

**Report To:** Council

**Date of Meeting:** 5<sup>th</sup> December 2017

**Lead Member / Officer:** Councillor Brian Jones /Angela Loftus

**Report Author:** Angela Loftus – Strategic Planning & Housing Manager

**Title:** Denbighshire Local Development Plan: Draft Review Report, Draft replacement LDP Delivery Agreement and Sustainability Appraisal Scoping Report– approval of final documents for submission to Welsh Government

**1. What is the report about?**

The report outlines the results of the public consultation on the draft LDP Review Report, Draft replacement LDP Delivery Agreement and Sustainability Appraisal (SA) Scoping Report and highlights the key issues raised during the consultation and any subsequent amendments to the documents.

**2. What is the reason for making this report?**

Following approval to consult via a Lead Member delegated decision, published on 7<sup>th</sup> August 2017, a 9 week public consultation was carried out between 21<sup>st</sup> August 2017 and 20<sup>th</sup> October 2017. Representations and comments received on the draft LDP Review Report and appendices, Draft replacement LDP Delivery Agreement and Sustainability Appraisal (SA) Scoping Report are contained in the Consultation Report attached as Appendix 1 to this report. Council is asked to recommend the final documents as amended for approval by Council and submission to Welsh Government. The draft documents were recommended for approval by Planning Committee on 15<sup>th</sup> November 2017. 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 Council approves the following documents as amended for submission to Welsh Government (attached as Appendix 2).

<b>Document</b>	<b>Status</b>
<ul style="list-style-type: none"> <li>• LDP Review Report and following Appendices:</li> </ul>	For submission to Welsh Government
<ul style="list-style-type: none"> <li>○ Appendix A Information paper Respecting Distinctiveness</li> </ul>	For submission to Welsh Government
<ul style="list-style-type: none"> <li>○ Appendix B Information paper Building Sustainable Communities</li> </ul>	For submission to Welsh Government

○ Appendix C Information paper Promoting a Sustainable Economy	For submission to Welsh Government
○ Appendix D Information paper Valuing our Environment	For submission to Welsh Government
○ Appendix E Information paper Achieving Sustainable Accessibility	For submission to Welsh Government
○ Appendix F Sustainability Scoping Report	For submission to Welsh Government
○ Appendix G Habitats Regulations Appraisal	For submission to Welsh Government
● Appendix H Delivery Agreement for Replacement LDP	For submission to Welsh Government
● Appendix 1 Report back on Consultation	For information only

3.2 That the Committee confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 3) as part of its consideration.

#### 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 sets out the responses received to that consultation and any changes to the documents as a result. The amended documents are attached to this report as Appendix 2.
- 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. The Draft replacement LDP Delivery Agreement 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.
- 4.6 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.

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

The relevant Corporate Priorities are:

- Everyone is supported to live in homes that meet their needs
- Communities are connected and have access to services and goods locally, online or through good transport links
- The Council works with people and communities to build independence and resilience
- The environment is attractive and protected, supporting well-being and economic prosperity
- Younger people want to live and work here and have the skills to do so.

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

This report seeks approval to submit to Welsh Government the amended Review Report, amended Replacement LDP Delivery Agreement and Sustainability Appraisal (SA) Scoping 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?**

On-going Wellbeing Impact Assessment will inform the development of the replacement LDP, alongside Sustainability Appraisal. Wellbeing Impact Assessment has been undertaken on the contents of 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. 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 suite of documents have been subject to public consultation for 9 weeks. Awareness of the consultation was raised during recent City, Town and Community Council cluster meetings. Details of the consultation and the responses received can be found in the consultation report attached as Appendix 1 to this report.

**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. There is a specific Council LDP Reserve set-up for this purpose to which the Planning and Public Protection service makes an annual contribution of £20k. This Reserve has been specifically established to help meet the costs associated with any review and replacement LDP.

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

The Draft Replacement LDP Delivery Agreement 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 Replacement LDP 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