

**Denbighshire County Council**  
**PLANNING STRATEGY**  
**DEVELOPER GUIDANCE NOTE**

**November 2015**

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**SUBJECT: Housing Development Proposals Outside of  
Local Development Plan (LDP) Development  
Boundaries.**

**Context**

This document provides guidance on the Council's requirements for supporting evidence and justification to be submitted, in the event that developers are considering the submission of planning applications for housing development on sites which are not allocated for housing development and are outside of the adopted LDP development boundaries on the basis of the Council's present housing land supply position. This does not mean that applications are invited.

**Sites covered by this Note**

This document relates to development proposals for housing (Use Class C3) outside of development boundaries as defined in the adopted Denbighshire Local Development Plan 2006 – 2021.

The LDP allows for windfall housing development within development boundaries, affordable infill plots, conversion of rural buildings; enabling development and rural exception sites for affordable housing outside of development boundaries. This document is not intended to relate to these types of sites.

**Status of this Note**

This note does not set policy it merely consolidates the advice in Planning Policy Wales and TAN 1 into a single note. It has been considered and endorsed by the Local Development Plan (LDP) Steering Group as well as approved by Planning Committee at its meeting on 11<sup>th</sup> November 2015. It therefore takes immediate effect and applies to any applications currently with the Council as well as future ones yet to be submitted.

**Housing Development Proposals Outside of Adopted LDP Development Boundaries**

In the event of there not being a five year supply of housing land in Denbighshire according to the method of calculating housing land supply prescribed by the Welsh Government in Technical Advice Note 1 Joint Housing Land Availability Studies (TAN1); in accordance with paragraph 9.2.3 of PPW *“Local planning authorities must **ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing** judged against the general objectives and the scale and location of development provided for in the development plan”*.

TAN1 sets out how an authority must act when it does not have a 5 year land supply: *“The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study (see 8.2 below), the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies”*. (Paragraph 6.2).

For the purpose(s) of both paragraphs 9.2.3 of PPW and 6.2 of TAN1, reference to “the development plan” means the adopted Denbighshire Local Development Plan 2006 - 2021.

In the event that a developer is considering submitting a planning application for housing development justified on the basis of a shortfall in housing land supply, the Council will expect to see comprehensive evidence to justify such an application, in relation to:

### **1. The need for the development proposed**

This should be set out in the context of the area local to the site, as well as Denbighshire as a whole. Regard should be had to the nature and function of the settlement within which the proposal is made; its role as part of the LDP spatial strategy; and, how the identification of the site fits in with the requirement for a search sequence as referenced in paragraph 9.2.8 of PPW. This is to ensure that developers are following the same principles in terms of identifying sustainable sites as the Local Planning Authority was required to do in the preparation of the LDP. This is also to ensure that the spatial strategy in the LDP is not compromised by unjustified applications for housing development. Details of the LDP spatial strategy can be found in chapter 5 of the adopted LDP via the following link: [http://www.denbighldp.co.uk/english/adopted\\_LDP.htm](http://www.denbighldp.co.uk/english/adopted_LDP.htm)

### **2. Full Application**

The Council will require the submission of a full planning application to allow the Council to properly assess the proposal in terms of the need to be met, the housing to be provided, and the deliverability of the scheme. Outline applications are not considered appropriate or acceptable to consider proposals for speculative development on the basis of a lack of housing land supply, as without full information it may prove difficult for the Council to be satisfied that the proposal represents a sustainable and deliverable form of development. If an outline application is submitted the LPA will request additional information by issuing an article 3(2) of the DMPO Order Directive.

### **3. Sustainability Appraisal**

A Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA) is required to demonstrate why and how the site represents a sustainable form of development in relation to both the local and national policy context, the principles and objectives of which are set out in paragraphs 4.3.1 and 4.4.3 respectively of PPW. A template for sustainability appraisal is attached to this document as a guide to the minimum information that should be provided.

### **4. Viability Assessment**

A viability assessment is required in order to demonstrate that the site can be developed on the basis of accommodating all of the Council's policy requirements (e.g. affordable housing, open space, education, highways etc.), as well as providing all other necessary infrastructure required. This is to assist in assessing the deliverability of the proposal.

### **5. Housing Delivery Statement**

The Council requires the submission of this essential evidence by the developer in order to demonstrate how the development can deliver housing to help to reduce whatever is considered to be the identified shortfall in housing supply, within 5 years from the application date. This should clearly identify a timeline for the development including the expected start date, the annual completion rate, as well as the expected

completion date for the whole development. This should also clearly identify which developer(s) will be building the homes. This requirement is also to ensure compliance with advice in paragraph 9.2.3 of PPW: *“This means that sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live”*.

#### **Advisory Notes**

- A failure or unwillingness to provide any/all of these essential requirements will leave the Council unable to adequately assess the sustainability of the proposed development.
- This is because speculative developments that do not otherwise comply with policy must clearly demonstrate their full sustainable development credentials.
- This is also why outline applications are not considered suitable or appropriate to make such exceptions cases.
- Whilst all sites are considered on their merits, development sites must also clearly show that they do not compromise the sustainable development strategy for the LDP.
- Any consent recommended will be time limited to commencement within two years.
- Any applications for renewal of such consents will need to be fully justified as the basis on which they were originally permitted i.e. as an exception based on an urgent need, should result in commencement first time around. Such application for renewal will be given careful consideration and will not automatically be renewed.

## Sustainability Appraisal Template

**Site:**

**Grid Ref:**

### Assessment of the site

#### **Stage 1 – Compliance with the Local Development Plan Strategy**

This stage tests whether the site broadly supports the agreed Plan Strategy.

The Local Development Plan strategy looks to provide around 7,500 new dwellings between 2006 – 2021, This growth is focused at a Key Strategic Site at Bodelwyddan and then in the Lower Growth Towns of Rhyl, Prestatyn, St Asaph, Denbigh, Ruthin & Corwen. A series of villages have been identified (page 49 Adopted Plan) which have development boundaries within which development will be permitted. A series of Hamlets have also been identified (page 56 Adopted Plan) with areas of search within which affordable housing to meet local needs will be permitted up to the quota stated. Areas outside of those identified above are classed as open countryside where development will be restricted.

You will need to demonstrate how the proposed site complies with the Local Development Plan Strategy. Any sites failing to demonstrate this, will be discounted at this stage.

**Is the site in compliance with the overall growth and spatial strategy as outlined above?**

#### **Stage 2 – Site Characteristics**

This stage considers any potential constraints to development in terms of physical, environmental and geological factors. Some sites may be subject to constraints that can be overcome by reasonable mitigation measures (such as moving a telegraph pole or rebuilding a stone boundary wall within the site), where reasonable mitigation cannot overcome constraints, then the site will be discounted and not considered further. The factors to be considered are:

**Flood Risk:** TAN 15 identifies high flood risk areas, where vulnerable development (ie housing, hospitals, extra care homes etc) should be avoided. These areas are categorised as C1 and C2. Sites within C2 will not be permitted, in line with TAN 15, and sites within C1 areas will only be considered if the justification and acceptability criteria within the TAN 15 summary can be met: <http://gov.wales/docs/desh/publications/140109-summary-of-what-tan15-requires-en.pdf>

If you feel that the site may be suitable with mitigation measures then a detailed flood consequence assessment will be required.

If you need to check whether your site falls into a flood risk area please check the Natural Resources Wales website: <https://www.naturalresourceswales.gov.uk/flooding/managing-flood-risk/whats-my-flood-risk/?lang=en>

**Is the site within a flood risk area? A Flood Consequence Assessment should be considered.**

**World Heritage Site Pontcysyllte Aqueduct (including the Buffer Zone):** This World Heritage Site (WHS) covers the Llangollen Canal. A Buffer Zone surrounds the WHS and its function is to protect the outstanding universal value of the designation. Sites within the WHS or Buffer Zone

will not be automatically discounted but will require careful assessment to ensure any potential developments do not detract from the key features of the WHS. The key features can be found at <http://whc.unesco.org/en/list/1303> [UNESCO website]

**Is the site in the World Heritage Site or Buffer Zone?**

**Clwydian Range and Dee Valley Area of Outstanding Natural Beauty:** Nationally designated area for its high landscape quality (AONB). Sites within this area will not be automatically discounted as the area is home to a number of sustainable communities. Detailed assessments will be required to assess any potentially harmful impacts on the landscape. Further information can be found in the AONB Management Plan on Denbighshire Council's website.

**Is the site within the AONB? Is it likely to impact on the landscape character?**

**Protected Habitats & Species:** Statutorily designated sites are the most important for biodiversity and have legal protection. Any site falling within or in close proximity a designated site, and likely to have an adverse impact upon it will be discounted at this stage. Habitats and species listed in Local biodiversity action plans and Section 94 of the NERC Act will also be taken into account. All other sites will be assessed in terms of any potential impacts they have on nearby designated sites. Locally designated sites will not cause potential development sites to be discounted but their presence will be highlighted and will be a factor in any detailed proposals. The ability of sites to provide green corridors and linkages between wildlife habitats and species will also be a consideration.

A list of protected sites and species can be found on the following website:  
<https://www.naturalresourceswales.gov.uk/conservation-biodiversity-and-wildlife/find-protected-areas-of-land-and-seas/protected-areas-of-land-and-seas/?lang=en>

**Is the site in or adjoining any of the protected habitats or any known protected species on the site?**

**Topography:** The form of a site (i.e. slope) will be a consideration in assessing potential development sites. Any sites with very difficult terrain that cannot be overcome with reasonable mitigation measures will be discounted at this stage. The potential of a site to contribute to sustainable building management through its aspect etc will also be a consideration.

**Are the topographical characteristics of the site suitable for the proposed development?**

**Best and Most Versatile Agricultural Land:** It is a national imperative to protect and conserve the best and most versatile agricultural land.

**Is the land in agricultural use? Include the classification grade if you know it.**

**Sensitive Built Environment:** Denbighshire has a wealth of Listed Buildings and their settings, Scheduled Ancient Monuments, Conservation Areas and Historic Landscapes. Potential development sites that are likely to have a detrimental impact on the special architectural or historic interest of these will be discounted.

**Will there be an adverse effect on any of the above?**

**Highways Capacity:** An adequate access is required to the site or it will not be considered for development. To consider the adequacy of the existing road network to secure the free flow of traffic to and from the site.

**Is there an existing access to the site, is this adequate and safe, or can a suitable access be created? Will the road network be able to deal with any increased levels of traffic due to the development?**

**Minerals Reserves:** Reserves of primary and secondary aggregates and sand and gravel should be protected for future use. Potential development sites that may prevent their future extraction have been discounted at this stage.

**Are there any known mineral reserves in the area?**

### Stage 3 – Sustainability issues

**Community Facilities and Infrastructure:** Preference will be given to potential development sites can be served by existing community facilities. These facilities may include:

- Shop / Post office
- School (Primary and Secondary)
- Public house
- Place of worship
- Community meeting place.

Potential development sites within settlements that do not have any of the above services or they are not within a reasonable walking distance, will be considered to be unsustainable and sites will be discounted at this stage.

In addition there must be adequate presence and capacity of infrastructure such as water supply, sewage treatment works, electricity, telephone. It can be expensive to move or divert infrastructure from the site and this could hamper deliverability.

**Is there infrastructure in place locally? Are there sufficient local facilities to support the occupants of the proposed development? Do any of these pose a constraint on the site?**

**Accessibility:** Every effort must be made to try to locate new developments so as to reduce reliance on the private car and promote other modes of transport such as walking, cycling and public transport. In some of the more remote areas of the County public transport provision is too inadequate to consider it as a viable alternative to the private car for daily use. The presence of a bus or rail service however does provide an alternative for some trips and will be considered. Settlements with no regular access to public transport and no community facilities will be considered unsustainable and potential development sites discounted at this stage.

**Is the site within walking distance to the public transport network (e.g. bus stops, railway station)?**

**Welsh Language and Culture:** The Local Development Plan seeks to retain the County’s bilingual distinctiveness. Maintaining the Welsh language and culture through the whole of the County is part of the Plan vision. The Council recognises that the exact effect of an individual development on language over a period of time is a difficult issue to separate and analyse. The scale of development will determine the likely impact on community life. The issue can be addressed by viewing communities in a holistic manner, giving due regard to language as an element which is an integral part of community life and activities within it.

**How will the development, by virtue of its size and type, lead to increased in-migration and/or out- migration of certain age groups? Will it impact on existing businesses, jobs or local diversity? Can you envisage any potential social inequality within the Welsh speaking community?**

**Consistency with national and regional planning policy, Sustainability Appraisal/ Strategic Environmental Assessment and Habitats Regulations Appraisal.**

This is a requirement of European regulations. You are advised to use the Local Development Plan Sustainability Appraisal (SA) Framework (see below) to test the sustainability impacts of the site. This Sustainability Appraisal Framework gives guide questions (Assessment Rationale) for each Sustainability Appraisal Objective on which you can base your response. There are 18 Sustainability Appraisal Objectives in total. A full version of the Sustainability Appraisal (Chapter 5 Sustainability Appraisal Framework) can be found on the Denbighshire website [www.denbighshire.gov.uk](http://www.denbighshire.gov.uk)

Sustainability Appraisal Framework

Code	SA Objective	Guide Questions	Assessment response
01	Ensure the housing needs of the community are met	Will it increase or decrease the supply of homes appropriate to local needs?  Would the homes be affordable?	
02	Promote community health and well-being	Will it directly improve access to health facilities? Will it indirectly improve health for all? Will it have indirect or longer-term effects upon health?	



		Secondary consideration: reduce air pollution by travel and ensuring homes are of a decent standard.	
03	Promote safer neighbourhoods and contribute to a reduction in the fear of crime	<p>Will it engender a sense of safety, reduce crime, and fear of crime? (such as additional lighting, CCTV)?</p> <p>Will it seek to deliver an increase in the range and available community facilities (places to discourage incidences of anti-social behaviour and opportunistic crime)?</p>	
04	Enhance existing and promote the development of high quality recreation, leisure and open space and provide opportunities for people to experience and respect the value of the natural environment	<p>Will it directly or indirectly improve the quality and range of recreation facilities, accessible countryside and greenspace, parks, open spaces and natural reserves <b>through</b> additional provision?</p> <p>Additionally will it improve community safety and security measures?</p>	
05	Improve accessibility to education, employment, health, homes and community services for all sectors of the community through modes of transport other than the private car	<p>Will it directly (through new or significantly enhanced provision) or indirectly (through improved transport links) increase <b>accessibility to employment opportunities</b> and the following <b>public services</b> (such as schools; health and social facilities; nurseries; further education).</p> <p>Will it promote sustainable modes of transport, or promote the use of such modes and restrict the use of cars?</p> <p>Will it reduce traffic levels in the County?</p> <p>Anti-poverty considerations;  Adult poverty: Increase affordability of homes, reduce poor quality living, regeneration, employment opportunity, fuel poverty (to do with energy efficiency).</p> <p>Child poverty: Access to play space.</p>	
06	Protect and enhance the Welsh Language and culture, including the County's heritage	Will it protect and enhance the Welsh language and cultural traditions (landscape, people, buildings, materials, statues,	

	assets.	heritage assets (buildings, sites, artefacts)?	
07	Support County economic development and regeneration, including the provision of opportunities for rural diversification.	Will it support maintaining and extending the range of wealth generating activities? (retail, leisure, recreation and tourism in addition to business and educational facilities) Will it encourage rural diversification and the overall quality and attractiveness of the area? Will it cope with climate change?	
08	Maintain and enhance the vitality and viability of town and rural centres	Will it be successful in reducing the number of vacant retail units in town and rural centres as well as adding to the diversity of town and rural centres through new development? Does it consider adaptation or mitigation to climate change?	
09	Make the best use of previously developed land and existing buildings in locations served by sustainable transport modes	Will it ensure the best use of land and buildings in locations served by sustainable transport modes? Will it indirectly effect improvement to accessibility since this can allow more intensive land uses? Does it consider the wildlife value of some Previously Developed Land?	
10	Safeguard soil quality and function and maintain long term productivity of agricultural land	Will it reduce or increase the chances of soil contamination? Safeguard agricultural soil quality (particularly the best and most versatile land (grades 1, 2 and 3A in the national classification)? Reduce land-take?	
11	Protect and enhance all international, national and locally designated nature conservation sites, protected species and geo-diversity sites and avoid their damage or fragmentation. Protect, enhance and create appropriate wildlife habitats in urban and rural areas thus enhancing biodiversity	Will it have a positive or negative effect on internationally and nationally designated sites and locally important habitats and species (either through fragmentation, proximity or disturbance effects)? Will it have a positive or negative effect on geological sites? Will it have a positive effect on non-designated habitats and species (e.g. through increased connectivity or reduced disturbance).	
12	Preserve and enhance landscape character across the County, particularly the Area of	Will it directly or indirectly maintain and enhance the landscape quality of the County, including historic landscape	

	Outstanding Natural Beauty.	<p>features (e.g. field boundaries and hedgerows/hedge, banks).</p> <p>Will it impact on LANDMAP studies (landscape quality and quantity of areas)? (see <a href="http://www.ccw.gov.uk">www.ccw.gov.uk</a>).</p> <p>Does it promote high quality design that reflects local distinctiveness and materials?</p>	
13	Protect and improve the water quantity and quality of inland and coastal waters	<p>Will it have positive or negative effects on maintaining and improving the quality of surface, ground and coastal waters? Is there adequate supply?</p> <p>Will it encourage a responsible approach to aspects such as surface water run-off from impermeable surfaces?</p>	
14	Minimise the vulnerability to flooding and ensure new development does not increase flood risk	<p>Will it have positive or negative effects on tidal (sea) and fluvial (river) flood risk either;</p> <ol style="list-style-type: none"> <li>1) directly through proximity within areas of flood risk,</li> <li>2) indirectly through exacerbation of effects downstream.</li> </ol> <p>Will it result in an increase/decrease of flooding and other climate change effects e.g. by using sustainable drainage systems and reducing greenhouse gas emissions?</p>	
15	Protect and improve air quality	<p>Will it reduce or increases in traffic- and industry- derived pollutant concentrations.</p> <p>Will it promote the use of more sustainable modes of transport? Reductions in private vehicle use? Sustainable location of industrial activities (as near the workforce as possible)?</p>	
16	Contribute to a reduction in greenhouse gas emissions (especially CO <sub>2</sub> ) by increasing energy conservation and efficiency in development and support increased provision and use of renewable energy	<p>Will it result in reductions or increases of greenhouse gas emissions? This includes a consideration of emissions arising from buildings, land use change and transport.</p> <p>Will it directly reduce energy demand by encouraging energy efficiency?</p> <p>Will it directly encourage the use of renewable energy technologies</p>	

		in new developments and renewable energy generation?	
17	Protect mineral resources from development that would preclude extraction	Will it prevent development from occurring that would preclude mineral extraction (lime or sand & gravel)?	
18	Encourage waste reduction, reuse, recycling and recovery and regional self-sufficiency	Will it directly reduce the generation of waste and increase recycling of waste, e.g. by providing recycling facilities within and near to homes? Will it consider construction waste reduction, re-use and recycling?	