

Appendix II: Report of Consultation – draft Site Development Brief 'Rhuddlan Triangle' (April 2015)

1. Introduction

- 1.1 This report informs Members of the 11 week public consultation on the draft Site Development Brief 'Rhuddlan Triangle'; including a summary of the representations received and how they have been taken into account by the Council in finalising the draft document.
- 1.2 Members approved the draft document for an 11 week public consultation at the Planning Committee on 22nd October 2014. The consultation preparations included press releases, information on the Council's website and an email or letter to all people on the LDP database, including City, Town and Community Councils, County Councillors, adjacent local authorities and members of the public, informing them of the consultation details, two drop-in events at Rhuddlan Library and how to respond. Public consultation took place between 1st December 2014 and 13th February 2015.
- 1.3 Copies of the draft document and comment forms were made available on the Council's website, in Public Libraries and the Council's 'One Stop Shops'. About 400 households in the vicinity of the site received a leaflet containing all necessary consultation details and advertising two drop-in events at Rhuddlan Library.
- 1.4 Planning Officers held these two sessions on 10th December 2014 and on 17th January 2015, which were attended by about 50 interested residents. At the events, Officers from different departments were present to talk to the public, provide further information and advice on site-specific queries.
- 1.5 The Council also consulted on the Strategic Environmental Assessment (SEA) - screening document, accompanying the draft document, with statutory consultees, i.e. Natural Resources Wales and Cadw, and members of the public but did not receive any representations.

2. Representations received

- 2.1 The Council received 9 written representations, and Officers spoke to about 50 interested residents at Rhuddlan Library. These include responses from Natural Resources Wales, Campaign for the Protection of Rural Wales, local businesses and interested parties in bringing development forward on site.
- 2.2 Representations received addressed the following topics:
 - support for the Council's intention to support regeneration on site;
 - impact on local road network; for example site access from Station Road and lorry parking along Marsh Road;
 - forms of land use: proposals for industrial use, food retail development or tourism-related facilities;
 - flood risk considerations and application of flood mitigation measures; and

- design requirements for new developments, respecting the historic environment.

2.3 Copies of the original representations are available from the Strategic Planning & Housing team in Denbigh by phone 01824 706916 or by email: ldp@denbighshire.gov.uk. Table 1 to this report contains a summary of each response received and outlines proposed amendments.

3. Document changes

3.1 Officers propose a small number of amendments to the draft document to reflect representations received (see Table 1), respond to factual changes and implement minor editorial alterations. These are shown as **bold** or ~~strike through~~ text in the draft document attached to the Planning Committee report on 15th April 2015 in Appendix I.

3.2 Factual changes are required with regard to paragraphs 6.4 and 6.5 because of the expiration of planning permission for retail development in November 2014. Natural Resources Wales provided further information on flood risk mitigation, location of highly vulnerable development on site and the maintenance of flood defences. There has also been a change to paragraph 5.6 prior to public consultation as a result of the discussion that Members had at Planning Committee on 22nd October 2014.

Table 1: Consultation responses

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
Laura Beech (3237)	Walsingham Planning on behalf of Property Alliance Group (‘PAG’)	PAG supports the Council’s proactive approach to regenerate Rhuddlan Triangle; and support the principal elements of development as outlined in paragraph 3.7	Support welcomed.	No change proposed.
		Paragraph 6.5 refers to the existing planning permission for non-food retail in Area 1 – Site Development Brief should allow for other forms of land use, especially food retail and service development, to attract new business to the area	Land west of Premier Inn and south of Marsh Road has not been allocated for a specific form of land use in DCC’s Local Development Plan but benefitted from planning consent for non-food retail in the past. The Council will consider alternative proposals in line with adopted national and local policies.	Amendments to be made to paragraphs 6.4 and 6.5 in light of factual changes and provision of information on alternative forms of land use
M. W. Moriarty (3121)	Campaign for the Protection of Rural Wales – Clwyd Branch	Sub-Section 4.4: Amend fourth line of sub-section to read; ‘... <i>conservation and biodiversity objectives, <u>the historic environment</u>, flood risk, previous appeal...</i> ’ Reason for amendment: Due to the antiquity of human occupation in the area.	Change agreed, i.e. inclusion of additional wording; to highlight historic environment as a material planning	Amendment to be made to paragraph 4.4 as outlined in representation
		Sub-Section 4.6: Amend text to read; ‘ <i>That means applicants <u>have to consider the following matters (that are by no means exhaustive): built height and scale, density of development, elevation of buildings, implementation</u></i>	Change agreed, i.e. re-wording and inclusion of additional wording; to stress importance of design considerations in potential development proposals and to avoid	Amendments to be made to paragraph 4.6 as outlined in representation

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
M. W. Moriarty (3121)	Campaign for the Protection of Rural Wales – Clwyd Branch	<i>of Sustainable Urban Drainage Systems (SUDS), provision of green landscape <u>mitigation measures</u> and built material sympathetic to the surrounding area.</i> Reason for amendment: To emphasise a requirement to limit visual impact of any development looking across the site into the Vale of Clwyd or towards Rhuddlan and the Clwydian Range that forms part of a designated AONB	adverse effects on the historic environment and principal views from / towards the site	
		Sub-Section 4.8: Amend end of last sentence to read; ' <i>...Rhuddlan Castle (Listed Building: Grade I), <u>St Mary's Church and Rhuddlan Bridge (both a Listed Building: Grade II*)</u></i> .' Reason for amendment: Being a Grade II* Listed Building, Rhuddlan Bridge denotes that it is a structure of more than just local importance. This also requires to be taken into account with regard to potential adverse effects upon its setting by development.	Change agreed, i.e. re-wording of sentence; to stress the importance of Rhuddlan Bridge with regard to legislation and protection	Amendment to be made to paragraph 4.8 as outlined in representation
		Sub-Section 4.11: Amend last sentence to read; ' <i>Applicants <u>are required</u> to discuss proposals with the Council's Conservation Officers, <u>Archaeologist</u>, or Welsh Government body 'CADW' prior to submitting a planning application.</i> ' Reason for	There is no statutory requirement for applicants to carry out pre-application consultation. The Council encourages applicants to undertake such an exercise prior to submitting a planning	No change proposed.

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
M. W. Moriarty (3121)	Campaign for the Protection of Rural Wales – Clwyd Branch	amendment: To make such pre-application consultation a requirement due to the antiquity of settlement in the area and potential archaeology being within the development site.	application. Hence, the chosen wording of paragraph 4.11	
Mandy Evans (791)	Abergele Town Council	Members of the Committee did not feel that they were able to comment on the policy of another County.	Comment noted.	No change proposed.
Deborah Hemsworth (276)	Natural Resources Wales	NRW supports the inclusion of 'Chapter 5: Flood Risk', and the requirement of submitting an Flood Consequence Assessment (FCA) in support of any planning application as outlined in paragraph 5.7	Support welcomed.	No change proposed.
		Clarification on potential adverse flood risk impacts associated with land raising of the site as outlined in paragraph 5.8; type of mitigation measure may be put forward for both 'less vulnerable' and 'highly vulnerable' development to achieve compliance with part A1.14 of Technical Advice Note (TAN) 15 but careful consideration of third party impacts would be necessary	Change agreed to clarify the situation re the application of raised land levels or required land modification to accommodate 'less vulnerable' and 'highly vulnerable' development on site	Amendments to be made to paragraph 5.8 in line with NRW's advice, Figure 3 to be updated in line with newly published Welsh Government advice maps
		Paragraph 5.8: Suggest changing the reference to paragraph A1.12 of TAN15 regarding new development should not result in flooding elsewhere.	Change agreed to provide correct reference	Paragraph 5.8 - Replace reference to A1.15 of TAN15 with A1.12 of TAN15

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
Deborah Hemsworth (276)	Natural Resources Wales	Inclusion of an additional paragraph outlining the requirements of Flood Defence Consent - legal requirement for potential developers to seek NRW's consent regarding any works, or structures located in, under, over or within 7 metres of the bank top of the River Clwyd.	Change agreed, inclusion of additional paragraph is agreed to provide further advice on Flood Defence Consent for potential applicants	Chapter 5: Inclusion of additional paragraph 5.9 - outlining the requirements of Flood Defence Consent
		NRW has records of protected species within 1km of Rhuddlan Triangle; and advises on legal requirements and additional information to be sought for planning proposals that are likely to cause an adverse effect on protected species	Change agreed, inclusion of additional paragraphs is agreed to provide potential applicants with further information on avoiding adverse effects on protected species and habitats.	Amendments to be made to paragraph 8.2 and inclusion of additional paragraph 8.3 to provide further advice for applicants on protection of natural environment
Adrian Townsend (3239)	Sun Valley Caravan Park	'Rhuddlan Triangle' should be developed in a way that supports local tourism businesses, e.g. art and craft studios, provision of small shops, coach and car parking	Tourism is an important business sector in Denbighshire, and the Council would welcome proposals in support of this industry branch.	Inclusion of additional information in paragraphs 6.5 and 6.8 to outline the potential for tourism development.
		Disagrees with the provision of additional industrial units in the area	Paragraph 6.8 clearly states that industrial use is an option for bringing land back into use but by no means the only way. The Council welcomes alternative proposals that support the objectives, outcome and priorities laid out	Amendment to be made to paragraph 4.7 to refer to Denbighshire County Council's 'Economic and Community Ambition Strategy'.

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
Adrian Townsend (3239)	Sun Valley Caravan Park		in Denbighshire County Council Economic & Community Ambition Strategy 2013 – 2023.	
		Highway improvements are required to the entire lengths of Marsh Road to improve access to caravan parks	It is acknowledged that improvement works to Marsh Road or / and the junction of Marsh Road / Station Road is required with additional development. Paragraph 7.1 outlines requirements for road works affecting all properties and businesses along Marsh Road, and paragraph 7.4 highlights the identification of mitigation measures to be required for new development to avoid adverse effects on the local road network.	Amendment to be made to paragraph 7.4 to provide further information on potential developer's contribution towards required highways improvement works.
Robert M Hughes (3224)	---	New developments should be designed to not detract from the view of the Church and the Castle, be sensitive to the areas and address flood risk considerations; however, design considerations should not render potential development unviable	Design considerations will be an essential part in assessing potential development proposals due to the prominent location adjacent to three listed buildings	No change proposed.
		Site should be developed to cater for small business units to provide job opportunities, especially for young people	Paragraph 4.7 and Chapter 6 outline the site's capacity to contribute towards economic regeneration through the	No change proposed.

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
			provision of employment opportunities	
John Owens (3240)	John Owens Solicitors on behalf of Trustees of J. T Owens; Mr & Mrs P Ashman – Ash Motors; Mr & Mrs J Morris – Morris Stores; County Laundry & Cleaners (Rhyl) Limited	It is strongly felt that the Site Development Brief will improve the prospects of a suitable development, in keeping with the position of the site and the needs of the landowners and the local community.	Support welcomed.	No change proposed.
		Draft document identifies two key areas for future development (paragraph 6.2) which do not include those parts of the site that front onto Station Road – these sites should be included in any proposal for the site and form part of the Site Development Brief	Paragraph 6.2 outlined that the Council would assist in bringing forward development on all parts of the site but further information explicitly referring to the frontage of Station Road to be included.	Amendment to be made to paragraph 6.2 to explicitly refer to the frontage of Station Road
		Site could be used for any of the following types of mixed developments (subject to financial and environmental viability): light industrial, retail, small warehousing, offices and residential housing	The Council do not wish to object to alternative forms of land use, subject to compliance with national and local planning policies.	No change proposed.
		Mix of light industrial and office use would not only enhance the existing offer but would increase prosperity within the town on Rhuddlan	Comment noted.	No change proposed.
		Residential development above small starter units, offices or retail units would both enhance security and amenity on site, and mitigate flood	The Council received advice from Natural Resources Wales on location of 'highly vulnerable' development on	Chapter 5 has been amended in light of latest NRW's advice, including the location

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
John Owens (3240)	John Owens Solicitors on behalf of Trustees of J. T Owens; Mr & Mrs P Ashman – Ash Motors; Mr & Mrs J Morris – Morris Stores; County Laundry & Cleaners (Rhyl) Limited	consequences	site and, therefore, does not categorically oppose residential development but points out the requirement of satisfying all flood risk considerations.	of highly vulnerable development.
		Traffic and highway considerations: developers are advised to discuss with the Council any measures relating to traffic pressure alleviation on Marsh Road and on its junction with Station Road	Chapter 7 'Access and Movement' outlines relevant traffic and highway considerations.	No change proposed.
Mrs G Thompson (3221)	---	Supports the principles of paragraphs 3.7 and 4.13	Support welcomed.	No change proposed
		Consideration should be given to accommodate a high school on site to cater for increasing demand for school places due to various residential developments taken place in the area	Schools are classed as 'highly vulnerable development' and the Council is unlikely to support a new school at Rhuddlan Triangle to site being denoted as flood risk zone C1. Improvements to Rhyl High School will provide additional capacity.	No change proposed.
		T-junction Marsh Road / Station Road needs to be improved to provide safe pedestrian crossing towards the nature reserve	Depending on a development proposal's nature, contributions may be sought towards improving site access / egress for pedestrians	Amendment to be made to paragraph 7.4 to provide additional information on developer's potential contributions

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
				towards highway improvement works
		New retail development should avoid detrimental effect on shops located along the High Street	Paragraph 4.12 outlines requirements and policy criteria regarding retail development, including a need assessment and the application of a sequential test for justifying the location.	No change proposed.
Wendy Clayton (3241)	---	Residential development should be considered on site due to housing shortage in the County; preferable business / offices on ground floor and above some residential development	The Council received advice from Natural Resources Wales on location of 'highly vulnerable' development on site and, therefore, does not categorically oppose residential development but points out the requirement of satisfying all flood risk considerations.	Chapter 5 has been amended in light of latest NRW's advice, including the location of highly vulnerable development.
General comments made by members of the public at two drop-in events at Rhuddlan Triangle		Where will the drainage be located, and where will additional sewerage be treated?	General drainage considerations are dealt with in paragraph 8.1. Details will be discussed with applicants and infrastructure providers when detailed proposals come forward.	No change proposed.
		Vacant and derelict areas to be greened until start of development to improve visual appearance of site	The Council would support temporary landscaping prior to development but those measures are outside this	No change proposed.

<i>Representor/ Reference No.</i>	<i>Organisation</i>	<i>Comment (summary)</i>	<i>Council's response</i>	<i>Changes proposed</i>
			briefs remit and the Council's control.	
		Public foot path or cycle path to be provided on both sites of River Clwyd to provide for circular way for visitors from Kinmel Bay and Rhyl	There may be scope to provide for a footpath / cycle path on the western side of the river. Details can be discussed as part of a planning application.	No change proposed.
		Highway concerns: improvement works are required to Marsh Road, Station Road and junction of both; parking enforcement should be in place on Marsh Road to keep it clear for passing vehicles; an additional site entrance / egress could be created at the location of Phoenix house	Chapter 7 'Access and Movement' outlines pertinent traffic and highway considerations. Paragraph 7.4 provides also information on potential developer's contribution towards required highways improvement works.	Amendment to be made to paragraph 7.4 to provide further information on potential developer's contribution towards required highways improvement works.
		Area is contaminated	Applicants will be asked to carry out a contamination survey on land proposed for development. (see paragraph 8.1)	No change proposed.