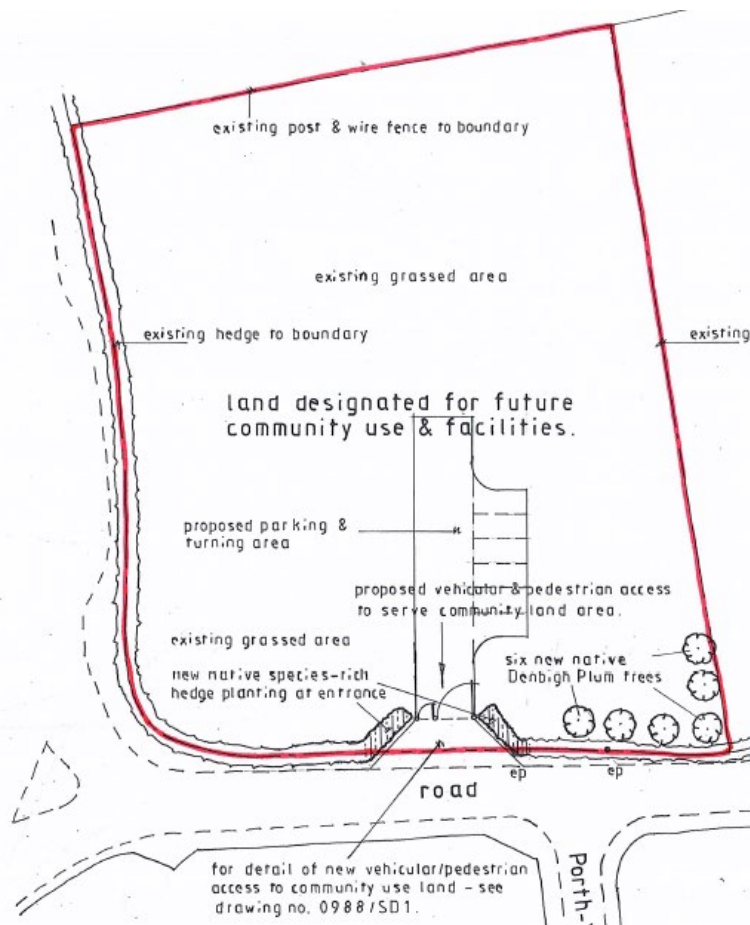
- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks permission for the change of use of agricultural land to form community amenity land, formation of new vehicular access and parking and associated works at land opposite Porth y Waen, Aberwheeler.
- 1.1.2 The existing field is proposed to be used as public open space land for use by the community and visitors.
- 1.1.3 The application proposes a new access point into the site opposite Porth y Waen cul de sac. The access would involve the loss of 15.2m of hedgerow and would be set back 5m from the road. There would be a vehicle gate measuring 4m in width and a pedestrian gate 1.2m in width.
- 1.1.4 A 31m central access road is proposed in the centre of the field with car parking for 6 vehicles to the east side.
- 1.1.5 6 native species Denbigh Plum trees are proposed to be planted to the south east corner along with replacement hedging to each side of the access.



1.2 Other relevant information/supporting documents in the application

1.2.1 Planning Statement and Community Council Feasibility Study.

1.3 Description of site and surroundings

1.3.1 The site is an open agricultural field bound on 2 sides by mature hedgerow. A post and wire fence separates the site to the north from the existing community recreation area and play park. There is no direct field access into the site within the red line boundary as submitted.

1.4 Relevant planning constraints/considerations

1.4.1 The site is located outside the Aberwheeler development boundary as defined by the LDP.

1.4.2 The site is Grade 3a high quality agricultural land as classified by the Welsh Governments Predictive Agricultural Land Classification.

1.5 Relevant planning history

1.5.1 Start typing here

1.6 Developments/changes since the original submission

1.6.1 Submission of Community Council Feasibility Study

1.7 Other relevant background information

1.7.1 The land is currently owned by Denbighshire County Council and discussions are being had with Property over the transfer of land to the Community Council.

1.7.2 A Community Consultation and Feasibility Study was carried out by the Community Council in September 2022 regarding the potential uses of the community field. It

concluded that there was little community facilities and actives in the village which were exacerbated by poor transport links and has an ageing population.

An outline plan was drawn up for future development opportunities at the site including a community hub building potentially serving food and drinks, gardens, planting and pitch improvements.

The report states that the community Council have advised the use of the Chapel as a community facility is currently not 'fit for purpose' which limits what types of activities and events are allowable there. The study recommends that the Community Council will need to fully satisfy themselves that; i) the facilities at the chapel are not appropriate for future needs, ii) the capital cost of redeveloping the facilities would be too prohibitive and iii) the development of any facility on the playing fields would not unduly undermine the chapel's continued operation as a place of worship.

The study also recommends the more detailed designs of the whole site are commissioned for the landscaping and Community hub building.

2. DETAILS OF PLANNING HISTORY:

2.1 5/19/7493 Development of land for residential purposes and new access, WITHDRAWN 16/04/1985

2.2 5/11797 Residential development, GRANTED 11/04/1991

2.3 09/212/97 Development of 0/70 hectares of land for residential purposes, REFUSED 19/06/1997

THE REASON(S) for the Council's decision to refuse permission is (are):

- 1 The loss of Grade 1 Agricultural land is considered unacceptable in principle, being contrary to policy H1 of the Clwyd County Structure Plan : First Alteration.
- 2 The development would reduce the size of an agricultural holding and unacceptably affect the viability of this unit, also contrary to policy H1 of the Clwyd County Structure Plan : First Alteration.
- 3 The development would result in the loss of an important hedgerow to the detriment of visual amenity within the Special Landscape Area.

2.4 09/0020/98 Development of land for residential purposes, REFUSED 16/06/1998

THE REASON(S) for the Council's decision to refuse permission is (are):

- 1 The Local Planning Authority consider the proposal conflicts with Policy H.4 of the Glyndwr District Council Local Plan, and would result in an unacceptable scale of development out of character with the village, and inappropriate in terms of available facilities/services, being likely to set an undesirable precedent for similar development in small rural settlements.
- 2 The loss of Grade 1 Agricultural land is considered unacceptable in principle, being contrary to Policy H.1 of the Clwyd County Structure Plan : First Alteration.
- 3 The development would reduce the size of an agricultural holding and unacceptably affect the viability of this unit, also contrary to Policy H.1 of the Clwyd County Structure Plan : First Alteration.
- 4 The development would result in the loss of an important hedgerow to the detriment of visual amenity within the Special Landscape Area.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy BSC12 – Community facilities

Policy VOE5 – Conservation of natural resources

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Recreational Public Open Space

Supplementary Planning Guidance Note: Trees & Landscaping

Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 12 Design (2016)

TAN 16 Sport, Recreation and Open Space (2009)

TAN 18 Transport (2007)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned.

The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 11 (February 2021) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are

environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 11) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Loss of best and most versatile agricultural land
- 4.1.3 Visual amenity
- 4.1.4 Residential amenity
- 4.1.5 Ecology
- 4.1.6 Drainage (including flooding)
- 4.1.7 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

In terms of the national planning policy context, Planning Policy Wales (PPW 11) Section 3.60 states that development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. It also advises that new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

Paragraph 3.37 of PPW 11 states that “*The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources*”.

PPW states the countryside, in line with sustainability principles, should be conserved and where possible enhanced for its own sake.

Policy BSC 12 states that proposals for the provision of community facilities will be supported provided:

- i) they are located within existing development boundaries; or
- ii) outside of development boundaries, but within settlement clusters, the proposal will provide an essential facility to support the community.

The policy recognises that access to community facilities is an essential element of sustainable and inclusive communities. Community facilities such as schools, theatres, village halls and places of worship often serve a network of small settlements and are essential to reduce the amount of travelling to reach alternative community facilities. The loss of local facilities will lower community sustainability, and this can have a knock-on effect on the future well-being of the Welsh language. The Council will support and encourage the retention and improvement of community facilities which provide an essential facility to support the sustainability of Denbighshire’s communities.

The proposal is for the change of use of land to community recreational area including the creation of an access and car park.

The provision of built community facilities can; subject to material planning considerations, be supported under LDP policy BSC 12 and a community's aspiration for additional facilities is understood. However, the application does not include details of a community building and therefore Policy BSC12 can not be applied in this case.

The site is lies in open countryside where development must be strictly controlled. The applicant refers to future plans for a community centre that the proposed car park would serve. Without the details of the proposed community centre, it is not possible to assess the overall impact of the proposed development and this application would appear incomplete and premature.

It is therefore considered that the principle of development in the open countryside is contrary to Local and National Planning Policy and is not supported.

4.2.2 Loss of best and most versatile agricultural land

Planning Policy Wales (PPW 11) Section 3.58 and 3.59 obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural Land Classification (ALC). PPW 11 notes this land is considered to be the Best and Most Versatile (BMV) and justifies conservation as a finite resource for the future.

PPW states that land of this quality (grade 1, 2, or 3a) should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.

The proposal involves the loss of 0.04ha of agricultural land of Grade 3a quality to a community recreation facility and car park.

The approach to development on BMV land is two-fold:

a) is there an overriding need for the proposed development?

Insufficient justification or overriding need has been put forward by the Community Council for the development of the land. Officers are not aware that parking provision is a problem in the village to justify the loss of land to a car park. The proposal is considered to be premature and piecemeal, and whilst the Feasibility Study indicates that there may be a proposal for a community hub in this location in the future, no details have been put forward of how the land is proposed to be used as a community facility, or indeed whether this proposal itself would justify the loss of Grade 3a agricultural land.

b) is there no other alternative site available?

The site is adjacent to a recreational area and children's play park. Representations have been received which suggest the existing chapel could be used for community use with upgrades, yet this option has not been explored before considering development on a greenfield site and BMV site. Other comments suggest that improvements need to be made to the existing play area and field to provide for a wider group of people. The existing field has a vehicular access point and Officers consider that utilising the existing access should be explored further. There could be scope to improve a community walking route around the existing playing field or utilising the existing area more efficiently, providing a wider range of facilities for all ages.

Overall, Officers consider the proposal for the change of use of land to a community recreational area and car park does not outweigh the loss of grade 3a best and most versatile agricultural land and the proposal is contrary to National Planning Policy.

4.2.3 Visual amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment, and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

PPW 11 Section 6.3.3 states '*All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.*'

Representations have been received raising visual amenity concerns due to the levels of the land which are higher than the road.

The proposal involves the change of use of land to community recreation land including a new access and car parking for 6 vehicles. The proposal would include the loss of 15m of hedgerow to facilitate the access.

No details of the community hub building (which has been suggested in the Feasibility Study) have been put forward with the proposal, nor the community gardens or how the space is to be used by the community. The proposal is effectively for a car park in the middle of a field and Officers have concerns regarding the visual impact of this within the rural landscape.

The loss of hedgerow to create the access will no doubt have a visual impact on the character of the area. However, the access is located to the east of the village up a lane and is not clearly visible from the centre of the village or the B4529. The hardstanding to create the access and car park is not likely to be clearly visible from outside the site, however, would be visible from higher ground to the east. Officers question the siting of the access and car park in this location and query whether there is a more suitable location which utilises the existing access to the playing field and park. Officers are not aware that parking is a concern in the village as it would be expected that most visitors are local and would walk to the park and facilities.

Nevertheless, despite the full proposal (as indicated in the Feasibility Study) involving a community hub not being submitted with this application, the proposal only involves a car park and access at this point. Further consideration of any future development of the site would be undertaken with another planning application in the future.

Regarding the proposal, Officers do not consider the visual amenity impacts of the access and car park in this location would be significant enough to warrant a reason for refusal in this regard.

4.2.4 Residential amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for

example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

Representations have been received raising residential amenity concerns due to the new access impeding on the ability to use driveways to the properties opposite.

The proposal is for the change of use of land to community recreation area including car park and new access.

The proposed access is opposite an existing access off a lane which the Highways Officers have advised has low vehicle movements.

Officers acknowledge the concerns raised, however do not consider the new access would impact unacceptably on the occupiers of Cartrefle due to the low vehicle movements anticipated from the development. There is a community recreation ground existing to the north of the site and it is not expected that the use of this land would result in a level of disturbance to the occupiers of the neighbouring properties, more than what already exists.

The proposals therefore would be in general compliance with the policies and guidance listed above.

4.2.5 Ecology and hedgerow removal

Policy VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests.

This reflects policy and guidance in Planning Policy Wales (PPW 11) Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.

Planning Policy Wales (PPW 11) sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (Section 6.4.5). PPW also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The ecological impacts of development should therefore be regarded as a potential material consideration.

Concerns have been raised regarding the loss of hedgerow and the impact to wildlife.

The proposal is not supported by an ecological report and proposes to plant 4 Denbigh plum trees as ecological enhancement measures.

The proposal involves the loss of 15.2m of hedgerow to create the new access into the site.

Provision 4

Criteria for determining 'important' hedgerows

4. For the purposes of section 97 (hedgerows) of the Environment Act 1995 and these Regulations, a hedgerow is "important" if it, or the hedgerow of which it is a stretch —

- (a) has existed for 30 years or more; and
- (b) satisfies at least one of the criteria listed in Part II of Schedule 1.

Schedule 1 Part II Criteria

To qualify as 'important', a hedgerow must be at least 30 years old and meet at least one of the eight criteria listed in Schedule 1 Part II, which identify hedgerows of particular archaeological, historical, wildlife and landscape value and are summarised as follows:

1. The hedgerow marks the boundary of a historic parish or township existing before 1850.
2. The hedgerow incorporates an archaeological feature.
3. The hedgerow is a part of or associated with an archaeological site.
4. The hedgerow marks the boundary of or is associated with a pre-1600 AD estate or manor.
5. The hedgerow forms an integral part of or is associated with a field system pre-dating the Enclosures Act.
6. The hedgerow contains a listed species or is referred to in a record held immediately before the relevant date by a biological record centre
7. The hedgerow includes, on average, in a 30 metre length one of:
 - a) at least 7 woody shrub and tree species listed in the regulations (see the list below).
 - b) at least 6 woody species and has at least 3 associated features.
 - c) at least 6 woody species including a black-poplar tree, large-leaved lime, small-leaved lime or wild service tree.
 - d) at least 5 woody species and has at least 4 associated features (see the list below)
8. The hedgerow runs alongside a bridleway, footpath, road used as a public path or a byway open to all traffic, and includes at least four woody species, on average, in a 30 metre length and has at least two associated features (see the list below).

The associated features are:

1. A bank or wall supporting the hedgerow along at least half of its length.
2. Less than 10% gaps.
3. On average, at least one tree per 50 metres of hedge
4. At least three species from a list of 57 herbaceous woodland plants, including bluebell, primrose, wild strawberry and assorted ferns and violets (see list below).
5. A ditch along at least a half of the length of the hedge.
6. A number of connections with other hedgerows, ponds or woodland.
7. A parallel hedge within 15 metres of the hedgerow.

Does the hedgerow satisfy any of the above criteria?

The Clwyd Powys Archaeological Trust has considered the proposal and checked it against the Historic Environment Record. They have advised that the hedgerow does not fulfil any of the historical criteria for an important hedgerow.

Although a response from the County Ecologist is still awaited at the time of writing, having regard to the characteristics of the hedgerow Officers consider it unlikely that

the hedgerow would be classed as 'important' and therefore do not consider its loss to be grounds for refusing planning permission.

4.2.6 Drainage (including flooding)

Planning Policy Wales (PPW 11) Section 6.6.9 states 'The adequacy of water supply and the sewage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity'.

Planning Policy Wales (PPW 11) Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:

- new development can be justified in that location, even though it is likely to be at risk from flooding; and
- the development proposal would not result in the intensification of existing development which may itself be at risk; and
- new development would not increase the potential adverse impacts of a flood event

Drainage concerns have been raised by a neighbour that the field becomes waterlogged in one corner.

As the site is not within a known area of flood risk, it is not considered the proposals would raise any further impacts on the area. A permeable surface should be installed for the new access and parking areas (no details provided) and the surface water drainage will be controlled through the SUDS SAB approval process. A note to applicant will be attached on any decision to grant to remind the applicants of their duty to obtain this consent which is covered by separate drainage legislation.

4.2.7 Highways (including access and parking)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (PPW 11) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

Representations have been received raising highways concerns due to the access onto a narrow lane, lack of pedestrian footway on that side of the road and issues to vehicles using the access and impacts on neighbouring driveways.

The proposal involves the creation of a new access through an existing hedge, central access road to 31m in length to the centre of the field and parking provision for 6 vehicles.

The Highways Officer has raised no objection to the proposals and has advised that the vehicular movements on the road are low and therefore the access proposed is not considered likely to result in an unacceptable impact on the highway network.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

5.1 The site is lies in open countryside where development must be strictly controlled. The applicant makes reference to future plans for a community centre that the proposed car park would serve. Without the details of the proposed community centre, it is not possible to assess the overall impact of the proposed development and this application would appear incomplete and premature.

5.2 The proposed car park on it's own would appear to be an inappropriate development in open countryside, the overriding need for which on BMV land has not been established.

RECOMMENDATION: REFUSE - for the following reasons:

1. It is the opinion of the Local Planning Authority that as the site is located on grade 3a agricultural land, (which Planning Policy Wales 11 considers to be the 'best and most versatile'), the application has not satisfactorily demonstrated that there is an overriding need for the development in this location or that alternative lower grade agricultural or previously developed land is not available. The proposal is therefore contrary to the advice and guidance contained in Planning Policy Wales (Edition 11) Section 3.58 and 3.59.

REPORT BY THE HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTRYSIDE SERVICE

MEMBER TRAINING PROTOCOL (PLANNING) REVIEW

1. PURPOSE OF REPORT

To outline to Members suggested amendments to the Member Training Protocol (Planning). If agreed by Planning Committee, for the new version of the Member Training Protocol (Planning) to be operational with immediate effect.

2. BACKGROUND

The Member Training Protocol (Planning) is the document that sets out the need for Members to kept up to date on the processes and procedures used within the Planning system and to also keep Members informed of any relevant changes in legislation. The Protocol outlines the level of training that is required, what constitutes training, and how training will be recorded.

Training ensures the Council's Planning Committee makes robust and defensible decisions on development proposals and other issues. Without an adequate and appropriate level of training Members of the Planning Committee will not be able to vote on planning matters at committee.

The amendments suggested at this review are as follows:

Paragraph (V3)	Amendment	Reason
2	Number of training sessions reduced from 4 to 2, but with these being 'Officer' led. Introduces 'alternative' training sessions which aren't Officer led	This change recognises that Members are frequently involved in meetings which have a training value but aren't necessarily led by Officers. It is considered beneficial to acknowledge the value of these 'alternative' training sessions
3	A reduced number of training sessions to be organised in Council Election years, but refines what that initial training session will be	This change is to emphasise the need to ensure that any new members are trained in planning matters in good time so as to allow the formation of a Planning Committee with sufficient number of members eligible to vote.
4	Number of sessions required to be attended before newly	This change is to ensure consistency with the changes to paragraph 3, and reinforces that the initial training session is aimed solely at getting members to a level

	elected Members of Planning Committee can vote.	which would enable them to vote confidently at planning committee.
5	Number of sessions required to be attended before Re-elected Members with a short fall of training can vote.	As per the above comment.
	Previous paragraph 6 deleted.	
6	New version of previous paragraph 7. Expanded to better reflect what training members are involved in on a day-to-day basis. Introduces the need for written evidence of alternative sources of training to be submitted.	As per comments made at paragraph 1
7, 8 and 9	Revised paragraphs which set out how training should be recorded and how Officers will assist in ensuring Members are up to date with required training.	

The revised scheme (Version 3) is attached to this report for Members (**appendix A**). A copy of the current scheme (Version 2) is also attached for reference (**appendix B**).

The Lead Member for Planning and Chair of Planning Committee have been consulted prior to these suggested changes being made.

3. RECOMMENDATION

That Members note the contents of this report and adopt the suggested changes to the Member Training Protocol (Planning).

PLANNING, PUBLIC PROTECTION AND COUNTRYSIDE SERVICES

DEVELOPMENT MANAGEMENT AND COMPLIANCE TEAM

PROTOCOL FOR MEMBER TRAINING AND DEVELOPMENT ON PLANNING MATTERS

The purpose of this protocol is to ensure that Members have an up to date and relevant knowledge on planning issues so as to ensure that the Council's Planning Committee makes robust and defensible decisions on development proposals and other issues.

1. All Members of the County Council will be encouraged to undertake relevant training and development on planning matters.
2. Members will be expected to attend a minimum of 2no. Officer arranged Planning training events in any Council Year or provide evidence of alternative learning and development as set out in Paragraph 6 below.
3. In Council election years, the first planning training event will always be held prior to the first planning committee of the new Council. This initial session will be focused on the functions and responsibilities of the Local Planning Authority and how planning decisions are made. This initial session will be a face to face event unless circumstances require it to be virtual.
4. All newly elected Members will be required to attend the initial planning training event should they be required to vote at the first Planning Committee meeting or thereafter.
5. Re-elected Members with a shortfall of agreed planning training in the previous Council year will also need to attend the initial planning training event specified in paragraph 4.
6. It will be necessary for Members, who have not attended specific Officer arranged Planning training events, to submit their alternative training and development proposals to the Development Manager. Alternative sources of training could include:-
 - (i) Attendance at a relevant event organised by the WLGA, another Local Authority or any external provider.
 - (ii) Distance learning or evidenced reading using an approved planning based website
 - (iii) Direct involvement in planning appeals and/or major planning applications where the Member has demonstrated an understanding of planning issues as agreed with the Development Manager.
 - (iv) Planning Aid seminars/events/virtual training
 - (v) Attendance at other relevant Council events or training where the subject matter is linked to the development process (e.g. housing, ecology, local development plan, highways)

(vi) Attendance at 9 or more Planning Committee meetings in the previous Council Year.

(vii) Any other learning and development as agreed in writing with the Development Manager and Chair of Planning Committee.

Written proof of any relevant, alternative learning and development must be submitted to the Development Manager and agreed with the Development Manager and Chair of Planning Committee.

7. Officers will record Members attendance at Officer arranged training events. It will be a Members responsibility to ensure any alternative learning and development as set out in Paragraph 6 is submitted, agreed and recorded.

8. Prior to the March Planning Committee in any Council year Officers will share the Members learning and development records for that year with Group Leaders and the Chair of Planning Committee. This will be to ensure Members who may seek to vote at Planning Committee in the following year have the chance to meet the Protocol requirements.

9. Any Members who may wish to join and vote at Planning Committee within a Council year will be required to have met the Protocol requirements.

Note:

Should a Planning Committee Member choose to vote on any item at Planning Committee without having met the Protocol requirements this could put the Council at risk. This could be at any subsequent planning appeal or through a legal challenge. Officers will always seek to work with Members to ensure they meet the Protocol Requirements.

Author : Paul Mead Date : November 2022

Contact : Judith Williams Version : X

Date to be reviewed : January 2027

PLANNING AND PUBLIC PROTECTION SERVICES

DEVELOPMENT CONTROL AND COMPLIANCE TEAM

PROTOCOL FOR MEMBER TRAINING AND DEVELOPMENT ON PLANNING MATTERS

The protocol was first approved at Full Council on 8th April 2008 to ensure that Members were kept up to date on the processes and procedures used within the Planning system and to also keep Members informed of any relevant changes in legislation.

1. All Members of the County Council will be encouraged to undertake training and development sessions on planning matters.
2. To facilitate this, a minimum of 4 no. training/development events will be organised by Officers within each Council year (May to April).
3. In Council election years, a minimum of 6 no. training/development events will be organised by Officers. The first 2 no. events will always be held prior to the first planning committee of the new Council.
4. All newly elected Members will be required to attend the 2 no. initial training events organised after the commencement of the new Council and before the first Planning Committee of that new Council year.
5. Re-elected Members with a shortfall of development events in a previous Council year may attend the 2 no. events as specified within paragraph 4 above.
6. In each consecutive Council year (May to April), all Members will be required to attend at least 2 no. training/development events.
7. It will be necessary for Members who have not attended Officer arranged training events to submit their alternative training proposals to the Head of Planning and Public Protection Services or the Development Control and Compliance Manager. Alternative sources of training could include:-
 - (i) Attendance at an event organised by the WLGA, another local Authority or an external provider.
 - (ii) Distance learning using an approved planning based website

- (iii) Direct involvement in planning appeals and/or planning proposals where the Member has demonstrated an understanding of planning issues as agreed with the Development Control and Compliance Manager.
8. Members attendance for training will be monitored by the Head of Planning and Public Protection Services who will report on a six monthly basis to the Corporate Governance Committee. Reports will normally be at the end of the Council year (March/April) and after six months of the Council year (Nov/Dec).
 9. Prior to the final 2 no. training events in any one Council year letters will be sent to Group Leaders outlining the number of events that their members need to attend for that year with a reminder of the agreed protocol and the forthcoming training events.
 10. Members will need to have fulfilled the training requirement for the Council year by the 30th April in any one year. Members who fail to fulfill the training requirements by this date would be able to discuss/debate planning related matters but would be prohibited from voting on any planning related matters at Planning Committee and Full Council during the following Council year, unless
 - a) They were Planning Committee Members in the previous Council year and had attended a minimum of 8 Planning Committee meetings that year and had also attended at least 1 no. training/development event.
 - b) They attend two organised officer events in the current Council year.
 - c) They have had agreement to vote at Planning Committee and Full Council by the Head of Legal and Democratic Services and the Head of Planning and Public Protection Services.

Note:

This protocol is not designed to prevent Members from voting on Planning matters at Planning Committee and/or Full Council. The purpose of the protocol is to provide Members with appropriate training/development opportunities.

Those Members who do not meet the training/development criteria laid down in the protocol will be advised as such before all relevant meetings and will be advised/requested not to vote on Planning matters.

Whether the Member chooses to vote or not under such circumstances is a matter for each individual Member, but if they do vote, they run the risk of officers advising Corporate Governance Committee and/or Standards Committee. They also run the risk of a third party reporting them to the Local Government Ombudsman.

Author : Paul Mead	Date : April 2012
Contact : Judith Williams	Version : 2
	Date to be reviewed : January 2016