

Denbighshire Replacement Local Development Plan 2018 – 2033 Revised Delivery Agreement October 2022

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Introduction

1.1. Background

- 1.1.1 Section 69 (S69) of the Planning and Compulsory Purchase Act 2004 requires a Local Planning Authority (LPA) to undertake a review of a Local Development Plan (LDP) and report to the Welsh Government at such times as prescribed. To ensure that there is a regular and comprehensive assessment of whether plans remain up-to-date or whether changes are needed, an authority should commence a S69 full review of its LDP at intervals not longer than every 4 years from initial adoption and then from the date of the last adoption following a review under S69 (Regulation 41).
- 1.1.2 As part of the LDP process, Denbighshire County Council (the Council) prepared a Review Report which has identified a requirement to undertake a full revision of its Development Plan. The issues considered within the report are of sufficient significance to support the preparation of a revised LDP.
- 1.1.3 The Review Report drew upon the published Annual Monitoring Reports (AMR), evidence gathered through updated survey evidence, and pertinent contextual indicators to support this conclusion.
- 1.1.4 The current adopted Denbighshire LDP 2006 – 2021 will remain the statutory development plan until it is replaced by a revised version of the LDP. The letter dated the 24th September 2020 from the Minister for Housing and Local Government confirmed that adoption of the current LDP prior to 4 January 2016 makes provision for it to remain the basis for determining planning applications until replaced by the emerging replacement LDP.
- 1.1.5 The replacement LDP will take a positive role in identifying opportunities for growth and investment, including the allocation of appropriate sites for development in a manner which is balanced against the protection and enhancement of the natural and built environment. It will also consider the linguistic, social and cultural nature of the County's communities.

1.2. Purpose of the revised Delivery Agreement

- 1.2.1 As a requirement of the regulations set out above, the Council is obliged to prepare and approve a Delivery Agreement (DA) for the preparation of the replacement LDP. This must then in turn be approved by the Welsh Government (WG).
- 1.2.2 The DA is a public statement of the Council's commitment to the preparation of the replacement LDP, and also how and when stakeholders, interested parties and communities can contribute to its preparation. The DA represents a key statutory stage in the preparation of the Plan, and adherence to its agreed contents represents one of the tests of the soundness (See section 1.7) at the public examination stage.
- 1.2.3 The original Delivery Agreement for the replacement LDP was approved in May 2018 and work was progressing well in-line with the agreed timetable. The onset of the global pandemic and a number of other factors have caused a significant delay in the progression of the replacement LDP. Given the time period that has elapsed there is a need to prepare a revised Delivery Agreement that includes both a new timetable and Community Involvement Scheme.

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. Definitive dates are provided up to the Deposit Stage with indicative dates for subsequent stages.
- **The Community Involvement Scheme:** this outlines the approach to community engagement; whom; how, and when we intend to engage and how the Council will respond to representations.

- 1.2.4 The DA forms an important and statutory component in the preparation of a revised LDP. In this respect it is noted that at the Examination into the LDP, any deviations from the DA that have not been agreed with the WG will form an important test into the 'soundness' of the Plan. The DA, its timetable, and the methods which the Council utilise during the Plan's preparation are fundamental in ensuring the Plan is prepared in an appropriate, timely, and inclusive manner.

1.3 Revised Delivery Agreement

1.3.1 The Council is required to keep the Delivery Agreement under regular review and any revision must be approved by resolution of the Council and agreed by Welsh Government. The Delivery Agreement should be publicised and made available for inspection in line with LDP Regulation 10. It is recognised that only exceptionally should a revised timetable be considered during plan preparation. However, in her letter of the 7th July 2020, the Minister for Housing and Local Government recognised that a revised Delivery Agreement will be required where the impact arising from Covid-19 means that an authority cannot adhere to the previously agreed timetable. This has been further compounded by the impacts associated with the publication of the Natural Resources Wales Guidance on Phosphates in Rivers designated as Special Areas of Conservation (SAC); delays to carrying out fieldwork in relation to Gypsy and Traveller Accommodation Assessments and delays to the publication of Technical Advice Note 15: Development, flooding and coastal erosion.

1.3.2 In developing the Revised Delivery Agreement, the Council is required to:

- Prepare a draft Revised Delivery Agreement;
- Consult on the Draft Delivery Agreement with the Welsh Government and a draft timetable with Planning and Environment Decisions Wales (PEDW) (formerly Planning Inspectorate Wales), Cadw and Natural Resources Wales (NRW);
- Consider, and where appropriate revise, the draft DA's content following its consultation; and,
- Submit to Welsh Government for agreement.

1.3.3 Once agreed by Welsh Government, the revised Delivery Agreement will be published on the Council website www.denbighshire.gov.uk .

1.4 Impact of Covid-19

- 1.4.1 The Covid 19 outbreak and pandemic has had a significant impact on everybody's life and on the way the Council and its employees operate and deliver services. All Council meetings were temporarily suspended and then reconvened in a virtual format which has had an impact on decision making. Responding to the pandemic was rightly a priority for the Council and staff from the Planning Policy team were seconded to different roles in the Council to work directly on the pandemic response. This has caused inevitable delays to the progress of the replacement LDP resulting in the need for a revised Delivery Agreement.
- 1.4.2 On the 7th July 2020, the Minister for Housing and Local Government sent a letter to Local Authority Leaders and Chief Executives. In this letter the Minister reiterated the role of up to date, agile development plans as the cornerstone of the planning system. The letter requires local planning authorities to reflect on the impact of the pandemic on their areas and consider the consequences for LDPs under review or being implemented. Those LDPs currently undergoing review, which had not yet been submitted to the Planning Inspectorate (now PEDW) for examination, should undertake an assessment of the evidence base, strategy, and policies in terms of sensitivity to the consequences of the pandemic. This assessment has been prepared in conjunction with this Revised DA and can be found at Appendix 4.
- 1.4.3 A key component of a DA is the Community Involvement Scheme (CIS), which sets out whom, when and by what means communities and other stakeholders will be engaged in the plan preparation process. It is recognised that the Covid-19 pandemic has influenced how we access and use public buildings and participate in consultations/engagements. Careful consideration will be given to future Governmental advice in this regard, together with the use of virtual consultation methods to enable plan preparation to progress.

1.5 Other Factors contributing to need for revision

- 1.5.1 There have been a significant number of other contributory factors that have led to the need to revise the Delivery Agreement. Some are linked to the Covid 19 pandemic but not all.
- 1.5.2 **Phosphate levels in Riverine Special Areas of Conservation (SACs).** On 21st January 2021, Natural Resources Wales (NRW) set new phosphate standards for the nine Welsh riverine Special Areas of Conservation (SACs). NRW carried out an assessment of compliance which has shown that over 60% of relevant waterbodies are failing against the new standards, including the River Dee in Denbighshire. The objective is to improve the water quality by reducing the phosphate load through defining new targets, which are about 50 to 80% lower than the previous standards.
- 1.5.3 These failures have significant consequences for the Local Planning Authorities (LPA). For the Council the main impacts relate to development and land use changes in the River Dee and Bala Lake SAC. The “River Dee and Bala Lake SAC” is an internationally designated site for nature conservation and benefits from legal protection under ‘The Conservation of Habitats and Species Regulations 2017 (as amended)’ (Habitats Regulations 2017). Habitats Regulations 2017, Part 6 ‘Assessment of plans and projects’, puts the duty on the Council as ‘Competent Authority’ (i.e., the decision maker) to test, whether a project or plan - either alone or in combination - is likely to have a significant effect on a European site in view of that site’s conservation objectives, before deciding to give permission or authorisation. This includes the determination of planning applications and the production of the replacement Local Development Plans. The River Dee runs west to east in the southern part of Denbighshire but the HRA duties also include the tributaries that drain into the Dee. This has resulted in many planning applications being held in abeyance or refused on grounds of non-compliance with the Habitats Regulations 2017.
- 1.5.4 Whilst NRW published advice to local planning authorities, DCC have not been provided with any information on how to calculate additional phosphate loads from new developments and the application of any potential avoidance, mitigation or cancellation measures to offset additional phosphate loads. NRW and Welsh Government have left local planning authorities to identify solutions that address the consequences of new environmental targets. Additional resources and evidence are required to ensure that the replacement LDP complies with the Habitats Regulations 2017. The publication of

the NRW advice to planning authorities has directly impacted on the progress of the replacement LDP and its ability to be prepared in accordance with the previously agreed timetable. In this respect the impact of phosphates in protected Rivers requires that the draft Plan, its supporting documents and its evidence base must be reviewed to ensure compliance with the Habitats Regulations 2017 and can accord with the Tests of Soundness.

- 1.5.5 **Gypsy and Traveller Accommodation Assessment (GTAA)**- The GTAA forms part of the required evidence base for the replacement LDP. The prescribed methodology requires face to face interviews with Gypsy and Traveller households to assess their accommodation needs. In a letter from on 26th March 2020 Welsh Government imposed a moratorium on face to face interviews as a result of the Covid 19 pandemic and placed a halt on work on the GTAA, this moratorium was lifted on 6th May 2021. The deadline for submission of GTAAs was extended by 12 months by Welsh Government. The Council approved GTAA was submitted to Welsh Government in December 2021 and final approval is awaited.
- 1.5.6 **Technical Advice Note 15: Flooding, development and coastal erosion** – a revised revised draft TAN 15 was published in September 2021 with an implementation date of 1st December 2021. The new guidance and maps are fundamental to the LDP spatial strategy and the assessment of candidate sites as land in Denbighshire is susceptible to flood risk. Work on assessing candidate sites was delayed in anticipation of the new advice note being issued as flood risk is considered a fundamental constraint. Prior to the implementation date the new TAN 15 was suspended pending further work by Councils on Strategic Flood Consequence Assessments. These revised assessments are required to be submitted to Welsh Government by November 2022. An updated TAN 15 and flood maps are due to be issued in June 2023. This has caused a considerable delay in confirming the LDP Preferred Strategy and the assessment of candidate sites.
- 1.5.7 **Bodelwyddan Strategic Site** – The draft Preferred Strategy for the replacement LDP included a strategic site at Bodelwyddan. The mixed use site had been allocated in the current LDP and benefitted from an outline planning consent at the time the original Delivery Agreement and draft Preferred Strategy were approved. Subsequently the

outline planning consent has lapsed and the developer has divested their interest in the site. The site requires significant infrastructure investment to proceed and prolonged discussions and efforts have now concluded that the investment required is in excess of any funding that can be obtained. These extensive efforts to secure the necessary infrastructure funding have also contributed to a delay in reporting back on the draft Preferred Strategy which has in turn impacted on the timetable.

1.5.8 Local Government Elections – In May 2022 local government elections were held. Local elections have a considerable impact on decision making for the Council. The pre-election period, although officially commencing in March 2022 in reality started much sooner and there was concern that no potentially controversial items should be reported prior to the elections. In Denbighshire there was a significant change in elected members with around 50% of those returned, being new to the Council. The political make-up of the council changed significantly with a new Leader and entirely new Cabinet, including a new member with responsibility for progressing the LDP. New nominations had to be sought for the Strategic Planning Group and the first meeting of the group could not be held until September 2022. In total around 9 months was lost due to the elections.

1.6 Revision Procedure and the Soundness Tests

1.6.1 The Review Report summarises the main topic areas where the current Local Development Plan is not considered to be performing; where it is out of date due to contextual changes and which parts of the plan therefore require revision. Based on the significance of the changes required, it was concluded that the Council needed to produce a Replacement Local Development Plan.

1.6.2 When preparing or revising a Local Development Plan the Council must ensure that it is prepared correctly and it meets the 3 Tests of Soundness outlined within the Local Development Plan Manual (Edition 3) 2020

- Does the Plan fit? (i.e. is it clear that the Local Development Plan is consistent with other Plans?)
- Is the Plan appropriate? (i.e. is the Local Development Plan appropriate for the area in light of the evidence?)
- Will the Plan deliver? (i.e. is it likely to be effective?)

See Appendix 1 for further detail on the Soundness Tests and their application at Examination.

1.7 Supplementary Planning Guidance and Site Development Briefs

1.7.1 Supplementary Planning Guidance (SPG) has an important role in complementing the Local Development Plan strategy, policies and allocations by providing more detailed, technical advice. A series of revised / additional Supplementary Planning Guidance will be proposed to support the Replacement Local Development Plan. The details of Supplementary Planning Guidance which may be required for the Replacement Local Development Plan will be identified at the pre-deposit/deposit stages and can be added to after adoption. A number of key sites may have Site Development Briefs prepared to inform planning decisions.

1.7.2 Community involvement will vary according to the content of each individual Supplementary Planning Guidance Note and site development brief. The consultation stage at which comments on the guidance can be made will be widely publicised. This will include information on the Council web site, press releases and notification being sent to all contacts on the Local Development Plan database. Officers will be available

to discuss issues via telephone, email or video chat. Information on how to respond and the deadline for any representations will be made clear in any publicity material.

1.7.3 All comments made during consultation on supplementary guidance will be made publically available following consultation and attributed to the person, group or organisation making the representation.

1.7.4 **Feedback –**

- All duly made comments will be acknowledged by email or letter.
- All duly made comments will be reported to the Strategic Planning Group and **Planning Committee** following consultation. A summary of the comments along with a suggested Council response and any recommended changes will be made publically available.
- Any petitions received will be acknowledged to the proposer of the petition.

1.8 **Strategic Environmental Assessment, Sustainability Appraisal and Habitats Regulations Assessment.**

1.8.1 The Replacement Local Development Plan is subject to an assessment of its sustainable development and environmental effects:

- Sustainability Appraisal assesses the environmental, social and economic implications of the emerging plans' strategies and policies.
- Strategic Environmental Assessment (SEA) requires a rigorous assessment of the environmental, and to a lesser extent social, effects of the plans. This is intended to ensure environmental considerations are taken into account in the production of the plans.
- 'The Conservation of Habitats and Species Regulations 2017 (as amended)' (Habitats Regulations 2017) provides legal protection for habitats and species of European importance. At its heart, the precautionary principle ensures that there are no significant effects on the qualifying features caused by proposals contained within a Local Development Plan before it is adopted by the local planning authority. Being an iterative process, the emerging Local Development Plan will be subject to a Habitats Regulations Assessment at all stages in the plan-making process.

1.8.2 The first two assessments will be contained in the 'Sustainability Appraisal'. The Habitats Regulations Assessments will be reported separately. These assessments will run alongside, and be a part of, the production of the Local Development Plan. The Sustainability Appraisal will be documented in:

- An initial Scoping Report for the assessment of the replacement Local Development Plan. This report will describe the current sustainability issues and a common set of sustainability objectives against which the plans will be judged;
- A full report of the assessment of the replacement Local Development Plan as it emerges. This report will explain how the options and detailed policies considered for the plan are likely to perform with regard to the sustainability objectives set out in the scoping report. This report will also explain how any harmful effects of the replacement Local Development Plan can be avoided or offset, and how the beneficial effects can be maximised;
- A statement explaining how sustainability considerations and the assessments, has been taken into account in the production of the replacement Local Development Plan.

1.9 Potential to Prepare Joint Plans

1.9.1 As part of the Local Development Plan revision process, consideration of the advantages and disadvantages of preparing a joint Local Development Plan with neighbouring local planning authorities is required. The starting point was looking at the individual stages of Plan-preparation that our neighbours have reached as of Sept 2022.

Authority	Local Development Plan Stage
Flintshire CC	Examination
Wrexham CBC	Examination
Conwy CBC	Pre-deposit consultation
Gwynedd Council & Ynys Mon	Review Report Submitted
Powys CC	Review Report Submitted
Snowdonia NPA	Revised LDP adopted 2019

Conwy CBC is the only local planning authority that would offer the potential for preparing a joint Local Development Plan; without causing significant delay to the Delivery Agreements made between the other local authorities and Welsh Government. Both strategic planning teams have developed a comprehensive work- relationship that includes the production of topic-based studies, data gathering, and assessments for their respective Local Development Plan evidence base.

1.9.2 It must however be kept in mind that both local planning authorities are also independent, self-governing bodies. Both Councils have adopted Corporate / Strategic Plans and programmes to address County-specific opportunities, challenges and areas of improvements. Since Local Development Plans have to be prepared in line with those County-specific documents, see 'Tests of Soundness', the emerging Plan is unlikely to be succinct, concise, well-integrated and user-friendly with the need to refer throughout the document to two different sets of Councils' strategies and political objectives. The requirement for the preparation of a Strategic Development Plan that covers the north Wales region partly mitigates the consideration of joint plans. Each local authority will prepare an LDP lite for its area following the adoption of the first SDP in line with Future Wales: the national plan 2040 (2021).

2. TIMETABLE

2.1 Key Stages of Preparation

2.1.1 The timetable for the Local Development Plan is divided into:

- Definitive stages – up to and including the statutory deposit stage, for which definite dates can be included
- Indicative stages – after the deposit stage, for which estimated dates can be included. These will be reconsidered following the deposit stage.

2.1.2 Any slippage from the revised Delivery Agreement timetable or failure to hit key milestones will trigger the need for a new Delivery Agreement.

2.1.3 The original timetable reflected submission of the Review Report to Welsh Government by December 2017. The final Review Report determines the main areas of the Plan where engagement needs to be focussed. The Planning Inspectorate (now PEDW) has previously advised that the binding Inspector's Report can be expected to be received by the Local Authority within approximately one year from submission of the Plan. This revised timetable reflects the delays caused by Covid 19 and the other constraints outlined in sections 1.4 and 1.5 above.

2.1.4 Replacement Local Development Plan Timetable. The following stages were completed prior to the pandemic: Review Report; V1 Delivery Agreement; Sustainability Appraisal Scoping Report; Pre-deposit Public Participation and Pre-Deposit Consultation. The remaining stages are set out below. A more detailed timetable can be found at Appendix 2

Definitive Stages

Timescale

Review Report

Completed 2017

Delivery Agreement V1

Completed 2018

SA scoping report

Completed 2017

Pre-Deposit Public Participation

Completed 2019

Pre-Deposit Consultation

Completed 2019

Delivery Agreement V 2

Sept 2022 - Jan 2023

Deposit

Sept 2023 – May 2024

Consultation and consideration
of representations.

Indicative Stages

Timescale

Submission of LDP for Examination

May 2024

Examination in Public

May 2024 – March 2025

Publication of Inspector's Report

June 2025

Adoption of replacement LDP

September 2025

Monitoring and Review

Ongoing post adoption

2.2. Methods of Engagement for each key stage of preparation

2.2.1 The following methods of notification and consultation will be used for each of the definitive and indicative stages set out above.

Website – all documents will be made available on the main Council website www.denbighshire.gov.uk .

Direct Contact - written notification by email/letter to mailing list consultees (including those listed in Appendix 5 – consultation groups)

Social media – notification of consultation stages and methods of engagement will be promoted via the Council's social media accounts. Press releases will also be issued.

Access to documents – access to the on-line documents will be made available via the public web access terminals in the libraries and on-stop shops across the County. Hard copies of the LDP documents will also be made available in these locations.

2.3 Resources

2.3.1 Responsibility for the Local Development Plan preparation sits within the Strategic Planning and Housing Team of Denbighshire's Planning, Public Protection and Countryside Service. The following resources are dedicated to the progress and production of the replacement Local Development Plan:

Head of Service	5%
Strategic Planning and Housing Manager	50%
Senior Planning Officer x2	75%
Planning Officer x1	75%
Strategic Planning & Housing Support Officer	75%
Senior Housing Officer x2	10%

2.3.2 The Strategic Planning and Housing Team also co-ordinate and administer a steering group of elected Members, which meets on a 4-6 weekly basis providing input and a steer on the content and process for the Local Development Plan and any other planning policy documents (e.g. Supplementary Planning Guidance, Site Development Briefs etc.). This steering group is not a decision-making body but makes recommendations to Planning Committee; Cabinet and Council where the process requires formal approval or decisions.

2.4 Risks

2.4.1 There are various risks to the ensuring adherence to the timetable set out above and these are identified in Appendix 3. These risks may be from internal or external sources and include those over which the Local Authority may have limited influence. Possible mitigation measures have been identified for each of the risks.

2.5 Monitoring and Review

2.5.1 The **Delivery Agreement** will be reviewed if:

- The Plan preparation process falls behind the agreed timetable;
- Significant changes are required to the Community Involvement Scheme;
- Significant changes occur in the resources available to continue Plan preparation.

2.5.2 Within three months of the end of the Deposit consultation period, an updated timetable showing definitive dates for the indicative stages of the Plan process will be submitted to Welsh Government for agreement.

2.5.3 **Monitoring** The Council will produce an Annual Monitoring Report (AMR) in October each year following adoption of the replacement Local Development Plan, which will assess how effectively the policies and proposals of the Local Development Plan are performing and highlight any need for modifications. All AMR will be published on the Council's website.

2.5.4 **Review** - Following adoption of the Local Development Plan, a review should take place within 4 years but may commence earlier if significant changes in national policy or local context occur or significant issues arise from the AMR.

3. Community Involvement Scheme

3.1 Principles of Involvement

3.1.1 The active and willing involvement of people, communities and organisations will be fundamental in helping to shape the replacement Local Development Plan for Denbighshire. A greater understanding of the issues facing communities and how they would like to develop in the future is key to producing a replacement plan that best meets these aspirations.

3.1.2 The following principles of community and stakeholder involvement are key to the successful delivery of the replacement plan:

- We will always try to use plain Welsh/English and avoid using technical terms wherever possible;
- We will always provide feedback on the outcomes at each stage in the process;
- We will try to involve all sections of the community, including those who may not traditionally have had an input into the plan preparation process;
- We will always aim to make it clear where decisions can be made at the local level, and where national policy and statutory regulations take precedence;
- We will aim to achieve agreement wherever possible, whilst recognising that we all need to be realistic where viewpoints differ.

3.2 What we expect from others

3.2.1 It is important that anyone wanting to be involved, or provide comments, during the process of preparing the replacement Local Development Plan does so within the publicised timescales set out in the Delivery Agreement. This is vital if you want your views to be taken into account when the Council is developing the Local Development Plan strategy and detailed policies.

3.2.2 It is also important that you inform the Strategic Planning & Housing Team of any change in contact details during the process.

3.3 Bilingual Involvement

3.3.1 Bilingual involvement will be carried out in accordance with the Council's Welsh Language Standards:

- The Council welcomes correspondence in Welsh or English and correspondents will receive a reply in the language of the original contact. Corresponding in Welsh will not lead to delay in processing your comments.
- All standard letters, comments forms and newsletters will be bilingual;
- All Council policy and guidance publications will be bilingual;
- All Council publicity and advertising material will be bilingual;
- All meetings, whether formal or informal, will be conducted bilingually where requested beforehand.

3.4 Who will we involve and how?

3.4.1 We will be involving people in a variety of different ways at each stage in the process as set out in the replacement Local Development Plan timetable. Different methods of engagement may be considered most appropriate for the wide range of consultees who want to be involved in the preparation of the replacement Local Development Plan. We intend to make the process as accessible as possible and people should be able to engage using a method that suits them best.

3.4.2 All stages at which representations on the replacement Local Development Plan can be made will be widely publicised. This will include information on the Council web site; social media; press releases and notification being sent to all contacts on the Local Development Plan database. Information on how to respond and the deadline for any representations will be made clear in any publicity material.

3.4.3 All representations made during the replacement Local Development Plan process will be made publicly available following consultation and attributed to the person, group or organisation making the representation.

3.5 Role of Elected Members (Councillors)

3.5.1 Councillors are the elected representatives of the people of Denbighshire and they take decisions on behalf of their electorate. Elected members will take the final decisions on the form and content of the replacement Local Development Plan at key stages throughout the process.

3.5.2 A Member led Strategic Planning Group (SPG) has been established. This is an internal local authority group of elected members and professional officers from across the Council. The Strategic Planning Group has an agreed membership with voting rights to ensure balance but is open to all Members to attend. The group meets regularly to review and formulate policy and proposals for consideration by the Council. The Strategic Planning Group makes recommendations on the Replacement Local Development Plan but all formal decisions are made by the Council.

3.6 General Public

3.6.1 This can be any member of the public from within Denbighshire and beyond. Anyone can be involved by commenting at the key stages as set out in the replacement Local Development Plan Timetable. These will be, on the draft Review Report and its supporting documentation, draft Delivery Agreement, the Pre-Deposit Consultation, Deposit Plan consultation and at the Examination.

3.6.2 The general public can help the Council develop detailed local knowledge of specific areas within the County. Individuals with detailed knowledge and experience of certain topics relevant for the Local Development Plan can serve as a key source of information. The public will also provide valuable feedback on how draft policies, site allocations and other detailed proposals are developing and the reasons for public support or objection.

3.6.3 For the general public, who do not also fall into any of the groups listed below, the opportunities to engage, and the consultation stages will be publicised via the the

Council website, use of social media and information in all libraries and one-stop shops.

3.7 The Local Development Plan Database

- 3.7.1 During the preparation of the first Local Development Plan an extensive database was developed that included many organisations and individuals who asked to be kept informed at various stages in the process. Anyone can request to be added to or removed from the database at any time and anyone submitting a representation during any of the consultation stages will be added to the database.
- 3.7.2 The preferred method of communication for those on the Local Development Plan Database is via email. Paper copies will be made available on request.

3.8 City Town and Community Councils

- 3.8.1 City, Town and Community Councils provide a vital link between their communities and the Council. They can help in raising awareness of the replacement Local Development Plan process as well as communicating local views and opinions to the Council. All communication, engagement and consultation will be carried out in line with the agreed Charter between City, Town and Community Councils and the Council (2020) <https://www.denbighshire.gov.uk/en/your-council/about-the-council/ctcc-charter/ctcc-charter.aspx> Neighbouring town and community councils will be consulted at all statutory stages of the replacement Local Development Plan process. A list of all City Town and Community Councils can be found at Appendix 5.

3.9 Specific Consultation Bodies and UK Government Departments

- 3.9.1 These consultees are set out in the Local Development Plan Manual (Groups B2 and B3 (2015)) and are made up of bodies that have specific functions within Denbighshire such as utility providers, government departments, Betsi Cadwalader University Health Board and Welsh Government. See Appendix 5 for a full list.
- 3.9.2 Bodies included within this group will provide detailed, professional advice on the Replacement Local Development Plan proposals, and the suitability and delivery of development sites. They will be consulted and given the opportunity to comment at

key formal (statutory) stages in the preparation of the replacement Local Development Plan. These consultees may also appear at Examination Hearings when invited by the Inspector, even if they have not raised an objection or indicated they wish to appear.

3.10 General Consultation Bodies and Other Consultees.

3.10.1 General Consultation Bodies include voluntary bodies who are active in the County and represent the interests of various different groups. These can include representatives of different racial; religious; ethnic and disability groups as well as those representing business groups and Welsh language and culture. Many of these will already be on the database but we are happy to add any new groups at any time.

3.10.2 Other consultees are organisations who do not fall into any of the above categories but still have a representative interest in the area, this can include bodies such as the National Trust, Public Health Wales and Civic Societies.

3.10.3 These bodies will be consulted and given the opportunity to comment at key formal (statutory) stages in the preparation of the replacement Local Development Plan. It is likely that many of these groups will also be members of other groups and already be on the Local Development Plan database.

3.11 Developers, Agents and Landowners

3.11.1 Developers, agents and landowners were invited to submit candidate sites for consideration during the Pre-Deposit participation phase. Details of the information required to accompany any candidate site submission were published on the Council website www.denbighshire.gov.uk and made available in hard copy on request. The call for sites was publicised in local newspapers and on the Council website, in addition all contacts on the Local Development Plan database were informed. The opportunity to submit further candidate sites has now closed but additional sites can be put forward at the Deposit consultation stage.

3.11.2 The details of all properly submitted candidate sites have been entered into a Candidate Site Register. This was made public alongside the Local Development

Plan Pre- Deposit Plan consultation and is available to view on the Council website <https://www.denbighshire.gov.uk/en/planning-and-building-regulations/local-development-plan/replacement-local-development-plan/replacement-local-development-plan.aspx> . Properties bordering submitted candidate sites, or subsequent land allocations will not be notified individually.

3.12 Feedback

- 3.12.1 All duly made representations at any of the formal consultation stages of the replacement Local Development Plan will be acknowledged by email or letter.

A summary of all duly made representations will be reported to the Strategic Planning Group; Cabinet or the Council following formal consultation stages. A summary of the representations along with a suggested Council response and any recommended changes will be made publicly available. Any petitions received will be acknowledged to the proposer of the petition.

3.13 How will we deal with your representations?

- 3.13.1 The Council will consider all duly made representations made in writing by letter or email received by the specified closing date for any formal consultation period. Reporting of representations will be as set out above.
- 3.13.2 To be considered as 'duly made' at the Pre-Deposit stage each representation should be clear about what it relates to. Please note that representations made at the Pre- Deposit stage are not considered by the Inspector during the Examination in Public. If a concern raised during the Pre-Deposit stage has not been addressed to your satisfaction, an objection should be made at the Deposit Stage.
- 3.13.3 At the Deposit Stage, all duly made representations should set out what matter they relate to, what change(s) are being sought, the grounds on which the objection is being made and, if possible, the Test(s) of Soundness to which they relate. Details of the Tests of Soundness for a Local Development Plan can be found at Appendix 1. Duly made objections at the Deposit Stage can be considered by the Inspector at the Examination in Public.

3.14 Late Representations

- 3.14.1 The Council will only consider representations made in accordance with the relevant, specified consultation period. This means sending representations to the Council in writing or by email, by the closing date specified in the consultation publicity. To be logged as 'duly made' as a Local Development Plan representation they must specify the matters to which they relate at Pre-Deposit Consultation stage. At the Deposit Stage they should specify the matters to which they relate and the change being sought, the grounds on which they are made and, wherever possible, the Test(s) of Soundness to which they relate.
- 3.14.2 Duly made objections at Deposit Stage can be considered at the Examination. Representations made at Pre- Deposit Stage are not considered by the Inspector.
- 3.14.3 If a representation is received later than the closing date and there was a clear attempt in good faith to submit in time the submission may still be considered as 'duly made' provided that appropriate objective evidence of posting or delivery is supplied to the reasonable satisfaction of the Authority.
- 3.14.4 Those who have a statutory right to appear before, and be heard by, the examination Inspector (i.e. objectors, those who seek a change to the plan – under Section 64(6) of the 2004 Act) may pursue their objections by using the written representation procedure if they do not wish to appear at the Examination. Objections pursued in this way carry as much weight with Inspectors as those made orally at Examination (Local Development Plan Manual Edition 3 paragraph 6.42).

4. Contact Details

Local Development Plan Team

Strategic Planning and Housing

Planning, Public Protection and Countryside Service

Denbighshire County Council

PO Box 62

Ruthin

Denbighshire LL15 9AZ

Email: planningpolicy@denbighshire.gov.uk

Tel: 01824 706916

Website: <https://www.denbighshire.gov.uk/en/planning-and-building-regulations/local-development-plan/replacement-local-development-plan/replacement-local-development-plan.aspx>

Planning Aid

Planning Aid is a voluntary service linked to the Royal Town Planning Institute, offering free, independent and professional advice on town planning matters to community groups and individuals who cannot afford to employ a planning consultant. The contact details are:

- Ring: 029 2062 5000
- Email via website on <http://www.planningaidwales.org.uk/contact-us/>

Or write: Planning Aid Wales, First Floor, 174 Whitchurch Road, Heath, Cardiff. CF14 3NB

Appendix 1 – Tests of Soundness

The fundamental concept of the Local Development Plan system is that the plan is the product of a thorough and comprehensive process of engagement with the community, where the planning authority has refined the options to produce what it considers to be a Sound plan. The presumption will therefore be that the Local Development Plan is Sound unless it is shown to be otherwise as a result of evidence considered at the Examination.

Consequently, those who object will need to show why the plan is not Sound. Everyone making representations on the Local Development Plan will be encouraged to relate their comments to the Tests of Soundness.

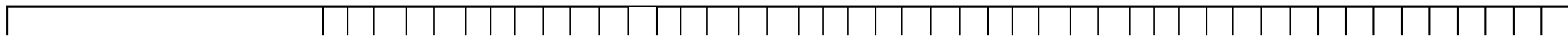
Nonetheless, it is the responsibility of the appointed Inspector at the Examination stage, to consider the Soundness of the Local Development Plan as a whole. Whilst Inspectors will still consider individual objections it will be on the basis of how they address the Local Development Plan's overall Soundness.

The Examination will take the form of a public discussion where the issues to be discussed will be identified in advance by the Inspector and participants invited to contribute. Different types of procedures will be used but mostly round table discussions or hearings. Formal hearings may be used if the Inspector considers this necessary and appropriate. The Inspector will decide on the appropriate procedure with the presumption that it will be informal.

The Tests of Soundness relate to three areas:

1. Does the plan fit? (i.e. is it clear that the Local Development Plan is consistent with other plans?)
2. Is the plan appropriate? (i.e. is the Local Development Plan appropriate for the area in light of the evidence?)
3. Will the plan deliver? (i.e. is it likely to be effective?)

More information on the Tests of Soundness can be found on the Planning and Environment Decisions Wales website <https://gov.wales/local-development-plan-examinations-procedure-guidance>



Draft

Appendix 3 – Timetable Risks

Risks have been categorised according to their likely impact on the timetable and not their probability of occurring.

Low Risks

Availability of financial resources.

There is a reserve in place for Local Development Plan Review and replacement. Costs to be included in future service budgets.

Local/General Elections

It is not anticipated that there will be a further local election during the time period for the preparation of the replacement Local Development Plan. General elections have a more limited impact on local decision making but this will be monitored and any adjustments made accordingly.

Committee Cycles/meeting timetables

Allow for flexibility in the timetable and ensure that replacement Local Development Plan stages are included in the relevant forward work programmes.

PEDW unable to meet timetable

Liaise with PEDW at key stages of Plan preparation.

Legal Challenge

Ensure all statutory requirements are complied with

Changing Legislation, Policy or Guidance

Monitor emerging policy and guidance and respond as appropriate. Maintain dialogue with Welsh Government officials to seek guidance on issues where policy development is being held up.

Medium Risks

Unexpectedly high levels of consultation responses/engagement

Allow for flexibility in the timetable and ensure that administration systems are operational in advance of key stages. Ensure that engagement is comprehensive to minimise objections.

Delays in receiving responses, information or evidence

Ensure early engagement with statutory consultees and programming of evidence gathering.

Lack of Consensus or agreement on key issues

Ensure ongoing engagement with key stakeholders and members.

High Risk

Delays in Printing or Translation

Ensure sufficient notice provided of printing /translation requests.

Staff resources and availability

Seek assistance from other teams/planning authorities and prioritise recruitment if vacancies occur.

Appendix 4 – Covid Impact Tables

REPLACEMENT LOCAL DEVELOPMENT PLAN 2018 - 2033

Documents required for Deposit LDP consultation (to accompany LDP)

This document considers the impact that Covid 19 will have on the evidence base required to support the policies of the Replacement Local Development Plan 2018 to 2033.

The assessment of risk is undertaken using a red, amber and green traffic light system based on the following principles:

Key to 'Risk by RAG' (guidance)

Theme / Topic	Focus on local policy subject: changes to national policy, new policy approach required – cancellation, adaptation, mitigation → resilience; colours: green – no change required, amber – introduction of new terminology but no fundamental change to policy thrust, red – entirely new approach to local policy.
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Time	<p>Focus on time-scales (for delivering draft policy with evidence); colours:</p> <p>green – delivery within the next six months without additional (external) resources;</p> <p>amber – delivery in less than twelve months but dependency on external input or updated evidence;</p> <p>red – great uncertainty due to reliance on external evidence, staff or lack of political direction.</p>
Evidence (Base)	<p>Focus on availability of evidence; colours:</p> <p>green – all information is readily available to support local policy;</p> <p>amber – information is obtainable within short period of time but could require minor local policy amendment;</p> <p>red – information is not available, great dependency on third parties with no timescales available, new evidence is required</p>

Key LDP Documents	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
		Theme	Time	Evidence		
1. Candidate Sites Register	No impact. Register shows sites submitted only.	Green	Green	Green	None	None
2. Initial consultation report	Report on consultation on draft Preferred Strategy which occurred pre-Covid.	Green	Green	Green	Include reference to Covid occurring post consultation and stating that any change in emphasis will be reflected in Deposit LDP.	None
3.1 Initial Sustainability Appraisal for Preferred Strategy	No impact- completed.	Green	Green	Green	No impact.	None
3.2 Sustainability Appraisal (SA) and Strategic Environmental Assessment	Base data may have changed and is delayed as a result of Covid. Update needed for data and trends. Framework is still valid.	Green	Amber	Amber	Assess on basis of best data available at time of preparation of deposit plan.	Resource intensive iterative assessment which requires up to date data. Data delayed as a result of Covid. Resources limited as a result of Covid.
4. Habitats Regulations Appraisal	Data may have changed and availability of data is delayed as a result of Covid.	Green	Amber	Amber	Assess on basis of best data available at time of preparation of deposit plan.	Data delayed as a result of Covid. Resources limited as a result of Covid.
5. Health Impact Assessment	HIA already looks at vulnerable groups who may be more adversely impacted by Covid.	Green	Green	Green	If PS changes significantly will be need to revisit HIA, could be done virtually. Unlikely to be significant changes.	None

Key LDP Documents	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
		Theme	Time	Evidence		
6. Tests of soundness self-assessment	New plans may be published i.e. NDF and evidence base may be updated or subject to change. Publication of the NDF may impact on LDP strategy if NDF is subject to significant change.	Green	Green	Green	Self-Assessment checklist will need updating at Deposit stage.	None
7. Equality Impact Assessment	No impact – needs to be prepared.	Green	Green	Green	Prepare equality impact assessment.	None
8. Well-being Impact Assessment	Little impact as an update or combined assessment needs to be prepared and reference to Well-being runs throughout policies and evidence. Increased importance in public arena. Well-being focus should be improved i.e. active travel promotion although delay in evidence.	Green	Green	Green	Prepare Well-being Assessment with sufficient flexibility to allow for changes in policy focus and evidence.	Lack of evidence may cause delay.

Background Paper	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
		Theme	Time	Evidence		
9. Growth options – population & household growth	Revised figures delayed by Welsh Government.	Green	Green	Green	None – data received from WG and analysis undertaken by demographer. Growth levels in Preferred	None.

Background Paper	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
		Theme	Time	Evidence		
					Strategy to be ratified through report back on Preferred Strategy.	
10. Spatial Strategy & distribution of development	Need for accessibility by walking/cycling may have minor impact on strategy in relation to more rural settlements. Town centre assessments may have impact.	Green	Amber	Amber	Re-assess.	Minor re-assessment required.
11. Hierarchy of settlements	Update of settlements hierarchy and boundary reviews awaited until completion of candidate site assessment and which is delayed.	Green	Amber	Green	None – update assessment once deposit plan is clearer and candidate site assessment is complete.	Delay of candidate site assessment has an impact.
12. Candidate Site assessment	Need to place greater emphasis on access by walking/cycling, open spaces	Green	Amber	Green	Review assessment criteria to ensure sustainability and access by walking/cycling are prioritised. Introduce	None

Background Paper	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
		Theme	Time	Evidence		
	and green infrastructure.				weighting system to assessment?	
	Delays in responses from consultees due to staff redeployment and focus on Covid related issues.	Green	Amber	Amber	Initial sites already sent to key consultees. Request time frame for submission of any outstanding responses.	Delay in responses from key consultees will hold up the site assessment and recommendation process. This will delay progress of the LDP to Deposit.
	Increased demand for viable broadband due to home working.	Green	Green	Green	Include additional criterion for broadband strength in assessment matrix?	None
	Landowners may see opportunity to drive down potential planning obligations.	Green	Amber	Amber	Ensure landowners/promoters provide statement of viability including potential impact of a downturn in delivery and viability information required.	May cause minor delays, landowners will require sufficient time to provide detailed information.

Background Paper	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
		Theme	Time	Evidence		
13. Housing supply & delivery	Implications of furlough and stamp duty holiday unknown in the long term. Sites currently under construction may stall.	Green	Amber	Amber	Ensure early and regular contact with house builders to discuss any issues. Monitor activity and completions. Write to developers to seek assurance on delivery and timescales?	None as we would be requiring information on deliverability under normal circumstances.
	Potential reduction in planning applications and number of units being built if significant down turn in the housing market.	Green	Amber	Amber	Ensure early and regular contact with house builders to discuss any issues. Monitor activity, completions and sales.	None
	Viability, some sites may seek amendments to obligations to continue.	Green	Amber	Green	Ensure only sites with a high degree of certainty are included in housing land supply. Write to developers to seek assurance on delivery and timescales?	None or minor as we would need to do this anyway.
	Increased demand for gardens and outdoor space may impact on achievable densities.	Green	Green	Green	Increased number of housing allocations may be required if average densities are reduced.	None

Background Paper	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
		Theme	Time	Evidence		
14. Affordable Housing	Affordable housing need may increase if the economy goes into recession.	Green	Red	Red	Update LHMA when revised methodology received.	This will likely delay progress of the LDP to Deposit.
	Greater need for social housing may emerge.	Green	Red	Red	Update LHMA when revised methodology received. Use to inform requirements in conjunction with Viability study.	This will likely delay progress of the LDP to Deposit.
	AH delivery on market sites may decline due to viability.	Green	Red	Red	Update LHMA when revised methodology received. Use to inform requirements in conjunction with Viability study.	This will likely delay progress of the LDP to Deposit.
	Potential increase in AH sites if grant funded, attractive to developers as sales not required.	Green	Green	Green	Consider policy stance on 100% affordable housing schemes. Early and regular liaison with WG and RSLs over potential projects and timescales.	None
	Potential increase in demand for HMO and shared housing. Commitment that homeless will not go	Amber	Green	Green	Review HMO and shared housing policy for Deposit. Review space standards.	None

Background Paper	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
		Theme	Time	Evidence		
	back on the streets post Covid.				Consider HMO restricted zones?	
15. Gypsy & Traveller Site selection background paper.	Paper will be informed by the GTAA. Delay in completion of GTAA will impact on some aspects of the paper. Aspects relating to the site selection criteria themselves are likely to be unaffected.	Green	Red	Red	Timescales dependent on ability to conduct interviews. Ensure members are fully briefed to ensure any delays in the approval process are minimised.	This will delay progress of the LDP to Deposit.
16. Minerals	None.	Green	Green	Green	None.	None.
17. Waste	None.	Green	Green	Green	None.	None.

Background Paper	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
		Theme	Time	Evidence		
18. Welsh language & culture	The availability of data and developing the evidence base will be delayed. Potential small impact for Welsh learners / Welsh groups being able to meet up in person or in the normal way.	Green	Amber	Amber	No action required.	Delay in data availability and stakeholders' availability.
19. Houses in Multiple Occupation	Housing figures / growth and affordable housing demand may have an impact. People who are homeless have been housed. May be an increased need / demand for HMOs. Data delayed and resource limited. Licensing policy has gone through cabinet, 28 July 2020.	Amber	Amber	Amber	Review HMO policy and liaise further with licensing so quality HMOs are developed and the concentrations are managed.	Delay in data availability and stakeholders' availability.

Evidence Base	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
		Theme	Time	Evidence		
20. Town Centre Health checks	None.	Green	Green	Green	None as the document was completed in 2018.	None.
NEW: Town Centre Assessment	Introduction of new evidence and policy requirements: town centre assessment and sequential test requirements	Amber	Red	Red	<p>New topic area, including assessment of all potential town centre uses:</p> <p>(1) Identify what is required and what must be included in assessment;</p> <p>(2) Review town centre boundaries in Denbighshire;</p> <p>(3) Review of available premises;</p> <p>(4) Explore ways of working with other Council departments;</p>	<p>Results may have an impact on revised settlement hierarchy and identification of growth towns.</p> <p>Substantial impact on resources: staff, finances and delivery of crucial policy.</p>
21. Retail Capacity Study (County-wide)	Closure of small / independent shops;	Green	Amber	Amber	Appoint consultant to carry out update; establish whether the Covid impact was	Delay in policy formulation and

Evidence Base	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
		Theme	Time	Evidence		
	Availability of latest figures on expenditures in town centres.				short-term (6 months) or will be long-term.	selection of retail land allocations.
22. LDP viability assessment Viability assessments for key sites?	Potential impact on housing market and wider economy. Higher cost of materials and static or declining house prices & commercial values.	Amber	Red	Red	Undertake revised viability assessment once economic impacts are clearer. Ensure early and regular contact with house builders to discuss any issues. Monitor activity, completions and sales.	Delay. Uncertainty.
23. Local Housing Market Assessment	Potential for higher percentages of households priced out of the market. Temporary blip or longer term structural problem?	Green	Red	Red	Await revised LHMA methodology then update LHMA.	This will likely delay progress of the LDP to Deposit.
	Slowdown in house building may decrease AH supply.	Green	Red	Red	Await revised LHMA methodology then update LHMA.	This will likely delay progress of the LDP to Deposit.

Evidence Base	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
		Theme	Time	Evidence		
	Potentially significant increases in SARTH registrations.	Green	Red	Red	Await revised LHMA methodology then update LHMA.	This will likely delay progress of the LDP to Deposit.
24. New Gypsy & Traveller Accommodation Assessment	Delay in completion of GTAA due to inability to conduct interviews with the communities.	Green	Red	Red	Timescales dependent on ability to conduct interviews. Ensure members are fully briefed to ensure any delays in the approval process are minimised.	This will likely delay progress of the LDP to Deposit.
	Traditional travel patterns may be disrupted.	Green	Red	Red	Consultant carrying out GTAA will need to inform of any difficulties.	This will likely delay progress of the LDP to Deposit.
	Maybe increased demand for residential sites if families currently in bricks and mortar are more motivated to seek return to traditional accommodation away from built up areas.	Green	Red	Red	Unknown until results of GTAA are received.	This will likely delay progress of the LDP to Deposit.

Evidence Base	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
		Theme	Time	Evidence		
25. Renewable Energy Capacity Assessment	Increased interest and focus. Policy shift possibly to LAEP. WG liaising with regulator so data capture and monitoring may be improved. Delayed due to other priorities.	Green	Amber	Green	No action required.	Delay in completion as reliant on finalising other evidence and policies to complete – candidate sites, green barrier review etc.
26. Strategic Flood Consequences Assessment	Delay in submission of principal sites for SFCA.	Green	Amber	Green	None. Delay is caused by hold ups in other tasks.	Minimal because work can progress once sites are available for assessment.
27. Infrastructure Plan	National policy focus on active travel and climate resilience. Infrastructure requirements are changing to support active travel and home working.	Green	Amber	Amber	Accept document will be subject to revision. Create a framework to allow flexibility within draft document so it can be easily updated for any changes: - active travel routes;	Delay in data availability and stakeholders availability.

Evidence Base	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
		Theme	Time	Evidence		
	Works delayed. Resource limited. Evidence and data delays.				<ul style="list-style-type: none"> - Pedestrianisation; - Digital infrastructure; 	
28. Employment land review & forecasts	Demand for type and size of employment land.	Green	Amber	Amber	Employment land Review completed but will need to be revisited. Await publication of strategies and investment programmes by North Wales Economic Ambition Board; revisit employment land offer in Denbighshire.	Delay in policy formulation and selection of land allocations.
29. Memorandum of Understanding with Conwy CBC – joint working	No impact. Consultation with Conwy ongoing.	Green	Green	Green	No impact.	None.
30. Open space assessment	Assessment completed 2018.	Green	Green	Green	None as document completed 2018.	None.

Evidence Base	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
		Theme	Time	Evidence		
31. Green barrier / green wedges review	No impact. Needs to be undertaken.	Green	Green	Green	None.	None.
32. New Homes Occupancy survey	Not planning to undertake an updated survey.	Green	Green	Green	None.	None.
33. Green Infrastructure Assessment / Plan	None. Needs to be prepared.	Green	Green	Green	None.	None.

REPLACEMENT LOCAL DEVELOPMENT PLAN 2018 - 2033

Policies for Deposit LDP

This document considers the impact that Covid 19 will have on the policies of the Replacement Local Development Plan 2018 to 2033. The policies assessed in this document are taken from the Draft Preferred Strategy which was consulted on in 2019. These policies are being developed to deliver the Deposit Plan for the Replacement Local Development 2018 -2033.

The assessment of risk is undertaken using a red, amber and green traffic light system based on the following principles:

Key to 'Risk by RAG' (guidance)

Theme / Topic	Focus on local policy subject: changes to national policy, new policy approach required – cancellation, adaptation, mitigation → resilience; colours: green – no change required, amber – introduction of new terminology but no fundamental change to policy thrust, red – entirely new approach to local policy.
Time	Focus on time-scales (for delivering draft policy with evidence); colours: green – delivery within the next six months without additional (external) resources; amber – delivery in less than twelve months but dependency on external input or updated evidence; red – great uncertainty due to reliance on external evidence, staff or lack of political direction.
Evidence (Base)	Focus on availability of evidence; colours: green – all information is readily available to support local policy; amber – information is obtainable within short period of time but could require minor local policy amendment; red – information is not available, great dependency on third parties with no timescales available, new evidence is required

	Key Aspects (Listed in Preferred Strategy)	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
			Theme	Time	Evidence		
	Key issues and challenges	Key issues and challenges remain valid. Covid-19 may increase importance of a number of issues but they are not ranked. Minor amendment to wording may be required.	Green	Green	Green	Importance of open space and role of town centres increased in importance. Need to re-evaluate need for strategic employment land? Include digital connectivity under infrastructure? Add reference to social distancing in town centre issues?	None.
	Vision	Vision unaffected by Covid-19.	Green	Green	Green	No change required.	None.
	Objectives	Some objectives may have increased importance but as they are not ranked only minor wording changes may be required.	Amber	Green	Green	Include reference to digital infrastructure in Objective 5? Include reference to Covid-19 in Objective 8?	None
	Preferred Growth Option	Revised household figures are delayed by Welsh Government; Changing demand for type and size of employment land.	Green	Amber	Red	Review of growth options in light of newly published WG household projections and likely changes to demand in employment land. Concern: approach to employment land forecast for next 15 years.	Could be significant; time delay depends on changes to/ need for new evidence.

	Key Aspects (Listed in Preferred Strategy)	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
			Theme	Time	Evidence		
	Settlement hierarchy	Sustainability principles incorporated into assessment. Unlikely to be any changes due to Covid-19 although finalised categorisation of settlements for Deposit Plan will be delayed due to delay in being able to fully assess candidate sites.	Green	Amber	Green	No additional actions required. Review categorisation of settlements as planned prior to Deposit LDP once candidate sites assessed.	No direct impact.
	Spatial Strategy	Covid -19 has impacted the way people use and access services including retail and therefore the role of town centres may have changed in the longer term. There may be a change as to where, in terms of location, there is a demand for new development.	Green	Amber	Green	None required.	None.
	Policies (Listed in Preferred Strategy)	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
			Theme	Time	Evidence		
1.	Placemaking	All principles still stand. Increased importance on delivering sustainable places.	Green	Green	Green	Emphasise and strengthen placemaking in the Deposit LDP.	None.

	Policies (Listed in Preferred Strategy)	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
			Theme	Time	Evidence		
2.	Welsh Language	No direct impact on the strategic policy. Potential small impact for Welsh learners / Welsh groups being able to meet up in person or in the normal way. The availability of data and developing the evidence base to support the policy will be delayed.	Green	Amber	Amber	No action required.	Delay in data availability for delivering evidence base.
3.	Housing	Overall need for housing to be re-assessed following issue of revised WG projections. Covid-19 may impact on birth, death and migration rates.	Amber	Amber	Amber	Data received from WG and analysis undertaken by demographer. Growth levels in Preferred Strategy to be ratified through report back on Preferred Strategy.	Delay on availability of data and evidence.
		Covid-19 may impact on affordability rates as house prices and incomes fluctuate.	Amber	Amber	Amber	Revised Local Housing Market Assessment (LHMA) should take account of potential impacts of Covid-19 on incomes and house prices. Any changes to housing demand and type and range required can be reflected in detailed policies in Deposit LDP.	Delay on availability of data and evidence.
		Viability of market housing may be impacted				Include impacts of Covid-19 in on-going viability work. Write to developers to seek assurance on delivery and timescales?	Delay on availability of data and evidence.
		Density requirements may need to be reviewed as demand for	Green	Amber	Amber	Research average densities to provide a recommendation to go into the Deposit LDP.	None.

	Policies (Listed in Preferred Strategy)	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
			Theme	Time	Evidence		
		gardens and more outdoor space increases.				More allocations may be required if densities are reduced.	
4.	Affordable Housing	Amount of affordable housing required may increase if the economy declines. May need more 100% affordable housing sites.	Green	Red	Red	<ul style="list-style-type: none"> Need to assess overall requirement for AH. Type of AH may need to be assessed ie more social housing. Viability will need to be re-assessed. NDF and LHMA assessments of need? Re-assess rate of AH delivery, big upswing since PS drafted? 	Unknown.
		Potential increase in AH sites if grant funded, attractive to developers as market sales not required.	Green	Green	Green	Detailed policies required on affordable housing rates and policy stance on 100% AH sites.	None.
5.	Employment Land / Economy	Changing demand for type and size of employment land.	Green	Red	Amber	Await publication of strategies and investment programmes by North Wales Economic Ambition Board; revisit employment land offer in Denbighshire.	Delay in policy formulation and selection of land allocations.
6.	Town Centres and Retail Development	Stronger focus on non-retail uses in town centres; new requirement: town centre assessment and sequential test requirements for all uses	Amber	Amber	Red	<ol style="list-style-type: none"> Identify what is required and what must be included in new assessment; Review town centre boundaries in Denbighshire; Review of available premises; Explore ways of working with other Council departments; 	Results may have an impact on revised settlement hierarchy and identification of growth towns.

	Policies (Listed in Preferred Strategy)	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
			Theme	Time	Evidence		
							Substantial impact on resources: staff, finances and delivery of policy.
7.	Bodelwyddan Strategic Site	Employment demand / land allocation. Viability. Impact on design but not allocation.	Amber	Amber	Amber	Depends on 3 rd party delivery. North Wales Economic Ambition Board.	Delayed. Potential significant impact on delivery.
8.	Infrastructure	Strategic policy is sufficiently broad to accommodate changes. National policy focus on active travel and climate resilience. Infrastructure requirements are changing to support active travel and home working, including increased focus on digital infrastructure. Works delayed. Resource limited. Evidence and data delays.	Green	Amber	Amber	Ensure policies reflect any national changes and enhance digital infrastructure policies in the Deposit Plan. Build evidence base.	Delay in data availability and input from key stakeholders.
9.	Visitor Economy	Reduced income, some tourism businesses may need more flexible approach to help survival in the short/medium term.	Green	Green	Green	No change to strategic policy required. Detailed Deposit policies may require additional flexibility.	None.
10.	Transport & Accessibility	Strategic policy is sufficiently broad enough to incorporate any	Green	Amber	Amber	Ensure policies reflect any national changes and include digital infrastructure in the Deposit Plan.	Delay in data availability and input from key stakeholders.

	Policies (Listed in Preferred Strategy)	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
			Theme	Time	Evidence		
		changes. Potential increase of active travel / cycling. Potential greater pedestrianisation. Possibility of a requirement to provide additional public transport although viability difficulties given decreased use during Covid -19.				Build evidence base.	
11.	Minerals	None.	Green	Green	Green	None.	None.
12.	Waste Management	None.	Green	Green	Green	None.	None.
13.	Natural & Built Environment	Strategic policy is sufficiently broad to allow for changes.	Green	Amber	Amber	Ensure policies reflect any changes to national policies and consider additional protections in the detailed policies for the Deposit plan.	Delay in data availability and input from key stakeholders.

	Additional Policies / Actions	COVID Impact	Risk by RAG			Action / Mitigation Required	Impact on delivery of RLDP
			Theme	Time	Evidence		
14.	Climate Change	No direct impact as policy not drafted – policy required in deposit plan	Green	Green	Green	Policy required in deposit plan. Design policy – to incorporate. Reflect where considered? Use as theme? Resilience – includes air quality, flood risk.	None.
15.	Development of Monitoring Framework for local policies	None.	Green	Green	Green	None. Delays may be caused by delays in developing policies etc.	None.

Appendix 5 – Consultation Groups

Specific Consultation Bodies

Welsh Government

Natural Resources Wales

Secretary of State for Wales

Planning and Environmental Decisions Wales (PEDW)

Adjoining Local Authorities

Flintshire County Council

Wrexham County Borough Council

Powys County Council

Conwy County Borough Council

Gwynedd Council

Snowdonia National Park Authority

Energy infrastructure providers

Government Departments and Infrastructure Providers

CADW

Department for Business, Energy and Industrial Strategy

Department of Transport

Dŵr Cymru

Home Office

Ministry of Defence

Network Rail

Conwy and Denbighshire Joint Public Service Board

Betsi Cadwalader University Health Board

Persons owning or controlling electronic apparatus

for functions previously exercised by the Strategic Rail Authority)

City, Town and Community Councils (and neighbouring town and community councils)

see separate list below

City, Town and Community Councils – Denbighshire

Aberwheeler	Dyserth	Llangollen
Betws Gwerfil Goch	Efenechtyd	Llangynhafal
Bodelwyddan	Gwyddelwern	Llanrhaeadr yng Nghinmeirch
Bodfari	Henllan	Llantysilio
Bryneglwys	Llanarmon yn Iâl	Llanynys
Cefn Meiriadog	Llanbedr Dyffryn Clwyd	Nantglyn
Clocaenog	Llandegla	Prestatyn
Corwen	Llandrillo	Rhuddlan
Cyffylliog	Llandyrnog	Rhyl
Cynwyd	Llanelidan	Ruthin
Denbigh	Llanfair Dyffryn Clwyd	St Asaph
Derwen	Llanferres	Trefnant
Tremeirchion Cwm & Waen		

Neighbouring Town and Community Councils

Abergele	Llanefydd	Llansantffraid Glyn Ceriog
Cefn	Llanfair TH	Minera
Ceiriog Uchaf	Llanfihangel GM	Nannerch
Cerrigydrudion	Llanfynydd	Nercwys
Cilcain	Llangernyw	Pen y Cae
Glyn Traian	Llangwm	Pentrefoelas
Gwernaffield	Llangynog	Ruabon
Gwernymyndd	Llangywer	Towyn & Kinmel Bay
Llanasa	Llanrhaeadr Ym Mochnant	Treuddyn
Llanderfel	Llansannan	Whitford
		Ysceifiog

General Consultation Bodies - NB this list is not exhaustive

Voluntary bodies benefiting the area:

Denbighshire Voluntary Services Council and the following groups:

Arts Groups
Carers Charities
Childrens Groups
Community Groups
Disability Groups
Education and Training Groups
Environmental Groups
Faith Groups
Health Groups
Heritage and Culture Groups
Homeless
Horticultural Groups
Housing Groups
Religious Groups
Residents and Tenant Associations
Scouts
Senior Citizens
Sports and Recreational Clubs
Village Hall Committees

Bodies representing the interests of different racial, ethnic or national groups in the area:

Citizen's Advice Bureau
Equality and Human Rights Commission
Travelling Ahead
The Ethnic Minority Foundation
National Old Age Pensioners Association Wales

Bodies which represent the interests of different religious groups in the area:

Orthodox Christian Church in Wales
Representative Body of the Church of Wales
The Catholic Church in England and Wales
The Methodist Church in Wales
The Presbyterian Church in Wales
Hindu Council UK
Muslim Council of Britain

Jewish Leadership Council

Bodies which represent the interests of disabled persons in the area:

Disability Wales

Disabled Persons Transport Advisory Committee

Mind Cymru

Wales Council for the Blind

Wales Council for the Deaf

Wales Council for Voluntary Action

Bodies which represent the interests of persons carrying on business in area.

British Holiday and Home Parks Association

Environmental Services Association

Confederation of British Industry (Wales)

Home Builders Federation

Local and Regional Tourism Associations

Campaign for Real Ale

Country Land & Business Association

Farmers Union Wales

Federation of Small Businesses

Federation of Master Builders

Denbigh and Flint Agricultural Society

National Farmers Union of Wales

Rail Freight Group

Registered Social Landlords

RenewableUK

Wales Rural Forum

Bodies which represent the interests of Welsh culture in the Denbighshire area.

Cymuned Cadw

Clwyd/Powys Archaeological Trust

Clwydian Range and Dee Valley AONB Joint Committee and Partnership

Menter Iaith Sir Dinbych

Wales Rural Forum

Other Consultees - NB this list is not exhaustive

Airport Operators

British Aggregates Association
British Geological Survey
Canal and River Trust, canal owners and navigation authorities
Centre for Ecology and Hydrology
Chambers of Commerce, local CBI, local Business Associations and local branches of Institute of Directors
Civil Aviation Authority
Coal Authority
Community Housing Cymru
Country Land and Business Association
Crown Estate Office
Design Commission for Wales
Disability Wales
Disability Rights Commission
Disabled Persons Transport Advisory Committee
Electricity, Gas and Telecommunications Companies and the National Grid Company
Environmental groups at national and regional level
Environmental Services Agency (Waste)
Equality and Human Rights Commission
Farmers Union Wales
Federation of Small Businesses
Fields in Trust
Fire and Rescue Services
Forestry Commission Wales
Freight Transport Association
Gypsy Council
Health and Safety Executive (HSE)
Home Builders Federation
Local community, conservation and amenity groups, including Wildlife Trusts Groups/Civic Societies
Local transport operators
National Farmers Union of Wales
One Voice Wales
Planning Aid Wales
Police Architectural Liaison Officers
Port Operators

Post Office Property Holdings

Professional Bodies not specifically listed (e.g. Royal Institution of Chartered Surveyors Wales, Royal Town Planning Institute in Wales, Chartered Institute of Housing Cymru, Institution of Civil Engineers, Chartered Institution of Waste Management)

Public Health Wales

Minerals Products Association

Rail Freight Group

Ramblers Association

Residents Associations

Sports Wales

Train Operating Companies

Wales Council for Voluntary Action

Water Companies

Welsh Environmental Services Association (representing waste industry)

Welsh Language Commissioner

Appendix 6 – Glossary of terms

Annual Monitoring Report (AMR)

This will assess the extent to which policies in the Local Development Plan are being successfully implemented (Regulation 37 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005).

Baseline

A description of the present state of an area against which to measure change.

Biodiversity Action Plan

A plan that sets objectives and actions for the conservation of biodiversity, with measurable targets, whose aim is to conserve and enhance nature across communities by bringing together all interests by involving sectors such as agriculture and business as well as the communities themselves. Action is developed and taken forward in partnership and in doing so reflects local priorities as well as biodiversity needs.

Candidate Site

Candidate Sites are those nominated by anyone for consideration by the LPA as allocations in an emerging Local Development Plan.

Candidate Sites Register

Register of candidate sites prepared following a call for candidate sites by the Council.

Community

People living in a defined geographical area, or who share other interests and therefore form communities of interest.

Community Involvement Scheme (CIS)

Sets out the project plan and policies of the Council for involving local communities, including businesses, in the preparation of its Local Development Plan. The CIS is submitted to the Welsh Government as part of the Delivery Agreement for agreement.

Consensus building

A process of early dialogue with targeted interest groups to understand relevant viewpoints and agree a course of action.

Consultation

A formal process in which comments are invited on a particular topic or set of topics, or a draft document.

Consultation Body

An authority with environmental responsibilities concerned by the effects of implementing plans and programmes and which must be consulted under the SEA Regulations; i.e. Natural Resources Wales (NRW) and Cadw.

Consultation Exercise

Single consultation project focussed on a defined objective and usually part of an overall consultation programme.

Delivery Agreement (DA)

A document comprising the Council's timetable for the preparation of its Local Development Plan together with its Community Involvement Scheme, submitted to the Welsh Government for agreement.

Development management policies

A suite of criteria-based policies which will ensure that all development within the area meets the aims and objectives set out in the Strategy.

Engagement

A process which encourages substantive deliberation in a community. Proactive attempt to involve any given group of people/section of the community.

Environmental Report

Document required by the SEA Regulations which identifies, describes and appraises the likely significant effects on the environment of implementing the plan, see Sustainability Appraisal Report.

Evidence Base

Interpretation of Baseline or other information/data to provide the basis for plan policy.

Focussed Change (FC)

Changes proposed to the deposit Local Development Plan prior to submission that are extremely limited in number, that reflect key pieces of evidence, but do not go to the heart of the plan.

Habitats Regulations Assessment (HRA)

The screening and appropriate assessment of options required under Part 6 Chapter 8 of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) – a recognised iterative process which helps determine the likely significant effect on a plan or programme and (where appropriate) assess adverse impacts on the integrity of a European site.

The assessment is required to be undertaken by a competent authority in respect of plans or projects which are likely to have a significant effect (alone and in combination with other plans and projects) on a “European site” (see paragraph 5.1.2 of TAN 5), or as a matter of policy a proposed “European site” or Ramsar site, under the provisions of Article 6(3) of the EC Directive 92/43/ECC (the Habitats Directive), Regulations 61 and 102 of the Conservation of Habitats and Species Regulations (as amended) 2010, and, Regulation 25 of The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

Indicator

A measure of variables over time, often used to a measure achievement of objectives.

Initial SA Report

A term used in Local Development Plan Wales to refer to the SA Report, produced at the Preferred Strategy stage. This assesses the Local Development Plan options against the SA framework. The report is then expanded at the Deposit Local Development Plan stage and finalised alongside the Adoption Statement.

Involvement

Generic term to include both participation and consultation techniques.

Local Development Plan (or Deposit) Documents

These include the deposit Local Development Plan, the Sustainability Appraisal report, the initial consultation report, the candidate sites register, the Review Report (if appropriate), any relevant supporting documents.

Local Development Plan

The required statutory development plan for each local planning authority area in Wales under Part 6 of the Planning and Compulsory Purchase Act 2004.

A land use plan that is subject to independent examination, which will form the statutory development plan for a local planning authority area for the purposes of the Act. It should include a vision, strategy, area-wide policies for development types, land allocations, and where necessary policies and proposals for key areas of change and protection. Policies and allocations must be shown geographically on the Proposals Map forming part of the plan.

Local Planning Authority (LPA)

A planning authority responsible for the preparation of a Local Development Plan; i.e. County or Borough Council, or National Park Authority.

Local Well-being Plan

Under The Well-being of Future Generations (Wales) Act 2015 Public Service Boards have been established for each local authority area. Denbighshire and Conwy have established a joint Public Service Board. The first Local Well-being Plan (2018-2023) was approved in April 2018 and the draft Local Well-Being Plan 2023- 2028 is the subject of consultation Autumn 2022.

Matters Arising Change (MAC)

Change after submission of a Local Development Plan, where the appointed Inspector concludes the change is necessary for soundness having considered all the evidence submitted to the examination.

Mitigation

Measures to avoid, reduce or offset significant adverse effects.

Objective

A statement of what is intended, specifying the desired direction of change in trends.

Participation

A process whereby stakeholders and the community can interface with plan makers.

Partners

Other local authority departments and statutory bodies where the Local Development Plan will help to deliver some of the objectives of their strategies. Partners may be expected to contribute to formulating relevant parts of the Local Development Plan.

Planning and Environment Decisions Wales (PEDW)

The Planning and Environment Decisions Wales (PEDW) is an executive agency in the Welsh Government. Its main work is the processing of planning and enforcement appeals and holding examinations of local development plans.

Pre-deposit proposals documents

These include the vision, strategic options, preferred strategy, key policies, the Sustainability Appraisal report, the candidate sites register, Review Report (if appropriate).

Pre-deposit stage

The participation and consultation stages prior to deposit; the Manual refers to the Strategic Options and Preferred Strategy stage which relate to the full plan procedure; reduced requirements relate to the short form plan revision procedure.

Review Report

The required statutory report under S.69 of the 2004 Act and/or Regulation 41; to conclude on the Local Development Plan revision procedure to be followed based on a clear assessment of what has been considered and what needs to change and why, based on evidence.

Scoping SA

The process of deciding the scope and level of detail of an SA, including the sustainability effects and options which need to be considered, the assessment methods to be used, and the structure and contents of the SA Report.

Service Level Agreement (SLA)

An agreement with a statutory agency which sets the standards which it will aim to meet, and the costs arising. The Planning and Environment Decisions Wales (PEDW) agrees one with the LPA in respect of a Local Development Plan Examination, setting out the likely timescales and cost of the examination and providing the LPA with clear guidance on the nature of their own responsibilities.

Significant effect

Effects which are significant in the context of the plan (Schedule 1 of the SEA Regulations gives criteria for determining the likely significance of effects on the environment).

Single Integrated Plan (SIP)

Discharges statutory duties identified by Welsh Government (“Shared Purpose – Shared Delivery”, WG 2012), including Community Strategies; prepared by a Local Service Board. See “Local Well-being Plans” which are to replace SIPs”.

Site specific allocations

Allocations of sites (proposals) for specific or mixed uses or development contained in a Local Development Plan. Policies will identify any specific requirements for individual proposals. Allocations will be shown on the Local Development Plan proposals map.

Soundness

In order to be adopted, a Local Development Plan must be determined ‘Sound’ by the Examination Inspector (S.64 of the 2004 Act). Tests of Soundness tests and checks are identified in PPW (ch2) and the Manual (ch8).

Stakeholders

Interests directly affected by the Local Development Plan (and/or SEA) – involvement generally through representative bodies.

Strategic Environmental Assessment (SEA)

Generic term used internationally to describe environmental assessment as applied to plans and programmes. SEA process is derived from European legislation and defined at European level – Directive 2001/42/EC. The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (SEA Regulations) require a formal “environmental assessment of

certain plans and programmes, including those in the field of planning and land use”.

Supplementary Planning Guidance (SPG)

Supplementary information in respect of the policies in a Local Development Plan. Supplementary Planning Guidance does not form part of the development plan and is not subject to independent examination but must be consistent with it and with national planning policy.

Sustainability Appraisal (SA)

Tool for appraising policies to ensure they reflect sustainable development objectives (i.e. social, environmental and economic factors). Each LPA is required by S.62(6) of the 2004 Act to undertake SA of the Local Development Plan. This form of SA fully incorporates the requirements of the SEA Regulations.

The term is used in this Manual to include Strategic Environmental Assessment, unless otherwise made clear.

Sustainability Appraisal Framework

This comprises the identified SA objectives against which Local Development Plan options are then assessed.

Sustainability Appraisal Report (SA Report)

Document required to be produced as part of the SA process to describe and appraise the likely significant effects on sustainability of implementing the Local Development Plan, which also meets the requirement for the Environmental Report under the SEA Regulations.

S.62(6) of the 2004 Act requires each LPA to prepare a report of the findings of the SA of the Local Development Plan.

The SA Report is first produced at the Preferred Strategy stage (the Interim SA Report), expanded at the Deposit Local Development Plan stage and finalised alongside the Adoption Statement.

The 2004 Act

A plan prepared and approved by the National Assembly for Wales under S60 of the 2004 Act, which sets out a strategic framework to guide future development and policy interventions, whether or not these relate to formal land use planning control. Under

S.62(5)(b) of the 2004 Act a local planning authority must have regard to the Wales Spatial Plan in preparing a Local Development Plan.

Draft

Draft