

## Appendix 2

Report To: **Asset Management Group**

Date of Meeting: **30<sup>th</sup> September 2019**

Lead Member / Officer: **Mark Young, Lead Member for Planning, Public Protection and Safer Communities. Nicola Stubbins, Corporate Director - Communities**

Report Author: **Dave Lorey, Lead Officer Corporate Property and Housing Stock**

Title: **Gypsy & Traveller Site Provision – Sites for Inclusion in the Replacement LDP**

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

1.1 The identification of potential Gypsy and Traveller sites and their inclusion in the replacement Local Development Plan (LDP).

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

2.1 Ratification of suggested Gypsy & Traveller sites to be put forward to the Strategic Planning Group and Cabinet for inclusion in the replacement LDP is required.

### **3. What are the Recommendations?**

3.1 That AMG approves that the sites recommended in paragraph 3.2 of this report are progressed to the Strategic Planning Group and Cabinet as potential Gypsy & Traveller sites for inclusion in the emerging replacement LDP, based on the information and plans provided in Appendix 3.

3.2 Rhualt – Land off Holywell road  
Rhualt – Former School Field  
Denbigh Henllan Road – Site 1  
Denbigh Henllan Road – Site 2

3.4 That AMG notes the potential financial implications for the council in terms of loss of site value and/or likely increased development costs for sites put forward to the emerging replacement LDP as potential Gypsy & Traveller sites.

3.3 That AMG confirms that it has read, understood and taken account of the Well-being Impact Assessment as part of its consideration.

### **4. Report details**

4.1 Following the approval of the Council's Gypsy and Traveller Accommodation Assessment (GTAA) in March 2017, Welsh Government (WG) allocated funding for the development of Gypsy & Traveller residential & transit sites subject to bids from Welsh Local Authorities.

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- 4.2 In order to fulfil its legal obligations in terms of Gypsy and Traveller site provision (set out in Appendix 1), the Council undertook a review of available land and identified 22 sites for consideration based on criteria derived from WG guidance and local and national planning policies. The applied criteria are included in Appendix 2.
- 4.3 Following further consideration of the criteria, the 22 identified sites were reduced to a shortlist of 5 sites which were the subject of more rigorous investigation. Following the refusal of a private landowner to sell one of the 5 identified sites, a further 3 sites were shortlisted for consideration.
- 4.4 This work culminated in the identification of the Green-Gates (East) site in St Asaph as the preferred site location for both residential and transit Gypsy and Traveller sites. A comprehensive pre planning consultation was undertaken in respect of the proposals which attracted significant opposition from local residents, businesses and the City Council.
- 4.5 In March 2019 Cabinet resolved that the residential Gypsy and Traveller site should be progressed to formal planning application stage at the Green- Gates (East) site, but that the location of the Gypsy and Traveller transit site should be determined via the emerging Replacement Local Development Plan.
- 4.6 Cabinet also resolved that the Green- Gates (East) site should not be considered for Gypsy and Traveller transit site provision and that, wherever they are located, the residential and transit Gypsy and Traveller sites should not be close proximity to each other.
- 4.7 The original sites identified were revisited in terms of a Gypsy and Traveller transit provision only, although the criteria would be similar and largely transferable for future Gypsy and Traveller residential site needs. The list of sites previously considered is included in Appendix 3.
- 4.8 While the original criteria for selecting sites is sound in terms of identifying non Council owned sites, previous experience has shown that delivering Gypsy and Traveller accommodation on such sites is not considered deliverable as landowners are invariably reluctant to sell for this purpose. In addition, full residential market value would be expected which, at this stage could prove a significant risk financially for the Council. Subsequently, only Council owned sites have been considered for inclusion in the LDP as potential Gypsy and Traveller transit sites.
- 4.9 The potential for private landowners to submit candidate Gypsy & Traveller sites remains. Should this be the case, then the Council could have the option of purchasing the site should it progress through the LDP. However, given the opportunities already afforded to private landowners to bring candidate sites forward (call for sites on 2 separate occasions - 1 for the Gypsy & Traveller accommodation project and 1 LDP call for sites plus the consultation on LDP candidate sites), this option is deemed unlikely.

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- 4.10 Given the local and national planning policies in place (which designate Gypsy and Traveller sites in effect residential development sites), any land which the Council owns which is or has been put forward as suitable for a residential development in the LDP, can arguably be considered suitable for Gypsy and Traveller site provision. Sites which have been put forward as residential sites by the Council have, therefore, been considered in the site analysis and are included in Appendix 3.
- 4.11 As designated Green Barriers and Public Open Space sites may be amended in the replacement LDP, sites previously considered outside the scope of development for Gypsy & Traveller sites because of this factor have been included, with the risk that they may be discounted if designations do not change being highlighted.
- 4.12 Plans indicating shortlisted sites are included in Appendix 3. It should be noted that exact locations of potential development sites within ownership boundaries is indicative only and would be subject to detailed survey, development and formal planning applications.
- 4.13 It should be noted that submitting candidate sites into the LDP at this stage does not imply that they will be allocated in the LDP. A wider and comprehensive consultation exercise will be undertaken prior to the adoption of the LDP which will inform which sites are included.

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

#### 5.1 Housing:

“Everyone is supported to live in homes that meet their needs”

“Support young people to access suitable homes they can afford”

“A wide range of accommodation available to suit different needs”

#### 5.2 Denbighshire’s equalities commitment:

“In our approach to mainstreaming equality and diversity, we conform our commitment to celebrating diversity and promoting equality in everything we do, to improve the quality of life for everyone living, working and visiting Denbighshire. This commitment is demonstrated throughout the activities which take place in our Corporate Plan and our Service Business Plans.

This [Corporate] plan is designed to allow the Council to play its role, as a public authority, in ensuring that we coordinate our work to take forward positive outcomes for people of all protected characteristics.”

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

- 6.1 £179,960 has been allocated to bring both sites forward and obtain Planning Approval. It is anticipated that this will be sufficient to develop proposals for a transit site to formal planning application stage.
- 6.2 Further costs regarding operation and management of the facilities will be identified as part of a separate report. Facilities Management, Property and Housing will be

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impacted upon once the facilities are operational and this is subject to the development of a management structure.

- 6.3 The cost of producing a replacement LDP will continue to be reviewed in detail over the coming months. Budget for the review has been accrued on an annual basis and will be available for this work. Any requirement for additional consultation over and above that statutorily required is likely to incur additional costs currently not factored in to the LDP budget.

### **7. What are the main conclusions of the Well-being Impact Assessment?**

- 7.1 The WBIA has been undertaken and the outline results are as below. It is recognised that the WBIA will need to be reviewed at several stages during the progression of sites through the democratic and LDP processes. The WBIA is included at Appendix 4.

#### Well-being goals

A prosperous Denbighshire	Neutral
A resilient Denbighshire	Neutral
A healthier Denbighshire	Neutral
A more equal Denbighshire	Positive
A Denbighshire of cohesive communities	Neutral
A Denbighshire of vibrant culture and thriving Welsh language	Neutral
A globally responsible Denbighshire	Neutral

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

- 8.1 Following the Cabinet decision of March 2019, internal consultation regarding site options has been undertaken with officers from Valuation & Estates and Asset Management. Response from Valuation & Estates regarding the loss of agricultural land generally is included in Appendix 3.

- 8.2 Consultation has been undertaken with Local Members where the proposed sites for inclusion in the LDP fall within their Ward, namely:

Rhuallt (Tremeirchion) – Cllr Christine Marston

Denbigh/Henllan (Denbigh Upper/Henllan) – Cllr Geraint Lloyd-Williams. Cllr Glenn Swingler

- 8.3 Member responses will be submitted in writing or verbally at Asset Management Group
- 8.4 Pending approval at AMG, the sites recommended in this report will be presented to the Strategic Planning Group, Communities Scrutiny and Cabinet for further consideration. The emerging replacement LDP will be subject to engagement and consultation with the public and other stakeholders.

## **9. Chief Finance Officer Statement**

- 9.1 As stated above funding is already in place to develop a transit site to formal planning application stage. It is important that any additional costs, that cannot be contained within existing resources, go through the Council's capital and revenue decision making and budget setting processes.

## **10 Corporate Landlord Statement**

- 10.1 The Council has a statutory duty to provide Gypsy & Traveller sites in response to the approved Gypsy & Traveller Accommodation Assessment. The duty to provide needs to be reflected in the emerging Local Development Plan and this route provides a transparent process of Member and public consultation.

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

- 11.1 Unlawful encampments on Council and private land will continue if the housing needs of Gypsies and Travellers are not met. Resolving such unlawful encampments will inevitably result in costs for the authority. Provision for suitable accommodation would help to address this issue. The obligation to address accommodation needs identified through the Gypsy & Traveller Accommodation Needs Assessment is a statutory requirement as set out in the Housing (Wales) Act 2014 and failure to act on the recommendations of the Assessment could result in legal challenge and/or direction from Welsh Government.
- 11.2 Grant funding is available from Welsh Government for the development of Gypsy & Traveller sites, however this fund is insufficient to meet the requirement across Wales and funding bids can normally only be submitted annually and during a specified time period. Failure to progress the site identification process will negatively impact on the LA's ability to apply for, and secure, this funding, which may result in the total cost of site provision having to be met by the LA.
- 11.3 Whilst the Gypsy and Traveller accommodation issue is debated in order to find a solution there could be delays in progressing the new LDP. The old LDP "runs out" in 2021. If there isn't a replacement LDP in place by this time, there will be a period where we have no LDP. During any period with no adopted LDP, Denbighshire will be reliant on National Policy for determining planning applications. Local designations such as development boundaries and policies such as the standard affordable housing requirement will be lost.

## **12. Power to make the Decision**

- 12.1 Housing (Wales) Act 2014 – part 3

## **Appendix 1**

### **Statutory Duties & Relevant Legislation:**

#### **The Housing Act (Wales) 2014. Section 101 & Section 102.**

##### **101 Assessment of Accommodation Needs**

*(1) A local housing authority must, in each review period, carry out an assessment of the accommodation needs of Gypsies and Travellers residing in or resorting to its area.*

*(2) In carrying out an assessment under subsection (1) a local housing authority must consult such persons as it considers appropriate.*

*(3) In subsection (1), “review period” means— (a) the period of 1 year beginning with the coming into force of this section, and (b) each subsequent period of 5 years.*

##### **102 Report following assessment**

*(1) After carrying out an assessment a local housing authority must prepare a report which— (a) details how the assessment was carried out; (b) contains a summary of— (i) the consultation it carried out in connection with the assessment, and (ii) the responses (if any) it received to that consultation; (c) details the accommodation needs identified by the assessment.*

*(2) A local housing authority must submit the report to the Welsh Ministers for approval of the authority’s assessment.*

*(3) The Welsh Ministers may— (a) approve the assessment as submitted; (b) approve the assessment with modifications; (c) reject the assessment.*

*(4) If the Welsh Ministers reject the assessment, the local housing authority must— (a) revise and resubmit its assessment for approval by the Welsh Ministers under subsection (3), or (b) conduct another assessment (in which case section 101(2) and this section apply again, as if the assessment were carried out under section 101(1)).*

*(5) A local housing authority must publish an assessment approved by the Welsh Ministers under this section.*

In compliance with Sections 10 & 102 of The Act, Denbighshire County Council published its approved Gypsy & Traveller Accommodation Assessment (GTAA) was approved by WG in March 2017. It identified a need for:

- A permanent residential site for 5-6 pitches for an extended family residing in Denbighshire; and
- A transit site for 4-5 pitches.

## **The Housing Act (Wales) 2014. Section 103 & Section 104.**

### **103 Duty to meet assessed needs**

*(1) If a local housing authority's approved assessment identifies needs within the authority's area with respect to the provision of sites on which mobile homes may be stationed the authority must exercise its powers in section 56 of the Mobile Homes (Wales) Act 2013 (power of authorities to provide sites for mobile homes) so far as may be necessary to meet those needs.*

*(2) But subsection (1) does not require a local housing authority to provide, in or in connection with sites for the stationing of mobile homes, working space and facilities for the carrying on of activities normally carried out by Gypsies and Travellers.*

*(3) The reference in subsection (1) to an authority's approved assessment is a reference to the authority's most recent assessment of accommodation needs approved by the Welsh Ministers under section 102(3).*

### **104 Failure to comply with duty under section 103**

*(1) If the Welsh Ministers are satisfied that a local housing authority has failed to comply with the duty imposed by section 103 they may direct the authority to exercise its powers under section 56 of the Mobile Homes (Wales) Act 2013 so far as may be necessary to meet the needs identified in the authority's approved assessment.*

*(2) Before giving a direction the Welsh Ministers must consult the local housing authority to which the direction would relate.*

*(3) A local housing authority must comply with a direction given to it.*

*(4) A direction given under this section— (a) must be in writing; (b) may be varied or revoked by a subsequent direction; (c) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers.*

As a need has been identified in the Council's GTAA and the document has been approved by Welsh Government and published, the Council has a legal obligation to provide suitable sites to accommodate that need.

If the Council fails to meet its legal obligations, a direction from the Minister to meet the needs can be given and must be complied with.

Failure to meet the needs identified in the GTAA could also lead to a legal challenge from the resident family and the travelling community.

### **Public Sector Equality Duty:**

Romani Gypsies and Irish Travellers are recognised ethnic groups for the purposes of the Equality Act 2010. Race is one of the protected characteristics covered by the Act. Race

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refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Additionally, the Equality and Human Rights Commission considers Gypsies and Travellers to be amongst the most vulnerable and marginalised minority groups in Britain.

The [Public sector equality duty](#) came in to force in April 2011 (s.149 of the Equality Act 2010) and public authorities are now required, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

To ensure transparency, and to assist in the performance of this duty, the Equality Act 2010 (Specific Duties) Regulations 2011 require public authorities to publish:

- equality objectives, at least every four years (from 6th April 2012)
- information to demonstrate their compliance with the public sector equality duty (from 31st January 2012)

Failure by a local authority to meet these duties could result in a claimant taking legal action about a decision made and/or a discrimination claim.

## Appendix 2 – Initial Site Review Criteria

Using the guidance and site requirements provided in Welsh Government's Draft Circular 'Planning for Gypsy, Traveller and Showpeople Sites' (February 2017), guidance document 'Designing Gypsy and Traveller Sites' (May 2015), and national/local planning policies, the following criteria were identified against which suggested sites have been assessed.

Physical & environmental constraints:	Flood risk
	Pontcysyllte Canal & Aqueduct World Heritage Site & buffer zone
	Clwydian Range & Dee Valley Area of Outstanding Natural Beauty
	Green Barrier*
	Protected habitats & species
	Topography
	Health & safety
	Provision for on-site amenities
	Historic Landscape, Parks & Gardens
	'Best & Most Versatile' agricultural land (i.e. grades 1-3a)
	Built environment designations (e.g. Listed Buildings etc.)
	Mineral reserves areas
Highways & access:	Site access
	Highways capacity
	Footways & footpaths
Sustainability:	Access to centres of employment
	Access to facilities & services
	Public transport facilities
Planning policy:	LDP allocated use*
	Relationship to development boundary & settlement pattern
Ownership:	Local authority, public body or privately owned
Proximity to neighbouring uses:	Distance, scale and type of neighbouring properties

The Council's approved GTAA identified that the need for Gypsy & Traveller sites was predominantly in the North of the County and related to their travelling pattern through Denbighshire.

A multi-disciplinary officer group representing Planning and Property & Estates Services appraised the sites against the detailed criteria above. A minimum site size of 0.5 hectares was also applied, in order to accommodate the required number of pitches and necessary additional amenity buildings and infrastructure. However, given the detailed design process undertaken for the residential Gypsy & Traveller site, and the likelihood that more space would be required for a transit site to get

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vehicles off the highway during the booking in process, a minimum site area of 0.6 hectares has been applied.

\*May change in the replacement LDP

**Appendix 3 – Site Analysis & Recommendations.**

The original 8 sites shortlisted and analysed for residential & transit Gypsy & Traveller sites were:

<b>SITE</b>	<b>CONSIDERATIONS</b>	<b>RECOMMENDATION</b>
St Asaph Green-Gates East	Cabinet decision of March 2019 precludes development for a Gypsy & Traveller site	Discount – Cabinet Resolution
A55 Triangle Site (South West of J26 A55)	Not in DCC ownership – landowner refused to sell.	Discount - undeliverable
St Asaph Former Pilkington's Site	Not in DCC ownership. Acquisition considered too expensive.	Discount - undeliverable
Rhuallt Land off B5429;	In DCC ownership. Outside AONB. Good Highways Access. Relatively remote from main village. Submitted as a candidate site for consideration as a potential residential allocation in the emerging LDP	Short list for consideration
Rhuallt Dyffryn Teg	In DCC ownership. Outside AONB. Close to residential area. Highways access impractical/undeliverable for transit site. Submitted as a candidate site for consideration as a potential residential allocation in the emerging LDP (currently has residential allocation) Land currently owned by HRA – DCC would need to purchase.	Discount – Highways access unachievable
Rhuallt Land of Holywell Road	Good Highways access. Outside AONB. Only partly in DCC ownership – remaining site would require acquisition. Site development costs relatively high (contaminated site). Potential North Wales AHP waste management site.	Short list for consideration

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Rhuallt Mast Site	Not in DCC ownership. Too close to A55 (Noise).	Discount - undeliverable
Oakleigh House Site, Waen	Not in DCC ownership. Too remote for access to services/public transport.	Discount – planning permission unlikely

**Additional Sites Considered – DCC owned sites proposed as residential sites on the current Candidate Site Register.**

<b>SITE</b>	<b>CONSIDERATIONS</b>	<b>RECOMMENDATION</b>
Land at Clawdd Poncen, Corwen	Too far from A55 corridor. WG unlikely to fund (Potential £750K) Outside AONB.	Discount – unlikely to get planning & WG funding due to location
Depot at Ty'n Lliidiart, Corwen	Too small.	Discount - size
Land adjacent to Ysgol Pendref, Denbigh	Possibly too far from the A55 Corridor. WG funding (Potential £750K) may be at risk. Land currently owned by HRA – DCC would need to purchase – circa £1 - 2M. Outside AONB.	Discount – potentially high value site
Land at Moutfields, Denbigh	Possibly too far from the A55 Corridor. WG funding (Potential £750K) may be at risk. Loss of potential land value circa £1.5 – 2.5M Reasonable highway access. Outside AONB.	Discount – potentially high value site
Land at Henllan St Denbigh	Possibly too far from the A55 Corridor. WG funding (Potential £750K) may be at risk. Land owned by HRA – DCC would need to purchase circa £4 - 500K. Good highway access. Subject of formal planning application (residential). Outside AONB.	Discount – Formal planning application for housing submitted.

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<p>Land at Coppy/Henllan Road, Denbigh</p>	<p>Possibly too far from the A55 Corridor. WG funding (Potential £750K) may be at risk. Highway access would be via proposed residential development. Submitted as a candidate site for consideration as a potential residential allocation in the emerging LDP Site value circa £6 - 700K Outside AONB.</p>	<p>Discount – high value site &amp; access issues.</p>
<p>Cae Ffyddion, Dyserth (retained land)</p>	<p>Highways access problematic (from Waterfall Road/via new development). Sale agreed with developer of adjoining site Outside AONB.</p>	<p>Discount – negotiations for sale ongoing. Access issues.</p>
<p>Llangollen Youth Club site</p>	<p>Too far from A55 corridor. WG unlikely to fund (Potential £750K) Outside AONB.</p>	<p>Discount - unlikely to get planning &amp; WG funding due to location</p>
<p>Land at Barkby Avenue, Prestatyn</p>	<p>Too small.</p>	<p>Discount - size</p>
<p>Land at rear of Central Avenue, Prestatyn</p>	<p>Flat site. Close proximity to relatively densely populated residential area. Vehicular access through residential area may be problematic. Submitted as a candidate site for consideration as a potential residential allocation in the emerging LDP Outside AONB.</p>	<p>Short list for consideration</p>
<p>Land at Marine Road, Prestatyn</p>	<p>Within flood zone.</p>	<p>Discount – flood zone</p>
<p>Land adjacent to Rhyd Y Byll, Rhewl</p>	<p>Too far from A55 corridor. WG unlikely to fund (Potential £750K) Outside AONB.</p>	<p>Discount - unlikely to get planning &amp; WG funding due to location</p>

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Land to the rear of Rhuallt former school	Reasonably flat site. Good highways access. Close to A55 Close to bus route. Currently open space but opportunities to mitigate. Submitted as a candidate site for consideration as a potential residential allocation in the emerging LDP Outside AONB.	Short list for consideration
Land adjacent to Tirionfa & Pentre Lane, Rhuddlan	Poor access from Pentre Lane - Highways access would rely on current ongoing residential developments – unlikely to be granted by developer. Outside AONB.	Discount – Access & potential future development value.
Land at corner of Sandringham Avenue & West Parade, Rhyl	Too small	Discount - size
Glasdir Phase 2 Ruthin	Too far from A55 corridor. WG unlikely to fund (Potential £750K) Outside AONB.	Discount - unlikely to get planning & WG funding due to location
Canol Y Dre Ruthin	Too far from A55 corridor. WG unlikely to fund (Potential £750K) Outside AONB.	Discount - unlikely to get planning & WG funding due to location
Former Rhos St School playing fields, Ruthin	Too far from A55 corridor. WG unlikely to fund (Potential £750K) Outside AONB.	Discount - unlikely to get planning & WG funding due to location

**Other potential DCC owned sites considered:**

<b>SITE</b>	<b>CONSIDERATIONS</b>	<b>RECOMMENDATION</b>
Pydew Farm, Prestatyn	Parcel of land outside flood zone. Outside AONB. Relatively isolated site. Currently in Green Barrier but could be re-designated. Potential capital receipt of £1 Million +. Single track access from highway with no scope for improvement. Removing the access track from the tenancy could be problematic (has failed elsewhere recently).	Discount – high value & likely access issues.
Land off Warren Drive Prestatyn	Relatively isolated site. Outside AONB. Land outside flood zone but road access is within flood zone – unlikely to get planning permission.	Discount – unlikely to get planning due to access
Car Park Brighton road Rhyl	Too Small	Discount - size
Henllan former Tip Site	Possibly too far from the A55 Corridor. WG funding (Potential £750K) may be at risk. Reasonably flat site. Good highways access. Site development costs high (contaminated site). Close to settlement boundary – high impact on predominantly residential area. Not within AONB	Discount – risk of no WG funding, high development costs and adjoining residential area.
Denbigh Henllan Road Site 1	Possibly too far from the A55 Corridor. WG funding (Potential £750K) may be at risk. Reasonably flat site. Good highways access. Reasonably flat site. Relatively isolated site Not within AONB	Shortlist for further consideration

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Denbigh Henllan Road Site 2	<p>Possibly too far from the A55 Corridor. WG funding (Potential £750K) may be at risk.</p> <p>Reasonably flat site. Good highways access. Reasonably flat site. Relatively isolated site Not within AONB</p>	Shortlist for further consideration
Land at Efail y Waen Farm Bodfari	<p>Possibly too far from the A55 Corridor. WG funding (Potential £750K) may be at risk.</p> <p>Reasonably flat site. Good highways access. Reasonably flat site. Relatively isolated site Not within AONB. Grade 1 Agricultural Land</p>	Discount – loss of Grade 1 Agricultural Land would preclude planning permission

**Shortlisted sites – Further consideration:****Land off B5429 – Rhualt – Plan Ref: 001**

<b>Land ownership – DCC Owned</b>	
<b>Pro</b>	<b>Con</b>
<p>Negotiation with 3<sup>rd</sup> party landowner not required – Expedites the programme for delivery</p> <p>Within to A55 corridor – WG funding would apply.</p> <p>Relatively short tenancy terms.</p>	<p>High quality agricultural land.</p> <p>Some residential potential subject to allocation in a future Local Development Plan. Submitted as a candidate site for consideration as a potential residential allocation in the emerging LDP</p> <p>Loss of land value to DCC - £1 - 2 Million (at residential development rates, assuming future allocation for residential use for 50% of site).</p>

<b>Development Potential</b>	
<b>Pro</b>	<b>Con</b>
<p>Infrastructure (utilities) anticipated to be available</p> <p>Outside area of flood risk.</p> <p>Site contamination arising from previous uses is not anticipated</p> <p>Highways access acceptable in principle.</p>	<p>Greenfield site which may have ecological interest – further studies and possible mitigation measures may be required.</p> <p>Lack of foul drainage – package cesspit/package treatment works required representing a high abnormal cost for a small development.</p> <p>Remaining site development would be limited. Likely remain as agricultural land.</p>

<b>Impact on Locality</b>	
<b>Pro</b>	<b>Con</b>
<p>Large site with potential to mitigate the visual impact of any development from neighbouring properties through screening and landscaping.</p> <p>Site is located away from the main residential area of the village</p>	<p>48 residential and 2 business properties located within 500m</p> <p>Predominantly residential area – objections are likely from surrounding properties.</p> <p>Close proximity to the existing residential community increases the likelihood of ongoing conflict</p> <p>Possible impacts on restaurant/caravan site business directly opposite the site.</p>

**Loss of potential market value circa £1.-2 Million. Potentially lower value site in close proximity**

**Recommendation - Discount due to potential cost (loss of value).**

**Land off Holywell Road – Rhualt – Plan Ref: 002**

<b>Land ownership – In shared Ownership</b>	
<b>Pro</b>	<b>Con</b>
<p>DCC owns one third of the site.</p> <p>Close to A55 – WG funding would apply</p>	<p>Comparatively low site acquisition costs.</p> <p>Current site value for commercial development use (taking into consideration site remediation costs) is circa £250 - 350K and this represents the site cost to DCC (lost opportunity cost and acquisition costs).</p> <p>Development of the least/non contaminated portion of this site would render development of the remaining site financially unviable – therefore there is no residual site value.</p> <p>Flintshire County Council &amp; Conwy Borough County Council may refuse to sell their interest.</p>

<b>Development Potential</b>	
<b>Pro</b>	<b>Con</b>
<p>Not located within AONB etc.</p> <p>All services assumed available on site given the adjoining and previous uses.</p> <p>Outside area of flood risk.</p> <p>Road access to site good and access to site available (but would potentially need new access).</p> <p>Noise mitigation, site remediation and proximity to Anaerobic Digester installation may have reduced impact/cost if site used for transit purposes only (due to relatively short occupation periods).</p>	<p>The Western side of the site is considered contaminated land (residual asbestos contamination of soil and a former foot &amp; mouth burial pit).</p> <p>While the remaining portion of the site (to the East) would, with careful design, potentially provide enough space for either a residential or transit Gypsy &amp; Traveller site, it is anticipated that enhanced investigation required for a residential development could identify further contamination and required remedial works (the contamination surveys undertaken in 2015 considered requirements to allow commercial/industrial development – with remediation costs of circa £490K).</p> <p>Proximity to the A55 would require some noise remediation measures in order to justify planning approval – increasing the comparative development costs.</p> <p>Close proximity of the Anaerobic Digester installation (adjoining site) may be considered justifiable reason to refuse a residential development proposal.</p> <p>Remote location may be a legitimate reason for refusal of residential planning permission – not on/near a scheduled bus route (distance to</p>

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	<p>nearest bus stop circa 1.8 km.). Route has pavement. Remaining site development would be limited to commercial use.</p> <p>Comment from DCC Highways &amp; Environmental Services:</p> <p><i>The former abattoir site in Rhualt is adjacent to the Biogen Anaerobic Digestion food waste recycling plant. The plant recycles all local authority collected food waste from Denbighshire, Conwy and Flintshire as well as nearby commercial sources. The process uniquely generates Combined Heat and Power (CHP).</i></p> <p><i>Currently the Welsh Government are considering whether to put this site forward as a reference site for their AHP (Absorbent Hygiene Products) Recycling project. Advanced Autoclave and sorting technology is capable of recycling AHP into three products all of which have promising market potential. A successful demonstrate project in Italy through Fater Technologies has led to the ring-fencing of infrastructure funding in Wales to launch AHP recycling in two years' time. A decision on the location of the site(s) will be made in the next 3-4 months.</i></p>
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Impact on Locality	
Pro	Con
<p>Large site with potential to mitigate the visual impact of any development from neighbouring properties through screening and landscaping.</p> <p>Site is located away from main residential areas.</p> <p>Relatively low – 6 residential and 2 commercial properties within 500m of the site.</p> <p>Predominantly commercial/employment/agricultural use – limited number of residential properties reduces the potential for ongoing conflict</p>	<p>Located within open countryside – would require landscaping and screening.</p> <p>Objections anticipated from surrounding building owners/users.</p>

**Acquisition costs relatively low in comparison to other sites. Development costs will be comparatively higher but unlikely to significantly outweigh the loss of land value elsewhere (land value + abnormal development cost = £740 - 840K) and relatively low impact on surrounding community in comparison to other sites.**

**Recommendation – Submit as candidate Gypsy & Traveller site.**

**Land at Rear of Central Avenue – Prestatyn – Plan Ref: 003**

<b>Land ownership – In DCC Ownership</b>	
<b>Pro</b>	<b>Con</b>
Negotiation with 3 <sup>rd</sup> party landowner not required – Expedites the programme for delivery.	Loss of land value to DCC - £3 - 400K (at residential development rates, assuming future allocation for residential use).
Proximity to A55 good – WG funding would likely be granted.	Boundary issues to resolve with adjoining properties may negate development potential.

<b>Development Potential</b>	
<b>Pro</b>	<b>Con</b>
Infrastructure (utilities) anticipated to be available	Highways access is achievable from Ffordd Pendyffryn but would be via Banastre Avenue on a busy residential estate. Highway improvement works may be required.
Outside area of flood risk.	
Site contamination arising from previous uses is not anticipated.	Submitted as a candidate site for consideration as a potential residential allocation in the emerging LDP
Relatively flat site.	Mitigation for loss of public open space anticipated to cost circa £216K

<b>Impact on Locality</b>	
<b>Pro</b>	<b>Con</b>
	Site is located adjacent to a main residential area of the town and backs directly onto adjoining dwellings.
	250 plus residential and 100 plus business properties located within 500m
	Close proximity to the existing residential community increases the likelihood of conflict
	Objections anticipated from surrounding building owners/users.

**Relatively low loss of land value circa £3 - 400K (plus £216K mitigation land costs) but high impact on surrounding community. Access via existing housing estate would be problematic.**

**Recommendation – Discount due to location.**

**Former School Site – Rhualt – Plan Ref: 004**

<b>Land ownership – DCC Owned</b>	
<b>Pro</b>	<b>Con</b>
Negotiation with 3 <sup>rd</sup> party landowner not required – Expedites the programme for delivery	Potential for future residential development, subject to allocation in a future Local Development Plan.
Within to A55 corridor – WG funding would apply.	Loss of land value to DCC - £450 - 500K (at residential development rates, assuming future allocation for residential use) plus £350 - 450K mitigation land value – Rhualt HRA site.

<b>Development Potential</b>	
<b>Pro</b>	<b>Con</b>
Infrastructure (utilities) anticipated to be available	Greenfield site which may have ecological interest – further studies and possible mitigation measures may be required.
Outside area of flood risk.	Lack of foul drainage – package cesspit/package treatment works required representing a high abnormal cost for a small development.
Site contamination arising from previous uses is not anticipated	Remaining site development would be limited.
Highways access acceptable in principle.	Significant recent investment undertaken on play area. Would require re-location.
Potential for future expansion of the site if required	Submitted as a candidate site for consideration as a potential residential allocation in the emerging LDP
Could swap open space designation with Dyffryn Teg but the HRA would expect a capital receipt.	Existing open space designation may be retained within replacement LDP negating development potential.

<b>Impact on Locality</b>	
<b>Pro</b>	<b>Con</b>
Some potential for mitigation of visual impact.	75 residential and 4 business properties located within 500m
	Predominantly residential area – objections are likely from surrounding properties.
	Close proximity to the existing residential community increases the likelihood of ongoing conflict.

**Loss of potential value circa £8 - 900K relatively moderate & comparable to the combined cost of the abattoir site. Impact on surrounding locality comparatively moderate.**

**Recommendation - Submit as candidate Gypsy & Traveller site.**

**Denbigh Henllan Road Site 1 – Plan Ref: 005**

<b>Land ownership – DCC Owned</b>	
<b>Pro</b>	<b>Con</b>
Negotiation with 3 <sup>rd</sup> party landowner not required.	<p>Subject to long term Farm Business Tenancy – negotiation required to bring control of the land back to DCC.</p> <p>Detailed planning consent would be required prior to serving Notice to Quit.</p> <p>Could be subject to arbitration. Tenant entitled to compensation subject to negotiation.</p> <p>Impact on value of plot at agricultural rates £150 - 250K</p>

<b>Development Potential</b>	
<b>Pro</b>	<b>Con</b>
<p>Basic infrastructure (utilities) anticipated to be available</p> <p>Outside area of flood risk.</p> <p>Site contamination arising from previous uses is not anticipated</p> <p>Highways access acceptable in principle.</p>	<p>Greenfield site which may have ecological interest – further studies and possible mitigation measures may be required.</p> <p>Section of boundary with road designated Wildlife site – could require extensive internal “driveway”.</p> <p>Remaining site development would be limited.</p> <p>Fairly isolated location – 1.4 km from bus stop – but road has pavement.</p> <p>Outside development boundary &amp; grade 2 agricultural land but over-riding need for transit site may take precedence.</p> <p>Risk that WG grant of £750K may not be granted.</p> <p>Located within open countryside – would require landscaping and screening.</p>

<b>Impact on Locality</b>	
<b>Pro</b>	<b>Con</b>
Potential for mitigation of visual impact.	Limited – circa 5 dwellings/farms & Denbigh Golf Club within 500m of the site.

**Loss of land value relatively low (but potential loss of WG grant). Potentially onerous route to regaining control of the land. Limited impact on the surrounding community.**

**Recommendation - Submit as candidate Gypsy & Traveller site.**

**Denbigh Henllan Road Site 2 – Plan Ref: 006**

<b>Land ownership – DCC Owned</b>	
<b>Pro</b>	<b>Con</b>
Negotiation with 3 <sup>rd</sup> party landowner not required.	<p>Subject to long term Farm Business Tenancy – negotiation required to bring control of the land back to DCC.</p> <p>Detailed planning consent would be required prior to serving Notice to Quit.</p> <p>Could be subject to arbitration. Tenant entitled to compensation subject to negotiation.</p> <p>Impact on value of plot at agricultural rates £4 - 500K</p>

<b>Development Potential</b>	
<b>Pro</b>	<b>Con</b>
<p>Basic infrastructure (utilities) anticipated to be available</p> <p>Outside area of flood risk.</p> <p>Site contamination arising from previous uses is not anticipated</p> <p>Highways access acceptable in principle.</p>	<p>Greenfield site which may have ecological interest – further studies and possible mitigation measures may be required.</p> <p>Remaining site development would be limited. Likely remain agricultural land.</p> <p>Fairly isolated location but relatively close to amenities - 580m from bus stop. Road has no pavement.</p> <p>Outside development boundary &amp; grade 2 agricultural land but over-riding need for transit site may take precedence.</p> <p>Risk that WG grant of £750K may not be granted.</p> <p>Located within open countryside – would require landscaping and screening.</p>

<b>Impact on Locality</b>	
<b>Pro</b>	<b>Con</b>
Potential for mitigation of visual impact.	Limited – circa 5 dwellings/farms & Denbigh Golf Club within 500m of the site.

**Loss of land value relatively low (but potential loss of WG grant). Potentially onerous route to regaining control of the land. Limited impact on the surrounding community. Relatively close to amenities.**

**Recommendation - Submit as candidate Gypsy & Traveller site.**

## Appendix 2

### **Response from valuation & Estates Regarding the loss of agricultural land generally and potential issues serving notice to quit.**

Denbighshire's agricultural estate strategy was adopted in 2015. It was adopted as a result of decreasing amounts of resources to maintain the estate together with low rate of returns when comparing rental returns to capital values.

The strategy provides Tenants occupying holdings under long terms tenancies with the option to purchase the freehold of their holdings and to date a number of tenants have purchased their holdings under the provisions of the strategy. A number of other tenants have also expressed an interest in the purchase of their holdings and discussions are ongoing.

Regarding the potential sites on agricultural land, which are all currently let under long term Farm Business Tenancies. The following are potential challenges which are encountered by Landlords in taking land out of long term tenancies in view of the protection which is afforded to Tenants under long term tenancies:

- Regaining possession of land which is let under a long term tenancy can be difficult.
- The process can take at least 12 months.
- Planning consent for non-agricultural use has to be in place before a Notice to Quit can be served.
- The matter may be referred to Arbitration by the Tenant and the decision is made by the Arbitrator on whether the land can or cannot be taken out of the tenancy.
- The Tenant may be entitled to compensation as determined by the Arbitrator

## Appendix 4