

Report To: Planning Committee

Date of Meeting: 12 July 2017

Lead Member / Officer: Councillor Hugh Evans /Angela Loftus

Report Author: Angela Loftus

Title: Denbighshire Local Development Plan: Draft Review Report and Draft Delivery Agreement – proposed consultation

1. What is the report about?

- 1.1. The report outlines the timetable and process for developing Denbighshire's replacement Local Development Plan. The first step in this process is to draft a Review Report which should be subject to public consultation before submission to Welsh Government. The purpose of the Review Report is to highlight issues such as changes to legislation and Annual Monitoring Report findings which will inform the development of the replacement Local Development Plan; it is not the function of the Review Report to propose actual changes to policy or allocations at this stage.

2. What is the reason for making this report?

- 2.1 The purpose of this report is to present the draft Local Development Plan Review Report and seek Planning Committee endorsement for public consultation. It provides the opportunity for Members to comment on the draft Review Report and put forward amendments to inform the draft for consultation. There will also be opportunity for Member and public input as part of the consultation. The Denbighshire Local Development Plan 2006 – 2021 is a strategic document, and is a key delivery vehicle for the Corporate Plan and a number of other Council strategies such as the Community and Economic Ambition Strategy and the Housing Strategy. It is therefore important to ensure that we maintain an up to date and effective planning policy framework for the County to contribute to the delivery of corporate priorities.

3. What are the Recommendations?

- 3.1 **That Members endorse the Denbighshire Local Development Plan Draft Review Report (attached as Appendix 2), together with accompanying draft Delivery Agreement, Habitats Regulations Assessment, Sustainability Appraisal Scoping Report and updated background Information Papers for consultation.**

4. Report details

- 4.1 Local Development Plan (LDP) Reviews are designed to ensure that adopted LDPs are kept up-to-date, compliant with latest legal provisions, and remain relevant to address local issues and objectives. Welsh Government guidance on the production and review of LDPs is set out in the 'Local Development Plan Manual'. The document outlines three principal triggers for an LDP Review:

- Significant contextual change (e.g. in national policy or legislation; in local context e.g. closure of a significant employment site that undermines the local economy; in development pressures or needs and investment strategies of major public and private investors);
- Significant concerns from the findings of the Annual Monitoring Report in terms of policy effectiveness, progress rates, and any problems with implementation; or
- Regulation 41 of the Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015, states: '*...the LPA Must commence a review of its LDP at intervals no longer than every four from the date of the first adoption of the LDP; ...*' Denbighshire's LDP was adopted on 4th June 2013, and Welsh Government have advised that a review of the LDP should start in 2017 in order to meet this legislative requirement.

- 4.2 There is a range of new and revised legislation which has come into force since the Denbighshire LDP was adopted in 2013. Most prominent are the Well-being of Future Generations (Wales) Act 2015 and the Planning (Wales) Act 2015. The LDP will need to be reviewed having regard to compliance with primary legislation, and changes may be needed to reflect current legislation and guidance. LDP policies were drafted in line with the provisions of Planning Policy Wales (Edition 5), which has been superseded several times (the most recent published version is Edition 9) and accompanied by new or revised Technical Advice Notes.
- 4.3 Important considerations are the end date of the Plan (2021) and the need to maintain a 5 year housing land supply. The LDP will effectively expire in June 2021 and planning for developing the replacement LDP now will help to ensure continuity in maintaining a planning policy framework to guide decisions on planning applications. Members are aware that Denbighshire does not currently have a 'technical' 5 year supply of housing land, as prescribed in Technical Advice Note 1. This has been highlighted in successive Denbighshire LDP Annual Monitoring Reports (AMR). The Council will have to explore how this can be addressed in light of the latest Welsh Government household projections.
- 4.4 The first step in the process is to draft a Review Report. The purpose of the LDP Review report is to highlight local policies or other elements of the adopted LDP that the Council considers should be reviewed and potentially revised. The Review Report does not outline the actual revisions. Regulation 41 of the Town and Country Planning (Local Development Plan) (Wales) (Amendment) Regulations 2015 stipulates that the Council, must approve by resolution the Review Report before the document is submitted to Welsh Government. The Council must also engage with stakeholders and consult on the Review Report before finalising and submitting the document to Welsh Government. This report seeks approval from Planning Committee to undertake that consultation.
- 4.5 In brief, the draft LDP Review Report is structured to set out clearly what has been considered; and where changes are likely to be required, together with the reasons, based on evidence.
- 4.6 The draft Review Report is accompanied by a draft Delivery Agreement. This sets out the way in which the Council proposes to involve the local community and other stakeholders in the preparation of the Denbighshire Replacement Local Development

Plan. The draft Delivery Agreement provides details of the different stages in the process and how and when people can get involved.

4.7 The Delivery Agreement has two main parts:

- The Timetable: this sets out the timeframe for producing the replacement Local Development Plan and accompanying Sustainability Appraisal.
- The Community Involvement Scheme: this outlines the approach to community engagement; the approach to who, how and when we intend to engage and how the Council will respond to representations.

4.8 In addition, updated draft Information Papers for each LDP Theme, which set out information on legislative changes, policy changes and Annual Monitoring Report findings for that theme; an updated Habitats Regulations Appraisal, and Sustainability Appraisal Scoping Report have been drafted and will also be made available for comment alongside the draft Review Report and draft Delivery Agreement.

4.9 If endorsed by Planning Committee, the intention is to undertake key stakeholder and public engagement as part of producing the final LDP Review Report for 8 weeks over August - September 2017, with document submission to Welsh Government in December 2017. Once approved by Welsh Government formal work on the replacement LDP will commence. A table setting out the key stages for producing the replacement LDP, with indicative timescales is attached as Appendix 1. This is very much a first draft and will be refined following consultation over the coming months.

4.10 Following consultation on the Review Report, comments received will be reported back to Members together with any changes required in response to those comments. The LDP Members Steering Group will have an important role in this process and will support and oversee the subsequent development of the replacement LDP. Work is currently underway on updating key evidence and baseline information which will inform the development of the Replacement LDP. It is proposed to report updated evidence as it is completed to Members. Detailed assessment of potential costs will also be undertaken over the coming months.

5. How does the decision contribute to the Corporate Priorities?

The relevant Corporate Priorities are:

- Developing the Local Economy
- Vulnerable people are protected and are able to live as independently as possible
- Ensuring access to good quality housing
- Modernising the Council
- Clean & Tidy Streets

6. What will it cost and how will it affect other services?

This report seeks approval to undertake consultation on the Review Report and the costs for this will be met from existing budgets. The costs of undertaking the Review and producing a replacement LDP will be assessed in detail over the coming months. Budget for the review has been accrued on annual basis and will be available for this work.

7. **What are the main conclusions of the Well-being Impact Assessment? The completed Well-being Impact Assessment report can be downloaded from the [website](#) and should be attached as an appendix to the report.**

On-going Wellbeing Impact Assessment will inform the development of the replacement LDP, alongside Sustainability Appraisal. Wellbeing Impact Assessment has been undertaken on the proposal to consult on the draft Delivery Agreement and its conclusions are broadly neutral or positive. The draft Delivery Agreement sets out a timetable for engagement and consultation and also how this is to take place. The document itself is to be consulted upon. Many of the outcomes will be dependent upon the nature of the material consulted upon but the draft Delivery Agreement aims to ensure that everyone can have a say and that their comments will be responded to.

8. **What consultations have been carried out with Scrutiny and others?**

The LDP review and development of a replacement LDP will be subject to extensive and comprehensive engagement and consultation with the public.

9. **Chief Finance Officer Statement**

The costs of undertaking the Review and producing a replacement LDP will be assessed in detail over the coming months.

10. **What risks are there and is there anything we can do to reduce them?**

The draft Delivery Agreement attached as Appendix H to the Review Report includes a detailed risk assessment. In summary, the main risks identified include staff resources, changing legislation and national policy and timetable delays due to unexpectedly high volumes of consultation response or lack of consensus. The draft Delivery Agreement builds in flexibility to allow for unexpected delays and robust project planning will help to minimise these risks.

11. **Power to make the Decision**

Planning and Compulsory Purchase Act 2004
Planning (Wales) Act 2015

LDP Review/ Replacement LDP – key stages		
Stage	Main purpose/ detail	Indicative timescale
Review Report	<ul style="list-style-type: none"> • Identify the parts of the Local Development Plan that need to be revised. • Publish background information papers (part of evidence base). • Endorsement of draft document for consultation • Public engagement on report • Submission to WG 	June 2017 – December 2017
Delivery Agreement	<ul style="list-style-type: none"> • Develop timetable for producing the replacement Local Development Plan. • Develop Community Involvement Scheme outlining the principles of community engagement. • Public consultation on Delivery Agreement • Submission to WG 	June 2017 – December 2017
Pre-Deposit participation	<ul style="list-style-type: none"> • Review LDP vision & strategy and assessment of alternative options • Review key policies • Review site allocations • Publish draft strategy 	December 2017 – September 2018

Pre-Deposit Public Consultation	<ul style="list-style-type: none"> • Pre-Deposit public consultation on Vision, Strategic Options, replacement Preferred Strategy & replacement key policies/ allocations 	October 2018 – April 2019
Local Development Plan Deposit consultation	<ul style="list-style-type: none"> • Prepare and publish revised detailed policies and proposals map • 6 week deposit public consultation 	May 2019 – November 2019
Submission of LDP for Examination	<ul style="list-style-type: none"> • Submit the replacement Plan and supporting evidence to the Planning Inspectorate 	Spring 2020
Examination	<ul style="list-style-type: none"> • An independent Inspector assesses the soundness of the Plan • Receipt of Inspector’s Report 	Autumn 2020
Adoption	<ul style="list-style-type: none"> • The Council adopts the Plan and uses it in making planning decisions. 	Spring 2021
Annual Monitoring Report	<ul style="list-style-type: none"> • On-going monitoring of LDP delivery & effectiveness, submitted to WG every year 	Annually – to be submitted in October each year