

Report To: COUNCIL

Date of Meeting: 10th July 2012

Lead Cabinet Member: Councillor Eryl Williams

Lead Officer: Angela Loftus (Policy, Research & Information Manager)

Title: Update on Denbighshire Local Development Plan

1 What is the report about?

- 1.1 This report outlines progress on the Local Development Plan and Inspectors' initial findings with regard to housing need and supply, issued on 14th June 2012.

2 What is the reason for making this report?

- 2.1 To provide information on progress on the Local Development Plan and feedback on the Inspectors' Findings, together with an outline of the next steps for the Local Development Plan, seeking Members' agreement to authorise Group Leaders to oversee and monitor work undertaken in response to the Inspectors' Findings.

3 What are the Recommendations?

- 1. That Members note the contents of this report.**
- 2. That Members authorise Group Leaders to oversee and monitor work undertaken in response to the Inspectors' Findings.**
- 3. That Members agree that the results of consultation on any additional sites for housing development will be reported back to full Council in November and for it to consider whether additional sites should be submitted to the Inspectors conducting the LDP Examination.**

4 Report details

- 4.1 The Council is charged with preparing a Local Development Plan to guide development in the County and to identify sufficient land for development to meet Denbighshire's needs over a 15 year period. Work began on the Local Development Plan in 2006. Extensive consultation has been undertaken throughout its development, ensuring that anyone with an interest in the Plan has had the opportunity to comment from the earliest stages of its conception.
- 4.2 Following agreement at full Council on 20th May 2011, the LDP was formally submitted to the Planning Inspectorate for public Examination. Two Inspectors were appointed to conduct the Examination, which is currently ongoing. Their role is to consider the LDP, together with all the evidence that has informed its development, including comments made as a result of public

consultation, and report back to the Council on whether they consider the LDP to be 'sound'. The Inspectors' report is binding on the Council and the Council must implement any changes proposed and adopt the Plan if it is found sound.

- 4.3 As part of the Examination, Public Hearing Sessions were held in January and February this year, and following consideration of the issues, the Inspectors issued a note outlining their preliminary findings on matters of housing need and supply (attached as Appendix 1). This set out the Inspectors' concerns regarding housing need within Denbighshire and whether the LDP housing target should be increased to reflect the most up to date Welsh Government population projections; housing supply; and the delivery of affordable housing. The Inspectors held an Exploratory Meeting on 9th February and following that meeting published a note setting out the next steps and requiring the Council to submit additional evidence to address the issues raised, together with a list of potential additional housing sites which could be included in the Plan if the Inspectors considered they were required. The Inspectors required this information, together with additional information on the viability and deliverability of the Key Strategic Site at Bodelwyddan to be consulted on. All the comments received were sent to the Inspectors. A number of additional Hearing Sessions were held in Rhyl on 22 - 24 May to enable this evidence and the comments received to be discussed.
- 4.4 Following consideration of all the evidence presented the Inspectors have issued a note informing the Council of their initial findings with regard to housing need and supply. This note has been published on the LDP Examination website and is attached as Appendix 2 to this report.
- 4.5 The Inspectors have made it clear that they now accept the Council's housing target of 7500 new houses to be provided by 2021 to meet housing needs and are **not** proposing that this should be altered, despite the fact that other parties argued strongly for a higher target at the Examination. This figure has been consistently promoted in the LDP over the last 4 years. However, the Inspectors are asking for further housing supply to be identified (ie additional sites) in order to meet Denbighshire's target of 7500 new homes by 2021. The Inspectors have not referred to Bodelwyddan Key Strategic Site or other allocations proposed in the LDP and have not requested further information or expressed doubts regarding these. The only outstanding issue raised is housing supply.
- 4.6 The Inspectors do not consider that the housing supply identified in the LDP would deliver 7500 homes by 2021. They consider that about 6450 homes could be delivered and their view is that additional sites need to be allocated with capacity to accommodate about 1000 homes in order to meet the gap between need and supply.
- 4.7 As referred to above, in response to the Inspectors' request at the Exploratory Meeting in February, the Council submitted a list of 16 sites with the potential to accommodate approximately 600 homes and with no significant environmental constraints. These sites were subsequently subject to public consultation and discussed at the additional Hearing Sessions at the end of May. Subject to Council approval, therefore, these sites could be included in

the LDP. These sites have not been included in the supply figure of 6450 put forward by the Inspectors. In essence, there is need to identify capacity for an additional 400 new homes (in addition to the 600) in order to meet the Inspectors' identified shortfall of 1000 and satisfy the Inspectors. There may be scope to phase these sites to a later phase in the Plan, to be brought forward only when required. The LDP must be monitored annually and reviewed if monitoring raises significant issues and must be subject to a major review in 4 years.

- 4.8 The implications of the Inspectors note, together with potential options for the Council, have been discussed by Group Leaders and they unanimously agreed that the Council should proceed with additional work on the LDP (ie identification of additional sites which could accommodate around 400 homes, plus the required consultation on these sites). It is intended that all Members would be briefed through the process and all findings and results of the consultation (including consultation already undertaken on the 16 potential sites) would be reported back to Council in November for Members to consider whether additional sites should be put forward to the Inspectors or not. It was also proposed that a group of Members should oversee this additional work and this report seeks authorisation for Group Leaders to undertake that role.
- 4.9 An alternative option could be to do nothing and await the Inspectors Report. However, failing to address the Inspectors' findings and progress the LDP at this stage would mean the Inspectors finding the Plan 'unsound'. The Council would have to start the process again from scratch, which would take a further 3 – 4 years and involve significant costs. The risk is that development would then be market driven rather than planned strategically and subject to the democratic process. The Local Development Plan is the key vehicle for guiding future development within the County and there is risk of not having an up to date planning policy framework and not having a robust basis to refuse planning proposals, for example, if the Council is unable to demonstrate that it has a 5 year supply of land for housing development, there is a real risk of losing planning appeals for housing sites which are not supported by the Council.

5 How does the decision contribute to the Corporate Priorities?

The LDP is consistent with and will have a positive impact on all 4 of the Council's Corporate Priorities. In particular, the LDP will have a direct role to play in achieving the priorities of Regeneration and Responding to Demographic Change through the policies and proposals within it, influencing development on the ground.

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

There will be costs relating to public consultation on any additional sites identified, including printing and postage. Progressing the LDP is also likely to involve the need for an additional Hearing Session to be arranged already accrued from the public examination, including the Inspectorate's charges, legal fees and employing a programme officer. These costs have been met from the existing service budget.

Ultimately when adopted the LDP will of course have implications for several service areas and towns and villages across the County. However the County's population is likely to grow even without the LDP in place - the LDP simply provides a more effective and planned mechanism for delivering this growth and allows the Council to require contributions from developers to secure social and physical infrastructure and services to accompany any growth which will provide an overall benefit rather than a burden to both our communities and Council services.

7 What consultations have been carried out?

The LDP has been developed through extensive consultation and all representations received have been passed on the Inspectors and are being considered by them. The public Hearing Sessions held so far have enabled those invited to present their evidence verbally to the Inspectors.

8 Chief Finance Officer Statement

The costs associated with progressing the LDP should be contained within existing resources. The Council has a specific reserve within the accounts to contribute to the costs of producing the Plan.

9 What risks are there and is there anything we can do to reduce them?

Failure to provide the additional information required by the Inspector to progress the LDP at this stage would mean the Inspectors finding the whole LDP 'unsound' despite the fact that only housing supply has been raised as an issue. The Council would have to return to the start of the process, putting back adoption of the Plan by at least 3 - 4 years. This would necessitate additional consultation and research, and a further public Examination, entailing significant staff time and costs for the Council.

The LDP is the key vehicle for guiding future development within the County and there is risk of not having an up to date planning policy framework and not having a robust basis to refuse planning proposals, and losing planning appeals for development which is not supported by the Council.

National policy requires that local authorities must have sufficient land available to provide a 5 year supply of land for housing. Without progressing the LDP there is a significant risk that the Council will be unable to deliver sufficient land to meet the County's needs for new homes, particularly affordable homes.

It is a statutory requirement for Councils in Wales to produce a local development plan and the Council would be failing to meet this requirement if the Plan is not progressed.

10 Power to make the Decision

Local Government Act 2000, Planning & Compulsory Purchase Act (2004), and associated regulations and guidance.