

<b>Report to</b>	Planning Committee
<b>Date of meeting</b>	14th December 2022
<b>Lead Member / Officer</b>	Cllr W Mullen-James, Lead Member for Local Development and Planning
<b>Report author</b>	Karsten Brußk, Senior Planning Officer
<b>Title</b>	Local Development Plan 2006 to 2021: Annual Monitoring Report 2022

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

1.1. This report is about the Denbighshire Local Development Plan (LDP) 2006 to 2021 Annual Monitoring Report (AMR) 2022, see Appendix 1.

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

2.1. To provide Members of the Planning Committee with information on the delivery of the adopted LDP, especially local policy implementation and site delivery.

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

3.1. That Members note the content of the AMR 2022.

## **4. Report details**

4.1. The Council is duty bound to produce an AMR for the adopted Denbighshire LDP under the obligations of Section 76 of the Planning and Compulsory Purchase Act 2004 and Section 37 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005. In line with legal requirements, the AMR 2022 was submitted to Welsh Government on the 31st October 2022, and is available for interested parties on the DCC website.

4.2. AMRs are an important instrument to assess the achievement of LDP Objectives, effectiveness of local policy as well as progress with delivering

development on allocated sites. The AMR 2022 covers the period between 1st April 2021 and 31st March 2022. It's the 8th report that has been produced since LDP adoption in June 2013.

- 4.3. This is the last AMR that covers developments within the plan period of the adopted LDP 2006 to 2021. The LDP has not delivered 7,500 dwellings over the last 15 years. It fell significantly short of the target, bringing forward only 3,104 dwellings. Furthermore, the key strategic site in Bodelwyddan has not progressed because of viability concerns, including the installation of necessary infrastructure prior to commencing any construction on site. The LDP included 59.5 hectares of employment land for development but only 27.8 hectares were completed between 2006 and 2021.
- 4.4. Natural Resources Wales (NRW) set new phosphorus standards for the nine Welsh riverine Special Areas of Conservation (SACs) on 21st January 2021. The objective is to improve the water quality by reducing phosphorus load levels. Denbighshire County Council as 'Competent Authority' (i.e. the decision maker) is required under "The Conservation of Habitats and Species Regulations 2017" to test whether a planning proposal is likely to have a significant effect on a SAC before determining an application. Lack of expertise and technical assistance has caused delays to carrying out Habitat Regulation Assessments (HRAs) and, subsequently, the delivery of planning proposals that are seeking to provide for houses and community facilities in the south of Denbighshire.
- 4.5. In 2017, the Council prepared a Review Report which has identified the requirement to undertake a full revision of its LDP. Welsh Government (WG) published the revised Technical Advice Note (TAN) 15, "Development, flooding and coastal erosion", in September 2021 with the implementation date of 1st December 2021. On 23rd November 2021, the revised TAN15 was suspended until the 1st June 2023 by WG pending further work by Councils on their respective Strategic Flood Consequence Assessment. The suspension has caused a delay in confirming the Preferred Strategy and the assessment of candidate sites for the replacement LDP 2018 to 2033. The Council is in the process of reviewing the Delivery Agreement with updated information on the delivery timetable.

4.6. There is no significant change in local policy performance in comparison to previous AMRs. Several local policies have been marked for 'review' over the last few years. They are primarily linked to strategic elements of the LDP such as, housing delivery and town centre development. There is limited expectation that the performance of those local policies will change until the replacement LDP becomes operational.

4.7. Table 1: Local policies failing to perform

Local Policy	Commentary
BSC 1 - Meet the housing needs of the County.	As set out in the LDP Review Report (2017), the LDP Growth Strategy and delivery of market and affordable
BSC 4, BSC 8, BSC 9 - Increase the number of new affordable dwellings built in the County.	houses fails on the (mathematical) poor delivery of dwellings. Delivery targets were set on the basis of Welsh Government 'Population and Household Projections' that have been shown to be greatly over-estimated figures. The Draft Preferred Strategy for the next LDP 2018 – 2033 sets out an annual figure of 218 units; compared to 750 units for Period 3 in the adopted LDP.  It must however be noted that the Council delivers affordable houses through a number of mechanisms other than the LDP. This includes, for example, the use of social housing grant for bringing empty homes back into use and working with our housing partners.
BSC 10 - Meeting the needs of Gypsies and Travellers.	The Council carried out a Gypsy and Traveller Accommodation Needs Assessment (GTANA), which was approved by Welsh Government on the 28th of March 2017. A new GTAA has been prepared and approved by the Council. It was submitted to Welsh Government at the end of 2021 and awaits approval.
PSE 6, PSE 8, PSE9 - Maintain and enhance	Future Wales – The National Plan 2040 (2021) and Planning Policy Wales, Edition 11 (2021) introduced a

the vitality and viability of town centres.	change in national policy regarding the principle of town centre development; addressing the decline in retail uses by strongly supporting complementary uses. Local policy was adopted in 2013, with a focus primarily on the protection of retail where an increase in non-retail uses was regarded as undesirable.
BSC 5 - Deliver the Key Strategic Site.	Outline planning permission expired in March 2021.
VOE 1 - Direct inappropriate development away from the flood plain	Planning permission was granted for a highly vulnerable development that did not meet all TAN15 tests; against advice from Natural Resources Wales. Planning permission ref.: 46/2019/0806

4.8. If Members have a query or wish to discuss individual elements of the AMR 2022, please contact the Strategic Planning/ LDP team via phone: 01824 706916 or by email: [planningpolicy@denbighshire.gov.uk](mailto:planningpolicy@denbighshire.gov.uk).

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

5.1. Officers do not seek a decision. This report is an information item.

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

6.1. There are neither costs nor any effects on other services from noting the content of the AMR 2022.

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

7.1. A Well-being Impact Assessment has not been carried out because no decision is sought on Council policy, strategy, work procedure or programme. Members are only being asked to note the content. The Annual Monitoring Report is a statistical document reflecting local policy performance.

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

8.1. The AMR 2022 was presented to Members of the Strategic Planning Group on the 16th November 2022. Members raised concerns regarding the impact of

new phosphorus targets for the River Dee and Bala Lake SAC on the delivery of new homes and support for the local economy. Meeting notes and presentation were subsequently distributed among all Councillors.

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

9.1. This report is an information item.

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

10.1. There are no risks associated with noting the content of the AMR 2022.

## **11. Power to make the decision**

11.1. This report does not seek a decision. The statutory duty to produce an AMR is laid out in the Planning & Compulsory Purchase Act 2004, Section 76 and Section 37 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005.